

Licensing Act 2003

Public Nuisance Objectives

GOOD PRACTICE ON CONTROLLING NOISE FROM PREMISES SUCH AS PUBS, CLUBS, VILLAGE HALLS AND OTHER COMMUNITY BUILDINGS, AND OUTDOOR EVENT VENUES

Introduction

The Council frequently receives complaints from residents about noise from premises, especially during the warmer weather. The Council has a statutory duty to investigate such complaints and to take action if the noise is considered to be a statutory noise nuisance. Such investigations can be very lengthy, and may result in unwelcome restrictions on activities and entertainments, requirements for works to reduce noise, and ultimately large fines being imposed upon the persons responsible. Therefore we believe that there are advantages to all concerned for noise problems to be resolved informally, or preferably avoided altogether.

The purpose of this information is to give practical guidance to the people in control of premises on how to control noise from a wide range of potential sources, and thus help them to avoid causing noise disturbance to their neighbours. It should thus be considered as good practice relevant to all premises irrespective of whether or not they are licensed.

The information covers matters such as:-

- Legal responsibilities of people in control of premises, such as managers and licensees.
- Common sources of noise and practical tips for controlling them (including amplified music, dispersal of patrons, deliveries of stock, beer gardens and children's play areas, cleaning and bottling out, fireworks, ventilation plant).
- Finding specialist consultants.

Legal Responsibilities and Standards

As mentioned above, this guidance applies to a wide range of premises, both "licensed" and "unlicensed". At present, many premises are licensed by the Council for public entertainments and liquor.

These premises are often subject to licence conditions designed to prevent the entertainment from causing persons in the neighbourhood to be unreasonably disturbed.

The Council has a duty under the Environmental Protection Act 1990, to investigate noise complaints concerning all types of premises, and if a noise nuisance is found to exist, the Council must require the person responsible, by Notice, to take steps to ensure that the nuisance is abated. Failure to comply with the Notice is an offence punishable by a fine of up to £20,000 in the Magistrates Court. Legally persons responsible for any noise nuisance or breach of entertainment licence conditions are most likely to be breweries, owners, tenants, managers, licensees, disc jockeys, club officials and performers. A licensee convicted of breaches of the above mentioned legislation also risks revocation of their licence.

Where a complaint of noise is received regarding premises, the matter will be brought to the attention of those responsible for the management of the premises and discussions will take place. At this stage, if the problem is resolved, there will be no need for further investigations. However, if the complaint continues and evidence is gathered which substantiates the complaint, formal action will be taken.

It should also be remembered that the existence or likelihood of noise nuisance is grounds for the Council to ask for a review of the licensing conditions at any time in accordance with the department's enforcement policy.

Noise Sources at Licensed Premises & Practical Tips For Controlling Them

1. Amplified music and entertainment

Even relatively modern purpose built premises, have often not been designed and constructed so as to prevent problems arising due to the "breakout" of noise caused by the use of amplified music, public address systems, and video juke-boxes etc. In fact many public houses were built prior to the common provision of amplified entertainment, and are located immediately adjacent to large areas of residential property. In the circumstances it is hardly surprising that the Council receives many complaints concerning entertainment noise.

Very often the noise from entertainment gives rise to disturbance due to low frequency bass notes that can easily pass through structures. Control of noise by simply reducing the volume can be effective. However, if the noise is structure-borne this can be complex and expensive. Most complaints about this type of noise occur in the summer months when windows and doors are left open for ventilation, and people use their gardens more.

This is because this is the very time when background noise levels in an area have generally dropped significantly and therefore, entertainment noise is most likely to stand out and cause disturbance, and of course, this is the time when people are most likely to be at home and expecting to be able to relax.

To try and predict whether a particular type of entertainment noise is likely to give rise to noise nuisance, the noise levels are best judged at the boundary of neighbouring houses, or other noise sensitive positions, as opposed to within the entertainment venue itself. Another factor to bear in mind is that the more often noisy events occur, and the later they finish, the more likely they are to give rise to complaints.

Tips to control entertainment noise

- Contact a specialist consultancy (see acoustic engineers/acoustic consultants/noise and vibration consultants in Yellow Pages/Thompson Local), and arrange for a survey and the installation of a sound insulation scheme for the premises, to insulate the premises against the transmission of impact/airborne noise. Measures may include acoustic double/secondary glazed windows, with an air gap of at least 100mm between glazed panels; sound insulation within ceiling voids to ensure noise breakout through ceiling and roofs. Acoustic door seals could be fitted to doors to minimise sound escape from premises.
- Install an acoustic lobby to the entrance of the entertainment room; and ensure doors are closed at all times to ensure effective insulation.
- Whenever possible, avoid holding musical entertainment in rooms with windows and/or doors facing out onto nearby residential property.
- Windows should be kept closed at all times. If the windows are openable, they should be closed whilst music is played. Doors should be kept closed as much as possible. They should be close fitting and constructed from dense, heavy materials.
- Mechanical ventilation systems should be fitted to ensure that sufficient ventilation exists, which will prevent the doors/windows being opened. All ventilation outlets should be fitted with acoustic baffles. Ventilation systems should be so sited and used so as not to be a noise nuisance
- Control of entertainment sound levels should be under the direct control of the designated premises supervisor and should never be left to the entertainers or disc jockey.
- Later in the evening the background noise level in most areas reduces, as most businesses shut and many people go to bed. Consequently, noise from the few premises that remain open at night becomes far more obvious and potentially annoying to residents.

Therefore if the DJ or band increases the volume for the last set/encores later in the evening, it is very likely that this will give rise to complaints from neighbours.

- A sound limiting/cut out device should be installed, and the maximum sound level agreed and approved by the Council's Environmental Protection Team.
- Members of the public often use fire doors for ventilation. Exit doors/fire doors can be connected to a sound limiting/cut out device, so that if a door is opened during a performance, the device is activated and the music will instantly either stop or be reduced in volume. Obviously, doors must still be available for use as fire exits and must not be locked. A noise consultant can advise further on such matters
- Structures such as conservatories, which offer very little resistance to noise, should never be used for the playing of music if the premises is located in a residential area.

- A very effective way of controlling noise from premises providing entertainment, whether it be public or private (such as a wedding or birthday party at a village hall), is for there to be a responsible person present, who can ensure that DJs and/or musicians do not play music at an unreasonable volume. Generally this responsibility will fall to the designated premises supervisor however, in the case of village halls and other community premises, which are often managed by a committee made up of volunteers, it may be necessary for the committee to arrange for such a person to be present. It is also good practice for another responsible person to “patrol” the boundary of the site from time to time, to ensure that noise escaping from the premises is not excessive. However, this person should not come from within the premises, as loud music will have caused a “temporary threshold shift” and dulled their hearing, making it difficult for them to make a realistic assessment of the impact of the noise. In some cases it can also be helpful if the occupiers of adjacent potentially noise sensitive properties are given the contact name and telephone number of this person, in order that they can report any problems as they occur, and hopefully have them resolved immediately.
- Premises holding well-managed events finishing at around 11 pm may cause no nuisance to the occupiers of nearby residential properties. Licensed premises seeking extensions to beyond 11.00 p.m. must be aware that a higher standard of noise control is required as background levels are lower and people have a right to an undisturbed nights sleep.

2. Patrons

The responsibility for the behaviour of noisy patrons must rest with the designated premises supervisor, who should take all reasonable steps to ensure that they do not cause noise nuisance whilst on the premises, or disturbance whilst dispersing from the premises. Another common cause of disturbance is taxis picking up people after the event has finished, and cars screeching, sounding horns etc. can cause a disturbance.

Tips to control noise from patrons

- Provide notices in conspicuous positions requesting the co-operation of patrons particularly when leaving the premises.
- Employ experienced and trained door stewards to restrict entry at certain times and to control noisy patrons. The operating schedule of any license condition may require this be provided at certain times.
- A reliable taxi firm should be used for collecting customers, ensuring that the firm are aware that there should be no sounding of horns etc. that may disturb nearby residents.
- For some types of event and venue it may be worth considering selling tickets that include the price of patrons being conveyed to and from the venue by private coach, if managed well this can result in patrons leaving the premises much more promptly and quietly.

3. Deliveries

Noise disturbance can occur if stock deliveries are made at unsociable hours ie late at night or early in the morning.

Tips to control noise from deliveries

- When loading or unloading takes place consideration should be given to working methods, which minimise noise.
- Ensure deliveries are not made late at night or early in the morning. Where the site is adjacent to residential or business premises, heavy plant, noisy equipment or operations and deliveries, should not take place outside the hours of;

Monday – Friday 7.30 – 18.00

Saturday 8.00 – 13.00.

No noisy activities on Sundays or Bank Holidays.

4. Beer Gardens and Children's Play Areas

Premises that have beer gardens and children's play areas may cause noise nuisance if residential premises are nearby. This problem will be exacerbated in the summer months.

Tips to control noise from beer gardens and children's play areas

- Music should not be played in these areas. Doors leading onto the beer garden/play area should be kept closed, in order to contain the noise.
- Management should control customer's behaviour in order to ensure it does not give rise to noise nuisance.
- Access to these areas should be restricted, particularly at night, to ensure noise is controlled.
- Place play equipment & plant such as air blowers for bouncy castles, away from any residential boundaries.

5. Cleaning and Bottling Out

Cleaning and bottling out especially, after the premises has closed, has the potential for causing noise nuisance. Staff emptying bottles into bins or moving bins to collection points can create considerable noise. If this is occurring after closing time or in the early hours of the morning; it will, if residential premises are nearby, cause noise nuisance.

Tips for controlling noise from cleaning and bottling out

- Refuse storage areas should be sited away from residential properties.
- Cleaning and bottling out should not occur late at night or early in the morning; it should be carried out during the normal working day.
- Provide a smooth pathway between the pub and store area.

6. Fireworks

Firework displays are becoming increasingly common at all times of the year, whether as part of classical music concerts, or celebrations such as birthdays and weddings, and of course Bonfire Night and New Years Eve. Anyone considering providing such displays should give very careful consideration not only to health and safety requirements, but also to the potential for disturbing local residents, and frightening pets, and livestock.

Firework displays tend to give rise to complaints when they are staged late at night after many people have retired to bed, when the duration of the display is longer than 20 to 30 minutes, and when people in the vicinity do not know there is going to be a display (particularly if livestock are kept nearby). Another cause for complaint is when a particular venue regularly stages displays late at night at times other than Bonfire Night. The Fireworks Act 2003 and Firework Regulations 2004 now make it an offence to set off fireworks between 11pm and 7 am with a number of exemptions

- a) Chinese New Year 1am-7am
- b) 5th November 12.00pm - 7am
- c) Diwali 1am-7am
- d) New Years Eve 1am-7am

Tips for controlling noise from firework displays

- If loud explosions form part of the display, hold the display as early in the evening as possible, and certainly terminating at no later than 11 pm (10.30 on Sundays) other than on New Years Eve, and in general keep displays short.
- Avoid the use of loud “aerial bombs” as they can be particularly disturbing and the sound will travel long distances.
- Talk to your neighbours well in advance of the display, particularly the elderly, and those with young children, pets or livestock.
- Talk to the proprietors of local residential care and nursing homes, and the wardens of local sheltered housing schemes, in order that they may take precautions with their residents.
- Speak to your suppliers and do not use excessively noisy fireworks, particularly late at night.
- Keep the number of firework displays held at your premises to as few as possible.

Separate guidance is published by the Health and Safety Executive whose contact details are as follows: -www.hse.gov.uk Tel: 08701 545500 or www.hsebooks.co.uk Tel: 01787 881165& by the Department of Trade & Industry at www.dti.gov.uk/homesafetynetwork/fw_pandr.htm

7. Plant & Equipment

Noise from the operation of chiller units, extract ventilation systems and air conditioning systems can give rise to complaints of nuisance, particularly late at night. When buying or installing such plant and equipment consideration should always be given

to the level of noise it is likely to produce. In some cases it may be necessary to obtain Planning Permission and/or Building Regulations approval prior to the installation of such plant, and you should always seek advice on this from the Council's Development Control & Building Control Divisions by telephoning 01454-868004.

Tips for controlling noise from plant & equipment

- Install, operate and maintain equipment in accordance with the manufacturer's instructions.
- Where possible locate equipment and exhaust outlets away from (or screened from) dwellings.
- Always obtain specialist advice when planning to install plant and equipment regarding the level of noise it is likely to generate, and where appropriate ensure that properly designed acoustic silencers, screens and/or enclosures are used.

Communication Can Be The Key To Good Relations With Your Neighbours And The Council

By thinking carefully about how entertainment held at your premises may impact upon your neighbours, and by identifying elements of the entertainment that will need particularly careful management, and then by discussing your plans with your neighbours, you are more likely to avoid causing a nuisance.

Free Internet access is available at all South Gloucestershire libraries

**South Gloucestershire Council
Environmental Protection
Department for Environment and Community Services
PO Box 299, Civic Centre, High Street,
Kingswood, Bristol
BS15 0DR**

Tel: 01454 868001

Email: Environmental.protection@southglos.gov.uk

Web: www.southglos.gov.uk/envpro