

# 17, Franklin Road, Brighton BN2 3AD

8<sup>th</sup> November 2021

Att'n Licensing Officer,  
Licensing Team,  
Town Hall,  
Tunbridge Wells  
Kent TN1 1RS

Dear Sir,

## **Response to Application for Review – Colebrook Park Licence**

It is no secret that since March 2020 the Music Industry has been brought to its knees. No events of any description were run at Colebrook Park in 2020 although Al Fresco had booked 3 events that were scheduled to take place over 3 months as per the schedule submitted to the council in January 2020. With the exception of our Noise Consultant all suppliers are based locally and have lost income because of the impact of the pandemic on our business.

I decided I would only hold 6 events this year. All Category 3 events. We have faced enormous pressures. In May I made enquiries about obtaining hay bales but a combination of poor weather and problems with delivery meant that this year they were in short supply. Farmers needed to keep the hay they had for their stock. There is an adequate supply to meet demand for next year.

With relaxations being lifted in early July both the Industry and Members of the Public were keen to get back to a semblance of normality. Destival asked if they could run 2 events, Al Fresco booked 3 events. The other event involved non licensable activities.

I retained Chris Beale and his firm SPL Track to provide noise monitoring equipment and put in noise meters to check levels from the sound equipment used by promoters were not causing a nuisance. The Promoters were asked to contact SPL Track to agree the proposals but sadly this did not occur. We were supplied with a map of potential complainants from EHO and positioned the location of noise meters to avoid a nuisance in these areas. Sadly some residents we approached to work with us to check no nuisance was being caused refused to allow us to instal meters.

The main reason seemed to be that they did not think that what we were doing was part of the EHO process of monitoring noise to enable us to monitor levels and prevent a noise nuisance occurring. We hope this can be positively addressed going forward.

The system works on the basis that noise levels are measured in real time and any potential noise nuisance addressed immediately. It is easy for persons to be mistaken as to the cause of a problem and incorrectly attribute this to us.

On 7<sup>th</sup> August Paul Broughton EHO at TMBC contacted me alleging there was a noise nuisance from 14.30. The complainant described the noise as loud disco music with a loud MC vocal. He identified the complainant's postcode to be TN9 2JJ The Destival event on this date did not begin till 1500, and as a dance music event, did not feature disco music nor an MC. In fact, there was no vocal microphone on my stage. Paul gave my mobile number to the complainant who contacted me directly, giving her address as 130b Pembury Road.

I drove to the location at 20.00. There was a very faint beat discernible, but this was mainly drowned out by traffic noise. I returned to that address at 2230, when bass beats were faintly audible. I called in and reduced levels until the noise was inaudible. I continued to monitor every 90 minutes, and the noise was barely audible. I monitored over the next 3 events and the noise was inaudible. The

property was vacant for the first 2 of the 3 events. I and EHO monitored over the Alfresco event and found that event to be inaudible.

In a later conversation with a complainant David Parker at Tudeley, he stated that he heard nothing on the 7th August due to him holding his wedding at his home address. He had a live jazz band, and DJ. To quote, "He could hear nothing on that date". I believe that was probably the source of the nuisance complained of by the resident at no 130b.

This is just one example of the steps and my staff took to minimise any potential noise nuisance.

Another example relates to an incident when I received a complaint from David Parker on 21st August, and immediately contacted him to say that I was on my way to monitor his location. On arrival, bass beats were distinct with some vocal also apparent. I called in to lower levels to a virtually inaudible level. Mr Parker had asked me to call in to discuss, which I did. I was offered tea and cake, and was introduced to his new wife, Helen. He was very engaging and seemed sympathetic to my efforts. Noise levels were satisfactory to him after my intervention. He ventured that they were hosting a family Christening the following day. I asked him to advise me of the timings so that I would endeavour to ensure they were not disturbed. I quote his reply

'60 assorted people here from noon onwards.

Thanks for popping in to see us yesterday.

There's a fair number of kids / bouncy castle / screaming etc so don't be concerned about noise!

I advised him of future events and assured him that I would continue to monitor all future events. He suggested that part of the problem may be due to the removal of a large copse of trees at the head of the valley. (He is a very active opponent to the proposed development of Half Moon Lane). He also stated that he would be away working as a pilot, but his wife may be disturbed. I monitored continuously over the 3 days, and spoke to Mrs Parker on the Sunday night, who said that the event was inaudible and thanked me for my diligence.

I then drove to the residence of Mr Ben Hodgson, speaking to both him and his wife Helen. Both agreed that the event was inaudible and thanked me for my diligence in the matter.

Ben Hodgson

Mr Hodgson complained by Facebook on 15th August at 00:44. I do not monitor Facebook, so did not respond until 15:14 later that day, so only became aware of this issue after the event finished. He replied 'I appreciate that it's probably not particularly straightforward managing sound levels at a venue like this, so thanks for engaging with me. Good luck!'

This complaint being on the final day of the event, I was unable to respond, but promised active monitoring of Half Moon Lane. I monitored that location and reduced volumes to inaudible.

I invited Mr Parker and Mr Hodgson to visit Colebrook to see the set up on Monday 23rd Aug, and see the mitigations I was putting in place for the Alfresco event, including imposing a 00:00 curfew on Sunday night. They both seemed happy with my attention to their complaints. EHO monitoring will confirm inaudibility in the Tudeley area.

There were problems with wind direction over the Alfresco event and mistakes occurred because of the relative speed that the events were put together once relaxations were lifted and the fact that despite requests the Promoter did not consult with SPL Track to ensure appropriate sound systems were installed.

I strongly believe that my proposed management plan, aligned with Para 7 of the EHO suggested terms will prevent any future recurrence. EHO data rightly identifies that I failed to meet the criteria of inaudible or even virtually inaudible. I monitored Knights Park continuously (at times with EHO present too) and failed to meet virtual inaudibility. I should add to the Management Plan that I will procure and retain a suitable quantity of straw bales to provide mitigation where required.

Knights Park is an area that I will be supremely focused on as part of my ongoing Management Plan. I have learned many lessons learned from this season, and will work tirelessly to prevent any nuisance in this, or any other area, attributable to my business activity at Colebrook Park. As a start I have reviewed the type of event to be held at Colebrook in line with the Category 3 style as follows for next year and am pursuing other types of hires and have some interest from

- a food festival and hot smoked barbecue competition
- a Christmas illuminated sculpture trail
- a Halloween experience
- outdoor cinema
- a series of one day concerts with a 2300 curfew
- a Health and Wellbeing weekend
- corporate away days featuring Mexican barbacoa and cooking over real fire

I have revised my management plan as follows

### **Colebrook Park Management Plan for Cat 3 Events**

As per the existing licensing condition, the licence holder will inform RTWBC Licensing Department of the proposed diary of events for the coming year. *That already happens.*

Colebrook Park Terms and Conditions will be issued, and subject to acceptance, contract will be signed and deposits taken. *This has always been the intention, but was thwarted by the pandemic and subsequent embargo on public gatherings. I have already instructed a Contract Solicitor to work on this and am hoping for a final version by mid December*

Terms and Conditions will include the following:

- Only suitable sound systems for the site as agreed by SPL Track will be permitted.
- Hirers must use a PA supplier from the Colebrook Park approved list of preferred suppliers. These suppliers (3 of) will be selected for their proven expertise in working in noise sensitive environments. These suppliers will all survey Colebrook Park to familiarise themselves with the topography and historical locations of complaints. This will be carried out in conjunction with the advice of SPL Track (Chris Beale). *I have already begun talks with companies who operate at The Natural History Museum and Hornnimens Gardens. All of whom, I have worked with before in my role as a Production Manager.*
- No more than 3 stages with amplified music will be permitted at a Cat 3 event.
- The Hirer will submit a site plan showing the positions of all stages and the direction of the sound systems, along with confirmation of which of the preferred supplier they have elected to use. This will be passed to SPL Track for approval.
- On approval, SPL will produce a NMP for any music event with a terminal hour past 00:00 to be submitted to EHO no less than 28 days prior to the event, to allow EHO time to assess and advise on sound levels.
- Any deviation from the approved site layout, and NMP will be deemed a breach of contract, resulting in cancellation of the event.
- The Hirer will only be permitted to use Colebrook Park's approved Security Provider. *This will ensure that the licence holder retains control of the event and has the ability to enforce any decision necessary to uphold the licensing objectives. It also means that NL is building a team with thorough knowledge of the site operationally*
- The Hirer will only be permitted to use Colebrook Park's approved Medical Provider. *See above re:Security.*

For any 3 day music event, the music curfew will be 00:00 on the Sunday. Low level background music will be permitted in bar areas after that.

In the application for review Duncan Haynes states:

The Environmental Protection Team requests that the review panel consider the imposition on category 3 events of a combination of the suggested measures below to successfully resolve the noise issues. These measures may be used in **isolation** or combined to be most effective.

I have considered all of the steps proposed. The first 6 steps would be disproportionate and not allow the flexibility for the different types of event that can be held under Category 3. I have also asked Mr Beale to review what went wrong and provide a clear report as to how any potential issues can be successfully addressed without breaching the licensing objectives going forward. He has sent a report to my solicitor that I have asked him to forward to the Licensing authority and will implement his proposals going forward.

My objective is to run this site without causing a nuisance and compromising the economic viability of my business but put in place events, processes and procedures that will successfully achieve compliance with the licensing objectives.

The condition proposed in section 7 will work as it does address the concerns that have been raised. This reads:

- Condition the creation and implementation of a noise management plan for cat 3 events. This to include but not be limited to,
  - use of an in-house sound system agreed with the EP Team (including suppression systems to prevent unauthorized tampering and band pass filters set to prevent bass issues),
  - Setting sound levels to a level to be agreed with EHO
  - Sound levels on site are controlled by an in house sound engineer.
  - Limit the number of stages and specify their locations and orientation on site.
  - Additional fixed monitoring units to cover the gaps in the current system.
  - Fixed monitoring units to stages to check the levels of individual stages.
  - Provision of a dedicated complaints line that will be manned for the duration of the event and responded to.

We have been through an extraordinary time and since March 2020 mainly because of the pandemic I have run no more than 6 events. Mistakes were made but these can and have been addressed going forward. I would ask the Licensing Committee to impose the condition suggested above as a safeguard to meet the licensing objectives.

It is a matter of record that I have regularly kept in contact with the Licensing authority advising of any changes and issues and as my testimony shows in this letter a willingness to engage and work with residents to avoid problems.

Yours faithfully

Nick Love