

From: [Sue Dowling](#)
To: [Smalley, Robert](#)
Cc: [Moon, Rebecca](#)
Subject: RE: Additional Information - Environmental Protection Team (REA224/6)
Date: 21 September 2022 11:17:47
Attachments: [blandy_banner_edited_78024e89-a41a-426d-a622-ca15204b90de.png](#)
[emails with Ms Moon.pdf](#)

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Dear Robert

Thank you for this information although it is very disappointing to receive this partial information so late in the day.

As you will note from the attached email, we requested specific information on 5 and 12th September and this information was not forthcoming.

Be that as it may, in our view the recording (of 19 November) attached to Ms Moon's email is unreliable evidence as it does not establish:

1. Who took the recording;
2. Where the recording was taken (with evidence to prove this);
3. When the recording was taken;
4. With what equipment.

The above details are all pertinent as, at the Council appreciates, during the same period each year, Christmas parties (with music/dancing and a lively atmosphere) are held in marquees on land very near to Kingfisher Place and Cardinal Close.

The document created by Ms Moon is, in our view, also unhelpful as it precision and any supporting evidence. It does however appear from this that the Complainant from Cardinal Close is one individual making repeated complaints, and only two individuals made complaints.

In any event we consider that the Applicant's Bundle already addresses the minimal complaints made and also covers the additional noise management measures in place for this year's event (with the agreed reduction to 63dBA, in terms of sound levels).

Kindly add this email and the attachments to the Hearing Bundle for tomorrow's hearing.

Best Regards

Sue

Sue Dowling

Partner

For and on behalf of Blandy & Blandy LLP

t: 0118 951 6822

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From: Smalley, Robert <Robert.Smalley@reading.gov.uk>

Sent: 21 September 2022 10:32

To: Sue Dowling <Sue.Dowling@Blandy.co.uk>

Subject: Additional Information - Environmental Protection Team

Dear Sue,

Please see the attached additional information that has been sent to me by Rebecca Moon, ahead of tomorrow's hearing.

Kind regards,

Robert Smalley

Enforcement Officer

Licensing Department | Directorate for Economic Growth and Neighbourhood Services

Reading Borough Council

Civic Offices Bridge Street Reading RG1 2LU

0118 937 2846

07583 679 046

Licensing@reading.gov.uk

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Subject: RE: Reading Winter Wonderland (REA224/6)
Date: 12/09/2022 15:46
From: "Moon, Rebecca" <Rebecca.Moon@reading.gov.uk>
To: "Sue Dowling" <Sue.Dowling@Blandy.co.uk>, "Smalley, Robert" <Robert.Smalley@reading.gov.uk>
Cc: "Reading Winter On Ice" <readingwinteronice@gmail.com>

Dear Sue

My representation is due to my view that additional measures are required this year should the event be held, in order to prevent a public nuisance.

I would suggest that your client proposes additional measures, as although your client was responsive to complaints, the control of nuisance needs to be proactive and preventative. What measures are proposed in addition to last year to ensure that noise from all sources including the fair ground are controlled? The noise limits proposed via the planning application (65 dBA) are too high as they are suitable limits for a short term 1-3 days event not one of this duration.

Many thanks
Rebecca

Rebecca Moon
Senior Environmental Health Officer
Environmental Protection & Nuisance Team
Regulatory Services|Directorate of Economic Growth & Neighbourhood Services

Reading Borough Council
Civic Centre
Bridge Street
Reading
RG1 2LU

0118 9372325 (72325)
Working days Monday | Tuesday | Wednesday | Thursday

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From: Sue Dowling <Sue.Dowling@Blandy.co.uk>
Sent: 12 September 2022 15:28
To: Moon, Rebecca <Rebecca.Moon@reading.gov.uk>; Smalley, Robert <Robert.Smalley@reading.gov.uk>
Cc: Reading Winter On Ice <readingwinteronice@gmail.com>
Subject: RE: Reading Winter Wonderland (REA224/6)

This is an EXTERNAL EMAIL. STOP THINK before you CLICK links or OPEN attachments.
Dear Rebecca

Reading Winter Wonderland

Hearing: 22 September 2022

I hope you are well.

Are you now able to kindly provide us with any more specifics in reply to our email below, as having investigated the matter further, we are surprised by the Representation submitted by your team.

In short, our Client is confident that he operated the event last year in a fully compliant manner and there is no reason to reasonably suggest that he would not do this year and in future years.

The parameters in relation to sound levels are set out in the Licence to Occupy as granted by your Council and our Client's records demonstrate compliance with those requirements.

We are aware that shortly after the start of the event last year (so in late November) our Client was contacted by the Council on a couple of occasions relating to potential noise complaints. In both instances he reacted immediately to investigate the Council's concern and (where necessary) to remedy the perceived problem.

The first instance was on 22 November. The concern was raised by Ross Jarvis in your team, following a complaint from a resident in Cardinal Close. Our Client immediately responded seeking specifics and confirming he would investigate, including checking his sound monitoring records, which he duly did. The latter appeared all in order i.e. were within the limits set by the Council. Our Client did however emphasise that if any local resident with any concern could contact him directly on his mobile – then this would assist him in responding as soon as possible and making any adjustments (if any) required.

We understand very shortly after the above, the same resident did indeed contact our Client directly (on 24 November); our Client confirmed that he would immediately come and check the sound levels near to the gentleman's home. He did so and it was clear that the event was operating well within the approved sound levels. The gentleman did play a recording to our Client but it was apparent that the recording was not taken in the location near to the gentleman's home. Our Client can produce relevant texts, records and photographs to support his account. We understand that all the concerns from Cardinal Close made to the Council come from the same individual but please let us know if our understanding is not correct.

On 29 November our Client then received your email referring to another complaint. Again our Client immediately replied (12:15 the same day); his reply (further copy attached) is self-explanatory and again the sound level records (also attached) support the fact that the event was operating within acceptable sound limits.

Further we understand that during the event period, there were spot checks by the Council (by at least three individuals) and all were satisfied that our Client was running the event in accordance with the Premises Licence conditions and with the Licence to Occupy granted by the Council (acting by its Head of Legal Services). In addition, no issues were raised through the de-brief exercise.

We also understand that our Client has photographic evidence that on leaving the site it was clean and tidy. Again the Council (acting by Mr Dan Cabbage) confirmed all was in order.

In view of the above, our Client remains fully confident that he operated the event last year in a fully compliant; approachable and professional manner resolving any legitimate concerns as soon as they were drawn to his attention. We note that he was thanked by your team for reacting to their emails in such a prompt way.

This year many local residents have again booked tickets online and our Client very much hopes that the Licence will be granted in the terms sought so that these residents and others, and visitors to the area can enjoy this event.

Can you please confirm whether your team is maintaining its objection or whether in light of the above, you are content to withdraw it?

Yours sincerely

Sue Dowling

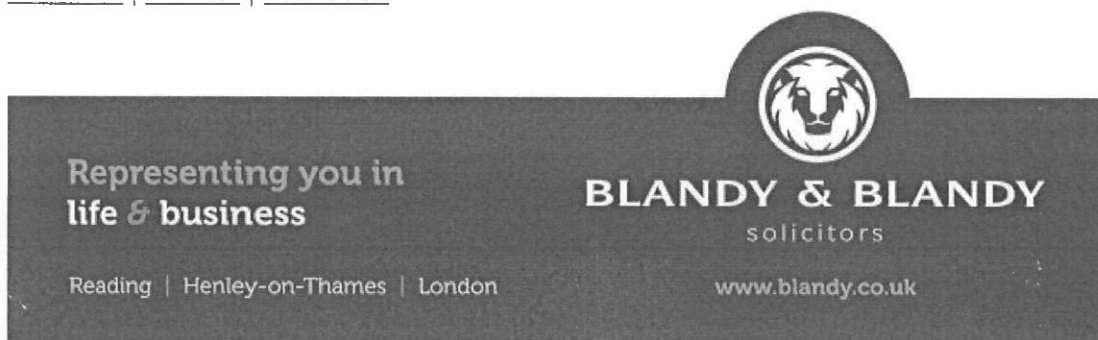
Sue Dowling

Partner

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From: Sue Dowling <Sue.Dowling@Blandy.co.uk>
Sent: 05 September 2022 17:49
To: Rebecca.Moon@reading.gov.uk
Cc: Smalley, Robert <Robert.Smalley@reading.gov.uk>
Subject: Reading Winter Wonderland (REA224/6)

Dear Rebecca

Reading Winter Wonderland

I note from Robert that you have lodged a Representation against the issue of the new licence relating to the above.

Leaving to one side noise made from people laughing and enjoying themselves (which of course is not licensable and is not relevant for this application), I will need to take further instructions from our Client regarding your comment that "complaints (were received) from local residents regarding noise from loud music last year". Certainly our Client does not accept that its operation last year should have given rise to any reasonable, unresolved, complaints from local residents.

Can you kindly provide me with the information which supports your comment in relation to each noise complaint i.e:

1. What complaints were received by the Council; when; from whom and to what did they relate – music or crowd laughter/noise or both?
2. How was the complaint investigated by the Council with and notified to our Client i.e. by email/phone and by whom at the Council and to whom at our Client?
3. What was the outcome of the investigation?

I am also confused by your comment regarding 'incidental' music; such music is **not** licensable under the LA 2003, and thus would not need to be included in any application for a Licence. As explained in the application, 'Recorded Music' has been included (and draft noise management conditions proposed) in case it does not qualify as 'incidental'. With respect, I also disagree with your comment that 'incidental' music necessarily means 'inaudible' within noise sensitive premises. Be that as it may, can you provide further information regarding the alleged complaints regarding noise **as soon as possible** so we can explore this with our Client?

As you will appreciate, we need to look into the specifics in more detail as our understanding is that our Client provided full evidence of the noise monitoring to your colleague (Mr Dan Cubbage) as part of the Event de-brief last year and no negative comments came out of the de-brief. If I am wrong in this regards, kindly email me across any letter/feedback provided following the de-brief.

Further, the draft conditions (with which our Client fully complies and which already include noise monitoring) based (to a degree) on historic input from your team.

Please come back to me as soon as possible; please do call if that is easier – I can be reached on 01189 516822 or mobile [REDACTED]