

Key Decision: Yes/No  
Ward: Central

## **Splash FM Garden Party – 2010**

### **Report by the Executive Head of Leisure and Cultural Services**

#### **1.0 SUMMARY**

- 1.1 This report gives details to the Cabinet Member of a number of incidents of noise exceedance which happened during the 2010 Splash FM Garden Party at Steyne Gardens, Worthing.
- 1.2 The report asks the Cabinet Member to consider what future safeguards, if any, should be put in place regarding this event.

#### **2.0 BACKGROUND**

- 2.1 Splash FM as the local independent radio station has, for a number of years held an annual concert at Steyne Gardens. Initially the event took place over the same weekend as the annual Worthing Lions Seafront Festival, and was part of the overall activities over that weekend.
- 2.2 For the first few years the event was free to enter and was provided by Splash FM through local sponsorship as a way of thanking their local listeners and advertiser, and of raising the profile of the radio station.
- 2.3 In 2009 Splash FM introduced an entry charge to the event to help cover the various and significant costs of mounting the concert, and in response to the general reduction in sponsorship that they had experienced, not least in relation to the general financial downturn.
- 2.4 In 2010 Splash FM agreed to move the concert to the weekend prior to the annual Worthing Lions Festival in order to free up Steyne Gardens for other events over the Festival weekend, and also to simplify the arrangements for the get-in and breakdown of staging and sound equipment.
- 2.5 The move to the prior weekend enabled Splash FM to mount two concerts one on Friday and one on Saturday evening, and also enabled them to work with others to provide a classical music event on Sunday.

- 2.6 For 2010 the sound management company used by Splash FM (Purple Audio) used a new type of speaker and on Friday and Saturday a number of complaints were received and were investigated by the Council's out of hour's noise service concerning the volume of sound being emitted by the concert. Purple Audio had previously met with the Council's Environmental Health officers prior to the event under the auspices of the Council's Safety Advisory Group (SAG) and had agreed a strategy to limit noise disturbance. They agreed to the 66dB (LA<sub>eq</sub> (5minute)), and 70dB at 63Hz and 125Hz limits. Environmental Health Officers also met with Purple Audio on the afternoon of 16<sup>th</sup> July, during the set-up for the event to go through a sound check. This showed that the agreed levels were being exceeded, although it was clear that this was significantly affected by very strong prevailing winds. It was suggested and agreed that Purple Audio should undertake their own monitoring to ensure compliance with sound levels.
- 2.7 The report prepared by Environmental Health officers now clearly shows that a number of exceedances happened over the two events and that the level of sound was excessive. (An increase of 10dB in the measured level equates to a doubling of the volume). For instance on the Friday night, the Council's out-of-hour's noise service received 3 complaints from residents of Warnes concerning loud music. The residents alleged that the music was so loud it was shaking the property. The out of hours officer visited Warnes at 22.15 hours and confirmed that the music was very loud, measuring levels of 90dB (LA<sub>eq</sub> (5minute)), 79dB at 63Hz and 76dB at 125Hz. The officer commented that he was shocked at the level of exceedance of the prescribed noise limits, especially given the discussions that had taken place. He liaised with the operators who agreed that they would reduce the levels. Following this, one resident acknowledged the level had been reduced, but the other two complainants indicated that they had not noticed any difference.
- 2.8 On the Saturday night 9 complaints were received by Environmental Health, all bar one complainant resided in Warnes, the other in The Steyne. All were complaining of very loud music, louder than in previous years, and vibrating properties. The out of hour's officer attending visited Warnes at 18.25 hours and confirmed unreasonably loud and 'bassey' music was audible throughout the flat that he visited. He took measurements from the balcony of the flat – these showed the LA<sub>eq</sub> (5minute) between 83 and 90dB, with levels at 63Hz between 78 and 81dB and at 125 Hz between 70 and 73dB (levels may have been elevated due to reflections and so may have been measured 6dB higher than they actually were). The officer returned at 21:05 and measured LA<sub>eq</sub> (5minute) levels between 70 and 94dB, with peaks up to 100dB (A) during high notes (singing) – again levels may have been elevated due to reflections. The officer again liaised with the sound engineers and organisers in an attempt to reduce levels. The visiting officer noted that the wind was very strong at the time of his visits, but he also commented that the sound levels were excessive and clearly exceeded the limits set by the Council.

- 2.9 The report from Environmental Health concludes that in the view of specialist officers, it is simply not possible to hold a concert of the type organised by Splash FM at Steyne Gardens without breaching the 66dB limit.
- 2.10 The management of Splash FM have commented that they have dispensed with the services of Purple Audio, and will, if permitted, work with a new company to limit the sound for the 2011 event.
- 2.11 If agreed, it is likely that the 2011 event would return to Friday and Saturday evening only, but all other arrangements would remain unchanged.

### **3.0 DISCUSSION**

- 3.1 Clear specialist advice has been received which suggests that the 66dB limit previously set by the Council for events at Steyne Gardens is unrealistic for concert style events such as that promoted by Splash FM.
- 3.2 It is important to recognise that the Splash FM Concert/Garden Party has become something of a fixture in the annual calendar of Worthing events, and that Members have broadly been very supportive of the continuation of this event. Nevertheless, it is necessary to take into account the complaints that were received in 2010, and to recognise that recent developments mean that more and more residents live in close proximity to this site.
- 3.3 Steyne Gardens is however, and has been for many years, a major public space, and has a history of holding many well loved and well supported events. The Splash FM concert and the Ice Rink seem to be the main two events during which concerns about noise levels and sound control are raised, and these events take place on limited occasions during the year. Occasional complaints about one-off events are however also received. It is however reasonable to conclude that the cumulative level of disturbance can be considered to be relatively low.
- 3.4 On balance the Executive Head of Leisure and Cultural Services would recommend that the 2011 event should be allowed to proceed on the basis that Splash FM do appoint new sound engineers and work closely with the Council's Environmental Health Team to ensure that any exceedances of their 66dB limit are kept to a reasonable minimum and that only the sound necessary to ensure a successful concert is generated. Additionally it is suggested that Splash FM be required to undertake neighbour notification to all adjacent addresses prior to the event and to work with residents to minimise disruption and complaints.
- 3.5 Splash FM should also be required to have regard to the 1995 Noise Code of Practice for Concerts and to publish a telephone number which will be manned at all times during the concerts to deal with noise complaints.

- 3.6 If a large number of complaints are received following the 2011 event, and investigations prove that noise exceedances were beyond the level agreed with the Environmental Health Team, then the Cabinet Member will be asked to consider not approving further Splash FM concerts, and working with Splash FM to find an alternative location for the concert if possible.

**6.0 RECOMMENDATION**

- 6.1 The Cabinet Member is recommended to approve the 2011 Splash FM concert subject to the safeguards referred to in s. 3 above**

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**Background Papers:** Environmental Health report.

## **Schedule of Other Matters**

- 1.0 Council Priority**  
Matter considered no issues identified.
- 2.0 Specific Action Plans**  
Matter considered no issues identified.
- 3.0 Sustainability Issues**  
Matter considered no issues identified.
- 4.0 Equality Issues**  
Matter considered no issues identified.
- 5.0 Community Safety issues (Section 17)**  
Matter considered no issues identified.
- 6.0 Human Rights Issues**  
Matter considered no issues identified.
- 7.0 Reputation**  
Matter considered no issues identified.
- 8.0 Consultation**  
Matter considered no issues identified.
- 9.0 Risk assessment**  
Matter considered no issues identified.
- 10.0 Health & Safety Issues**  
Matter considered no issues identified.
- 11.0 Procurement Strategy**  
Matter considered no issues identified.
- 12.0 Partnership working**  
Matter considered no issues identified.