

## **APPENDIX A: Summary of Involvement – Case Officer: [REDACTED]**

I commenced the investigation into noise nuisance arising from loud music at the Royal Oak public house in April/May 2023.

The investigation was supported by:

- Noise app recordings provided by the principal complainant.
- Reference to the history of previous complaints relating to the premises.
- Visits to the complainants' premises to assess the noise.
- Meetings and discussions with the licensee and Designated Premises Supervisor (DPS) of the Royal Oak.

In September 2023, the licensee submitted a minor variation application seeking to amend one of the existing noise conditions by introducing a fixed 65 dB limit at the property boundary. This proposal was not acceptable, as it did not adequately promote the licensing objective of preventing public nuisance, and I therefore submitted a formal representation. My representation included a set of revised, enforceable conditions tailored to the premises.

Following that representation, I actively pursued discussions with the licensee and the DPS to secure adoption of the proposed conditions through a further minor variation application. Together with the Licensing Officer, I drafted specific conditions that would be both practical and enforceable, addressing weaknesses in the existing licence. Despite repeated advice and longstanding support from Environmental Health, the licensee and DPS did not submit such a variation.

As part of my interventions, I persuaded the licensee and the DPS to engage a qualified acoustic consultant to recalibrate the pub's sound limiter device. This work was undertaken on 8 December 2023. During the exercise, music noise levels were measured using a sound level meter from the two closest noise-sensitive premises. At the agreed level of 98 dB(A) inside the premises, the music was either subjectively inaudible or only faintly audible within the complainants' properties, and both residents confirmed it was not a problem. The licensee representative [REDACTED] was actively involved and was shadowing me and acoustician to the residential properties. The calibration certificate has since been submitted, which provides information on the agreed internal sound level within the premises.

Despite these measures, further complaints were received shortly afterwards. I attended the premises with the Licensing Officer and carried out a test on the sound limiter device, as I was suspicious that the device may have been misused. A very loud sound was played through the amplifier and speaker at a level beyond the agreed limit. On this occasion, the sound limiter correctly cut the electrical supply and the music stopped. However, once the device was reset in the usual way by the DPS, it failed to operate as intended: even when the red warning lights were activated on the control panel, the limiter did not cut the electrical supply. We therefore concluded that the sound limiter was faulty and not providing effective control of amplified music. This failure was one of the key factors that led to the service of the abatement notice.

To support further action, five witness statements were collected from local residents. In addition, a witness statement was obtained from the Licensing Officer, accompanied by an exhibit to support her evidence.

Based on the evidence gathered — including the witness statements, noise recordings, and limiter assessment — on 10<sup>th</sup> January 2024 I served a Noise Abatement Notice under Section 80 of the Environmental Protection Act 1990 on both the DPS and the occupier, on the grounds of likely recurrence of nuisance. Neither notice was appealed.

Subsequently, the licensee installed a new sound limiter device. As a concession to the business, and to avoid the need for another full recalibration exercise, I agreed that the limiter could be set in line with the levels established in the previous calibration certificate and I carried out recalibration of the new limiter. With the assistance of the Royal Oak's own sound engineers, the limiter was reset accordingly. I then applied tamper-proof labels to the control panel of the device to ensure that it could not be accessed or altered without prior notification to Environmental Health.

Although the number of complaints reduced for a period after these measures, complaints are currently still ongoing.