

Poplars Farm, Sandon Premises Licence-Review

Thatched Cottage
Roe Green
Sandon
Buntingford
Herts
SG9 0QG

18/02/2019

Dr Molly Shiells

I am writing with regards to the adverse impact in terms of the 4 licencing objectives the annual premises licence granted to Richard Maskell (on the property of Lawrie Alderman, Location Poplars Farm, Event name Sandonfields) has had and continues to have on us as a family who live next door.

The object of licencing conditions and the Code of Practice on Environmental Noise Control at Concerts (will be referred to as COP) is to minimise the impact to residence near to the event.

- 1 .Prevention of crime and disorder
2. Public Safety
3. Prevention of public nuisance
4. The protection of children from harm.

Public Nuisance

Unfortunately the Environmental Health Team (will refer to as EH) appear not to promote these objectives and chose not to consider the character of the location or the suffering of the residents. The noise levels set for this event were not based on the local ambient noise levels for the location. ROSCO LTD took ambient noise measurements by setting up the recording device 45CM from the boundary hedge that was rattling against the fence panel behind it. (See my original licence objection letter and photographic evidence, this is still available if required). Levels used were national accepted levels (note this is not statutory) much higher than the levels for the area. EH will be able to provide the levels and reasons why no consideration was given to the locality or proximity of the residential properties. The upper noise limit was calculated from this inflated figure and as Ross Sharples from ROSCO LTD stated in the NMP" crowd noise would not be sufficient to be considered" so was also not factored into the calculation either. 2000 people would not make any noise?

Speakers for this event were aimed into Roe Green Wood [REDACTED] in a vain attempt to dissipate noise.

Prior to the event I was pleased to see that my property was designated a noise sensitive location (NSL1). Richard Maskell in the EMP stated there was no noise sensitive locations yet EH set NSL1 & NSL2. I now realise this was just a box ticking exercise just to disengage and not deal with the antisocial/intrusive noise we were subjected to. In the COP guideline 3.5 states Topographical and climatic conditions can be such that the MNL is lower at locations nearer to the venue. My house is at the top of a hill and is the first substantial object the noise hits. If accurate figures were required we are still more than willing for the EH team to setup a recording device inside my property

Noise levels taken at NSL1 were averages and not peak levels, hand written, open to interpretation and did not reflect levels spoken about over the radios they were using. Why noise levels were not digitally printed? Ross Sharples had stated noise levels would be taken in front of my property and he would give us the readings, of course this did not happen, I have no confidence in the honesty or integrity of the event organisers as promises are made and they failed to deliver repeatedly. See attached email Rory Cosgrove dismissed the noise levels we recorded on the NHDC recommended APP and unfortunately no independent noise levels were taken by any authority due to lack of engagement with us.

The event hotline did not work, confirmed by Police Officer on Roe Green Common Conservation Area, who contacted the Police officer onsite at Sandonfields. Ross Sharples called me and stated they were meeting licenced conditions, no visit was made to check the antisocial noise we were subjected to and the call was not logged. Strangely the neighbour whose boundary is the other side of the venue was treated exactly the same (Clare Cottage). Rory Cosgrove stated (See first attached Email). Answer to question 2 "The Councils decision to undertake noise monitoring during the weekend was to check compliance with licenced conditions (See COP Guideline 1.6 and Steve Cobbs statement in Post event SAG report "Compliance with this code of practice does not of itself confer immunity from legal obligations") not to manage noise complaints as that is the role of the noise consultant".

EH CARRIED THIS OUT TO THE FULL AND DID NOT ENGAGE IN ANYWAY WITH ANY OF THE RESIDENCE AFFECTED BY THE ANTISOCIAL/INTRUSIVE NOISE WE WERE SUBJECTED TO.

EH [REDACTED] did not deal with us in any way it was the duty of EH to step in and deal with the antisocial noise. We were left with no avenue of complaint or enforcement. I complained repeatedly to both EH & Police and no visit or action was taken by either parties. This happened to many complaints by residents of Roe Green. No independent noise levels or engagement taken in respect of public nuisance.

SEE COP Guideline 3.4, 3.5 & 3.6 this is a rural residential location with residential housing in close proximity to venue.

Also see COP 3.7 we only know about this year's event from online advertising.

Organisers have continued to ignore the residents.

At the end of the event, see noise log for NSL1 23:00 (my house is much nearer to source of noise than NSL1 station.) The noise levels were substantially over the licensed levels by 12DB. The level of noise increased as more of the crowd attempted to vacate the festival. The excessive noise continued until approx. 01:00. The last reading of 57db from NSL1 was just a snapshot of what occurred later. (See 2nd attached email). This is crowd noise, Rory Cosgrove dismissed this as pedestrian and car noise which is very insulting to the residents. Just because the music noise had been switched off did not mean the crowd had (this venue was licensed until 00:30 so was still under licenced conditions.) All sources of noise at this venue are part of the overall noise level not just the music. EH are responsible for noise enforcement.

IN BRIEF ENVIRONMENTAL HEALTH ALLOWED THE VENUE TO SET INAPPROPRIATE NOISE LEVELS

FAILED TO ADHERE TO THE COP

IGNORED PUBLIC NUSIANCE

FAILED TO TAKE ALL NOISE INTO CONSIDERATION

It must have been reassuring for the licence holder to have Environmental Health onsite when within 500M residents were being subjected to public nuisance noise and EH had no intention of any engagement or action to deal with it.

PUBLIC SAFETY

At the end of the event (23:00) the music finished, the crowd then attempted to vacate the venue. Unfortunately due to the single track access(LESS THAN 20M FROM MY HOUSE) the cars onsite (137 see SAG report) were unable to exit the site due to traffic attempting to enter the site to reach the onsite taxi rank/drop off/pick up point (LESS THAN 30M FROM MY HOUSE) EMP states this pick up point is in the centre of the site (more inaccurate information).

It became very apparent that access to site was not suitable, the security staff (after a lot of shouting) ejected all the crowd onto Roe Green Common into the unlit country lane.

No Public transport, limited taxis and many hours waiting or a long walk were the options left to the attendees of this event. A total lack of regard to the safety of attendees & residents.

PREVENTION OF CRIME AND DISORDER

Drink & drug related litter was left scattered around Roe Green Common & surrounding public footpaths and fields, vandalism and threats to residents. Urinating on Roe Green Common.

[REDACTED]

Yours Sincerely

John Williamson

My house is a grade 2 listed building and does not comply with modern BS standards of insulation (Built 1655) as are most of the houses in close proximity of the Venue.

[REDACTED]

Dear Mr Williamson

My apologies for the delay in responding to your email. As you will have seen from my out of office message, I only returned from leave this week.

Please see below my responses to your questions:

1. Any concerns about drug activity at the festival would need to be reported to and discussed with the Police. Any health & safety failings would be dealt with by my colleagues in the Environmental Health (Commercial Team) under the licensing objective 'Public Safety'. If you can provide more information on these failings (i.e. COSHH) then I can forward this on to the appropriate colleagues to look into and comment on.
2. The one hour call back is in reference to noise complaints received during our Weekend Noise Service (Fridays and Saturdays between 8pm and 3am). The arrangement for the festival related noise complaints which I have explained to you previously is that callers would be redirected to the festival hotline so that the noise consultant company could investigate and resolve noise complaints as per their licence conditions. The Council's decision to undertake noise monitoring during the weekend was to check compliance with licence conditions, not to manage noise from the event or respond to noise complaints as that was the role of the noise consultant.
3. See response to Q2.
4. As I have explained before, the Environmental Protection Act 1990 requires a subjective assessment of an alleged nuisance to be undertaken and there are no set noise levels. However, noise limits set for the festival found within the Noise Management Plan (NMP) were taken from the Code of Practice on Environmental Noise at Pop Concerts as these were deemed the most appropriate. The Noise App noise level recordings are not reliable as it does not measure the correct noise parameters to be able to make an informed judgement. The readings are instantaneous and are thus not comparable with the noise limits set for the event which are an average (LAeq).
5. I would disagree with this statement. It is my opinion that the Code of Practice was followed by the festival and its contents formed the basis of the NMP.
6. I am satisfied with the amount and regularity of the noise measurements taken by Rossco Ltd. The noise monitoring coincides with music which finished at 11pm on the Saturday night and the noise limits are set in relation to the music noise level so it was correct that noise monitoring ceased at 11pm.
7. I witnessed the noise consultants taking noise measurements from NSL 1 and I am satisfied that they were taken in the correct manner. My colleague and I took measurements from the same spot and in the same way. The location of NSL 1 was agreed with me and was deemed the most suitable and representative for that part of Roe Green.
8. I was unable to make many observations on the egress. The police monitored this fully and I suggest you contact them for their feedback on this.
9. I do not know the numbers that you heard being communicated over the radio. The noise levels recorded by Rossco Ltd appear accurate and are comparable with those taken by the Council so I have no reason to suspect that they have been manipulated.
10. Environmental Protection negotiated timings and conditions with the licensee during the consultation period which were deemed appropriate, proportionate and sufficient in order to promote the licensing objective 'The Prevention of Public Nuisance'. Consequently, it was not necessary for me to attend the licensing hearing. The sub-committee made the ultimate decision and I would suggest you redirect this question to licensing to get more information. You should have received a decision notice following the hearing which states the reasons for granting the licence.

11. Public nuisance prevention is only relevant to nearby residents under the Licensing Act 2003, not wildlife, so this was not a consideration when undertaking the noise management.

13. This is a question that you should redirect to Licensing.

Yours sincerely

Rory Cosgrove
Senior Environmental Health Officer
Direct Dial: 01462 474823
North Hertfordshire District Council
Council Offices, Gernon Road
Letchworth Garden City
Hertfordshire
SG6 3JF

From: john williamson
Sent: 26 August 2018 10:46
To: Rory Cosgrove
Subject: Sandon Fields Event

Dear Mr Cosgrove

I contacted you prior to the Sandon Fields event with my concerns about antisocial/intrusive noise. My house Thatched Cottage, Roe Green, Sandon is a grade 2 listed building (built 1650-1655 approx) with thin walls & single glazed windows sited 250m from licensed zone of Sandon Fields event so does not have modern soundproofing (On objection raised for license for this event)

On Saturday 9th June Ross Sharples approached my property and stated he would be taking sound levels in front of my property he also agreed to show us the levels taken. Neither of these happened. When the music started at 12:00 I tried to contact the venue via the hot line but this was not working. I had to speak to the police officers on Roe Green Common (conservation area) to contact a police officer onsite at Sandon fields. Ross Sharples then contacted me directly and I was told " the site was transmitting at the agreed licensed levels" This was the only contact made with the venue. I then contacted the NHDC environmental Health department ref NHDC 40479 and was advised no one available until 20:00 (You have claimed to have been onsite) I also discussed with Police as no action available until 20:00 Police ref 09/06/18 364 09/06/18 576 contacted NHDC again advised to ring control room 07507577607 this was no good, rereported NHDC ref 40487

No action was taken by any of the agencies who should be acting on our complaints.

Can you please answer the following questions

1 Not only were we subjected to antisocial/intrusive noise (access track less than 20m from our house, you must have noticed as you had to go down it to access site) before, during and after the event. We were subjected to toxic fumes(strong smell of illegal drugs) and pollution under HSE (Health and Safety executive) COSHH (care of substances hazardous to health) that are statutory. Why was a licensed venue allowed to ignore these regulations? This is a sensitive issue as my son has congenital heart disease (he has been having treatment at Great Ormond Street Childrens Hospital since he was 10 days old, medical records can be provided if required) and exposure can trigger an adverse reaction and lead to devastating consequences. This is not acceptable in my own home.

2 It states on the NHDC environmental health website I would get a call back after 1 hour this did not happen why not?

3 No contact after 3 days why not?

4 What is the statutory noise level above which noise is considered intrusive/antisocial? NHDC recommended noise app showed high 60s to mid 70s with peaks way above 70db inside my property. If the environmental health team had engaged with us in any way these figures could have been independently recorded.

5 Why did the venue ignore the CODE OF PRACTICE ON ENVIRONMENTAL NOISE CONTROL AT CONCERTS ? You stated this as if it had legal standing, fortunately it is voluntary as it was greatly ignored, much of which was copy and pasted in the noise management plan for the event so the organisers knew about this code.

6 Why did the noise level recordings start late and stop at 23:00? The venue was licensed after this time and noise levels taken either at NSL1 or at the front of my property would have highlighted the level of antisocial noise created by the crowd attempting to exit the venue.(less than 20m from my house).

7 The noise levels recorded at NSL1 I suspect are inaccurate as they were taken from an area that is in a hollow behind a hatch back car with the boot open, is this standard practice?

8 As you were allegedly onsite and did not engage in any shape or form with the local residents did you note the difficulties vacating this site (the licence is for 5000 people next year).

9 There is no mention on the noise data I received (numbers we herd radioed over from NSL1 do not appear to reflect the numbers recorded on the sheet) that local residents were subjected to high levels of antisocial noise, why is this?

10 I am very disappointed with the total lack of regard for myself or my family shown by the environmental health department. I clearly stated in my objection letter at the license hearing (also with our phone conversation when I was on my night shifts) that I am a shift worker and you have a duty of care to me. Why was this given no consideration? I finished a late shift and arrived home 00:45 Saturday morning (noise was coming from the venue even at this time) Suffered long periods of antisocial/intrusive noise from approx. 07:30 Sat 9th June to late Sunday 10th June Causing disruptive sleep also my school age children suffered disrupted sleep. I then had to leave for work Monday 11th June at 04:30 AM obviously tired & stressed as were my children as they were legally required to attend school Monday.

10 I live in a rural residential area [REDACTED] (Roe Green Common) To the side of the venue is Roe Green Wood [REDACTED]

[REDACTED] Why was the venue allowed to point its speakers into this [REDACTED] area? The woodland has nothing to do with the venue and did not reduce the antisocial noise inflicted onto the local residents..

12 Is it really NHDC policy to promote live music and dance in the community? Even when the local community (over 80% of us) objected to this going ahead ?

I am looking forward to your reply to all of these issues I have raised and will be submitting your response to the license review hearing.

Regards John W

Rosco Sound was part of the Sandon Fields event team and are not independent.

----- Original Message -----

From: Ian Dell

To: Rory Cosgrove

Cc: Peter Carey; Cllr Steve Jarvis

Sent: Friday, 8 Feb, 2019 at 10:35

Subject: Re: SAndon Fields 2018 - NMR - Poplars Farm. Review and Comments

Rory

Please see inline

Dear Mr Dell

Thank you for your further email. My responses are as follows:

1. How was the post 23:00 figure worked out by NHDC, when all the pre Noise Management Recordings taken by Roscco show figures very rarely going over 30db for the same location. This equates to 33% over the normal noise ambience for that location. The various Noise/Countryside Acts that I have investigated suggest that the normal noise ambience should be taken as a baseline, plus a small degree of variance.

Please advise.

The 45dB(A) LAeqT limit applied post 2300hrs is a limit that is applied to all festivals in our district with music after 2300hrs and it is nationally accepted by many Local Authorities and noise consultancies as being an appropriate noise limit for festival music. The idea behind it is if the noise level is within this limit at the façade of the nearest properties then the noise level inside bedrooms will be below or equal to 30dB(A) LAeqT since a partially open window provides approximately 15dB(A) reduction. A level of 30dB(A) LAeqT or less would be within the recommended guideline values found in BS 8233:2014 (Guidance on sound insulation and noise reduction for buildings) for noise inside bedrooms between 2300hrs and 0700hrs.

Thankyou for clarifying the Music noise limits. However would you please clarify the "general noise limits" that NHDC work with.

The NHDC Environmental Health states that nuisance can still be caused by noise below said limits and by noise which does not emanate from music.

Please do not hide behind the quotes for music generated allowances.

The old chestnut. What limits are acceptable, that are NOT music related, for residents to have to put up with, considering the local noise ambience for Roe Green after 23:00 is rarely over 30db. after 23:00

2. I refer to the NSL2 Table on page 2 of Appendix C of the Post Event report from Roscco.

The table has omitted recordings between 18:25 and 22:15, and again up to 23:00 when the music was at its loudest. Why were these recordings missed

I don't believe the noise monitoring results have been omitted. If you refer to the Saturday at NSL1 you can see that there are numerous results between 18:25 and 23:00 so monitoring clearly took place. What often happens at festivals is that noise consultants identify a critical monitoring point and focus much of their monitoring there, in this case NSL1. This is common practice and acceptable from the Council's point of view. It may be because most of the complaints were in the vicinity of NSL1 and therefore it was considered necessary to focus on this monitoring location.

Yes NSL1 does show recordings throughout the event, I have no problem there, and shows due diligence on the event organisers part.

You are making assumptions on part of the event organisers and have not answered WHY recordings at NSL2 were NOT carried out, and from the layman perspective being biased on the event organisers side. It "MAY" have mean that the recordings were over the limits and therefor it was easier to to provide no recordings whatsoever.

I suggest that NHDC ask for a condition on the event organsiers that digital output recordings are produced, as they did for their pre hearing report. This way there can be no misrepresentation/falsification on the recordings and your own position is covered by fact, not fiction

3. The NSL table on page 1 of Appendix C has a recording taken at 23:00 that states a figure of 57 db for a 15 minute period. 12db over the allowance.

Please confirm that this final observation does in fact show that the noise limits as prescribed by NHDC, were broken.

No, the noise limits were not breached. The measurement taken at 2300hrs clearly states in the notes that it was car and pedestrian traffic leaving the festival. The noise limits agreed within the Noise Management Plan (NMP) relate specifically only to the 'music noise level' and do not include car and pedestrian traffic. The noise consultant may have included this for completeness but the NMP doesn't require this. I was on site at the time and confirmed that the music did indeed finish by 2300hrs.

As in 1 above. What is the acceptable noise limits after 23:00 that are not music related. It would appear that NHDC have not been due diligent in having a non music noise limit agreed, and I question WHY the NMP does not require this. Who or where is this stated. If it is policy then I question the policies validity on the grounds it does not cover activities pre and post the event and Licensing hours

On what grounds does NHDC Environmental Health stand as that noise related issues are a concern to public safety when NHDC have "To quote EH, nuisance can still be caused by noise below said limits and by noise which does not emanate from music."

I would expect NHDC to have as much concern to the residents welfare, as to you making a claim the music was stopped on time. It is becoming very apparent that the residents issues over noise are being ignored, whilst the event organisers can do no wrong. An unprejudiced stance would be welcomed to ensure the many ambiguities and loopholes within the NMP, the NHDC policies are closed

I hope this answers all your questions.

As you can see from my observations above, I am afraid they are not

Regards

Ian Dell

Clare Cottage

From: Ian Dell [mailto:ian.dell@roscoco.co.uk]
Sent: 02 February 2019 16:08
To: Rory Cosgrove
Cc: Peter Carey; Cllr Steve Jarvis
Subject: Re: SAndon Fields 2018 - NMR - Poplars Farm. Review and Comments

Rory

Thank you for coming back to me with your response and apologise it has taken some time to quantify.

With regards to:

2. In the summary, bullet point 2, it states that the report is made as established by prior agreement with NHDC Environment Health. **Would you please confirm what these "guideline limits" were and the "criteria" that was established to be followed in way of licence conditions. Are they as written in the conditions of the licence been awarded?**

e.g. It was a condition of the licence that a minimum of "4" noise monitoring personnel would be onsite at all times of the event. Within the report it states that only "3" were on location on the 2nd day of the event. A clear misrepresentation of the facts and licence conditions.

Why wasn't this breach of conditions stated by RC for Environmental Health at the Post event SAG held On 30 August 2018?

The agreed noise limits were not agreed as licence conditions but rather were agreed as part of the Noise Management Plan. Below is an excerpt from the Noise Management Plan which outlines these agreed limits:

The LAeq (15 mins) at NSLs between the hours of 12.00 noon and 23.00 on 9th June

will not exceed: **65dB.**

The LAeq(15mins) at NSLs between the hours of 23.00 and this year's close at 00.30 will not

Exceed: **45dB.**

states "

1. How was the post 23:00 figure worked out by NHDC, when all the pre Noise Management Recordings taken by Roscco show figures very rarely going over 30db for the same location. This equates to 33% over the normal noise ambience for that

location. The various Noise/Countryside Acts that I have investigated suggest that the normal noise ambience should be taken as a baseline, plus a small degree of variance.

Please advise.

4. The post event SAG minutes state that RC reviewed the sound report and "no breaches of noise were recorded". The NMR actually has a reported recording that is OVER the MPNL limit. Please advise why this BREACH was not reported or recorded at the post event SAG?

The post event SAG has a statement from the event organiser claiming that over 20 calls abusing the complaints line was made. The NMR makes a statement of only 12 calls had been made, and that the calling number was eventually contacted once the service had been rectified. Why was this fact not challenged and an untruth allowed to be minuted?

The latter is just one example of the feedback comments of the post event NMP not being properly assessed for their accuracy. Who is at fault, the authors of the NMR for making false claims, the NHDC in allowing the NMR to be presented as a true version of events, or both?

The post event report does not have any reported noise levels over the agreed limits. I was not present at the post event SAG due to leave but it is my understanding and conclusion that the post event report contained the correct complaint details. As detailed above, I was satisfied with the content of the postevent report

2. I refer to the NSL2 Table on page 2 of Appendix C of the Post Event report from Roscco.

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Please confirm that this final observation does in fact show that the noise limits as prescribed by NHDC, were broken.

Regards

Ian Dell
Clare Cottage
Roe Green
SG90QG

On Fri, Jan 18, 2019 at 5:35 PM Rory Cosgrove <Rory.Cosgrove@north-herts.gov.uk> wrote:

Dear Mr Dell

Further to Peter's email earlier this week, we have discussed your enquiry and I respond to your questions as follows:

1. The report is dated July 2018, the first request for this report was made at the end of July. **Why has it taken nearly 5 months for the report to be released and made public?**

This can be clarified further by Licensing but I was advised that it could not be released whilst it was being determined whether any enforcement action was to be taken against the licence holder against the related licence conditions on the premises licence.

2. In the summary, bullet point 2, it states that the report is made as established by prior agreement with NHDC Environment Health. **Would you please confirm what these "guideline limits" were and the "criteria" that was established to be followed in way of licence conditions. Are they as written in the conditions of the licence been awarded?**

e.g. It was a condition of the licence that a minimum of "4" noise monitoring personnel would be onsite at all times of the event. Within the report it states that only "3" were on location on the 2nd day of the event. A clear misrepresentation of the facts and licence conditions.

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will not exceed: **65dB.**

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Exceed: **45dB.**

There were 3 consultants on site during the Sunday and one other off site nearby but I confirmed by telephone that they were available to attend if the numbers of complaints coming in required this (which they did not). The condition states that they must be 'available to respond' so I did not consider this to be a breach of the relevant condition.

3. In the summary, it states that "any noise complaints were responded to". It is clear that no collation has been carried out with the reports/complaints from residents of noise from the residents of Sandon. At least "2" noise complaints, with logged references, were made which were NOT responded to, catalogued or addressed. These were from the Thatched Cottage and Clare Cottage. Whilst one logged call, Rowbury Cottage, that was responded to had readings taken and that were agreed by the person taking the readings that they were over the permissible MSNL. This information had been relayed to NHDC in a residents report. However the NMR has falsified this fact.

Why have these unmistakable situations been allowed to materialise by NHDC?

Was the NMR challenged in any way for its authenticity or taken at face value?

Why haven't the facts within the residents logs, as suggested to be carried out by NHDC, been taken into account in the post event SAG, other than "Music noise disturbance to local residents..."

Who was specifically responsible for the audit of the report and its authenticity and accuracy? (It is a NHDC statement that it is an offence to provide invalid claims or misrepresentations, does this include staff as well as outside agencies)

I have not seen or be made aware of the residents report to which you refer until now. I reviewed the post event report by the noise consultant and was satisfied with the content.

4. The post event SAG minutes state that RC reviewed the sound report and "no breaches of noise were recorded". The NMR actually has a reported recording that is OVER the MPNL limit. Please advise why this BREACH was not reported or recorded at the post event SAG?

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Yours sincerely

Rory Cosgrove