

Annex 3 – Representation from Environmental Protection

We make this representation in relation to the premises licence review for the Museum Gardens, Museum Street, York, YO1 7DJ.

Museum Gardens have been granted a premises licence which includes the ability to have events which meet the definition of regulated entertainment such as outdoor live and recorded music events.

In order to help manage noise from the site a noise management plan has been submitted with the licence. The noise management plan limits the number of larger outdoor events to 6 per year. It also restricts these events so that 3 can operate at 65db (A) LAeq over a 15 minute period and the other 3 events must operate at a more stringent 15dB (A) LAeq above background over a 15 minute period.

The plan includes monitoring of events and the controlling of noise levels during events, as well as a review post event to see what, if necessary, can be improved upon.

This was the first event to take place at the site and the applicants' noise monitors and sound engineers undertook monitoring and when levels were exceeding or approaching the noise limits relayed this back immediately to the sound engineer to reduce the noise levels of the event.

4 locations were monitored around the site, together with roaming monitoring around the site and the event was broadly compliant with the noise limits imposed. Whilst the noise limits were upon occasion exceeded at two locations around the site, these exceedances were only marginal and did not meet the threshold whereby they would be considered to be a breach of the licence conditions.

This is because the human ear cannot perceive an increase of noise of less than 3dB (A). This would mean that we would consider enforcement action when the noise exceeded 68dB (A) and this level was not exceeded during the events and only reached on one occasion when 68dB (A) was recorded for one 15 minute period; thereafter the noise levels were reduced back down to below 65dB(A) for the rest of the event.

There were only 4 complaints received and when they were received, monitoring was undertaken outside the complainant's properties and the levels observed were well below the noise limit threshold. For example 45 dB(A) was observed at one location and assuming a 15dB (A) reduction in sound due to an open window, which is a standard acoustic assumption, noise levels inside the complainant's property would have been 30dB(A) which would be below the acceptable noise limits that should be met for habitable rooms at that time of day within dwellings as defined in the World Health Organisation's guidance on community noise levels and in the BS8233:2014 "Guidance on sound insulation and noise reduction for buildings" standard.

Environmental Protection, therefore, believe that the conditions on the premises licence are robust, achievable and enforceable and are adequate for controlling noise from the events.

However, should the committee members be minded to add any conditions to the premises licence, they may wish to consider the following:

1. A tamper proof noise limiting device shall be fitted to the sound system at front of house during events. This noise limiting device shall be approved by City of York Council's Environmental Protection team before use. The device shall not be altered or modified without prior approval from City of York Council's Environmental Protection team.

Regards

Michael Golightly
Technical Officer