

Objection by Environmental Protection

Temporary Event Notice

Location: St. Paul's Tavern, 59 St Paul's Road, Cheltenham, GL50 4JA
Date: 15th August 2015
Event: Live Music Day

Objection Notice

As statutory consultees to the TEN process, this department raises an objection to this proposed event on the following grounds:

Public Safety

The applicant has included a sketch plan with their application, which claims to show the location of equipment in and around the site. The plan shows an "Fire Exit" at 23m from the front of the pub, but this appears to be a narrow exit into a neighbouring property, which is enclosed. The nearest street access is 36m from the front of the pub, between nos 2&4 Hanover Street. Access to this point will require the audience of up to 499, staff, etc to pass through a 1.9m gap at the side of the stage.

Prevention of Public Nuisance

The applicant has made mention of noise in a risk Assessment document attached to the application. This document identifies noise as a hazard and states: *"There is potential, when using amplified noise outside, that the level may be too high/loud and could cause an environmental nuisance, disturbance and/or irritate to customers, staff and residents in local area."* The assessment of risk is graded as likelihood 5, "Definite" and severity 2, "probable", giving a total of 7. (Note that usual convention is to multiply likelihood by severity, rather than add). The applicant then confuses the requirements of the Control of Noise at Work Regs 2005 (NAW) with the requirement under the Licensing Act 2003 to prevent Public Nuisance. The NAW Regs require action to be taken if staff or customers are exposed to a noise level of 85dB, averaged over daily or weekly exposure. There is no specified noise level that should be adhered to prevent public nuisance, as the appropriate level will vary greatly according to background noise levels normally experienced at that location and is based on a subjective opinion of an experienced officer.

The applicants claim: *"The decibel limit will be restricted to a maximum of 70dba (approx 15dba under the safety requirement)"* however there is no indication of where this measurement will be made. Trying to operate this event at this level within the confines of the licensed area is completely unrealistic, and will be totally unsatisfactory for anyone attending the event, as the voices of customers are likely to be louder than amplified music. If this is proposed as an off site noise level, the applicant needs to specify where the measurement points will be and it may then be possible to agree a suitable limit. The applicant also needs to explain what noise parameter they are measuring, as measuring noise is a complex matter, and to be completed properly should be carried out by an experienced professional using suitable, calibrated equipment. Such a person has not been identified.

Further, the applicant states: *"Checks are made from the immediate areas to within the vicinity of four streets away, at the start of each band, and every 30 mins thereafter throughout the event."* The expression "4 streets away" is not defined, and could mean pretty much anything.

They also state: *“Safety ear plugs are also provided to all free of charge.”* I doubt very much that the applicant will be able to provide sufficient quantities of suitable ear plugs to this number of residents. This also does not prevent public nuisance, indeed it suggests that a considerable level of nuisance is expected.

The County Council Highways Department have provided us with a copy of a flyer apparently distributed to local residents (there is no indication of how widely this has been circulated). This provides an e-mail address for residents to use, but does not indicate the finish time, or provide a telephone number to residents to report issues or concerns over noise etc at this event.

In summary, such an event, at this location has considerable potential to cause public nuisance to residents of the area, and the applicants have not identified suitable ways to control this impact.

Gareth Jones M.Sc, B. Eng, MCIEH
Senior Environmental Health Officer
Environmental Protection
Cheltenham Borough Council

Objection by Gloucestershire Constabulary

In relation to the above premises and Temporary event submitted on 13th July in respect of an event scheduled to take place on 15th August in Hanover Street Cheltenham.

The Constabulary would like to raise an objection on the grounds of Public Safety.

This ten relates to an outdoor music event organised by the Designated Premises Supervisor of the St Pauls Tavern, St Pauls Road, Cheltenham, Nichola MORRISON, in order to raise money for a dog welfare charity.

An application has been submitted to Gloucestershire Highways for a special events road closure to allow for the partial closure of Hanover Street for 23m, in order that a stage can be erected in the road for live music acts, as well as for the siting of two 9x3m marquees.

Simultaneous, the pub will remain open for the serving of alcohol to customers inside as well as outside of the St Pauls Tavern.

A scale plan has been provided by the applicant showing the layout of the planned layout within the road closure (attached).

The Constabulary have concerns in relation to public safety in that the siting of the stage in the road as shown on the scale drawing, will leave only a 1.9m pavement between the temporary stage and the external wall of the public house.

The stage is also situated directly outside the Fire Exit to the public house and could impede any emergency exit.

Additionally, in the event of any incident requiring a significant emergency services presence in Hanover Street, the obstacles erected in the street (marquees and staging) will significantly delay access.

I have attached a photograph that is freely available on social media, showing the stage construction and marquee layout at a previous similar event in the same location. I have no information available to me to suggest that this stage is the same as planned on this occasion, but is used as an example.

Regards

Jaine Simner
Licensing Manager Gloucestershire Constabulary