

Introduction

The purpose of this guidance is to give practical advice for the licensed trade on the prevention of public nuisance, which is one of the four licensing objectives under the Licensing Act 2003. This is intended to help them avoid causing noise disturbance to their neighbours. Public nuisance can include matters such as noise, litter, and odour, general disturbances of the area, anti-social behaviour and artificial light pollution.

The Council can receive complaints about noise from licensed premises. We have a statutory duty to investigate such complaints and to take action if the noise is considered to be a statutory nuisance or a breach of a licensing objective.

Remember that licensed premises are not just pubs, clubs and shops; they include any area in which a licensed activity will take place. These areas may include village halls, church halls and even open fields if used for events such as fetes and carnivals that may use a licensed activity such as an outside bar.

In all cases, noise and public nuisance issues need to be controlled and prevented in a satisfactory manner by minimising possible disturbances.

Noise from Patrons and Staff

People arriving and departing the premises can cause a noise disturbance to neighbours.

Guidance to control noise:

- Use door staff to control entrances and exits.
- Control queuing at the entrance to the premises.
- Control the congregation of people outside the premises.
- During large events, use an alternative exit route where available, to assist with crowd dispersal.
- Display signs and notices asking patrons to leave the premises quietly.

Fixed Plants and Machinery

Most premises will have mechanical ventilation/extraction units, air conditioning units, chiller units or beer pumps that operate automatically. The noise from this equipment can cause disturbance to neighbouring properties, especially when these units operate during the evening and throughout the night.

Guidance to control noise:

- Install, operate, and maintain equipment in accordance with the manufacturer's instructions.
- Where possible locate equipment and exhaust outlets away 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 enclosures are used.
- Where possible, switch off air conditioning units and generators after 23:00.

Beer Gardens, Outdoor Areas and Smoking Shelters

Careful consideration should be given to the siting of gardens, play areas, smoking shelters and barbecues to minimise potential nuisance to local residents. The main concern for noise will be during the night but, depending on the circumstances, location and extent of your activities, daytime noise may also be a problem.

Guidance to control noise:

- Avoid loose gravel paths and timber decking which can create more noise than paving stones.
- Attach rubber feet to chairs and tables to prevent noise from scratching noise against a stone floor.
- Raised voices from people using a beer garden can easily cause noise problems and these areas need to be carefully managed. Signs should be put up at exits and in beer gardens advising people to be considerate to neighbours.
- If complaints from residents are received, you may have to limit the use of these areas and prevent access.
- Do not permit the use of loudspeakers in outside areas.

Delivery, Collection and Storage Activities

All licensed premises have commercial vehicles visiting the premises to deliver goods and remove refuse – if this is early in the morning disturbance to neighbouring properties is likely to occur.

Guidance to control noise:

- Restrict deliveries and refuse collection to between the hours of 07:00—19:00.
- Limit where possible, the number and/or frequency of deliveries and collections.
- Consider the location of loading and unloading areas.
- Only transfer glass bottles to bulk storage bins between the hours of 09:00—19:00.

The Law

The following legislation is in place to prevent noise from causing unreasonable disturbance to nearby neighbours:

- [The Environmental Protection Act 1990](#) places a duty on the Council to investigate complaints of noise nuisance. If a noise is found to be causing a statutory nuisance an abatement notice will be served on the person responsible, requiring the abatement of the noise. Failure to comply with the abatement notice can result in an unlimited fine.
- [The Licensing Act 2003](#) requires that the activities of a licensed premise must prevent public nuisance. In submitting an application for a license you will have been required to detail how you intend to achieve this. If complaints of nuisance are received and are shown to be justified your license may be reviewed, revoked or have conditions attached to prevent further nuisance. If you fail to meet the conditions of your license then you may be prosecuted.
- [The Live Music Act 2012](#) has made changes to the regulation of live and recorded music between the hours of 08:00—23:00. These activities are no longer licensable

between these hours if the audience is less than 500 people. More information on this de-regulation should be sought from the Local Licensing Authority.

Noise Assessment

In preventing noise nuisance, it is essential that the location, equipment, and structure of your premises are suitable for the intended entertainment. In some areas, existing background noise levels will be very low and will reduce further during the night.

To fully understand the impact your premises has on local residents you will need to carry out a noise assessment.

This is very simple. Several times during opening hours - especially during the night or before closing - go outside and walk around the perimeter of your premises and to the boundary of the nearest noise sensitive property.

If you can hear noise from entertainment, singing, voices etc. it is likely your neighbours will be hearing the same noise and complaints may follow.

Try to determine any sources of noise heard and how they are escaping from the premises. Remember that if you have been subject to loud music for an hour or so, your hearing will not be as sensitive and noise levels can easily be underestimated.

As part of the assessment also speak to your neighbours, who may be able to provide you with valuable insight when noise disturbance occurs.

Once the assessment is complete, consider what controls can be used to reduce noise levels to an acceptable level, then repeat the assessment.

A realistic noise assessment may show that your establishment is not suitable for the type of entertainment or hours of operation you wish to operate, due to the likelihood of noise disturbance.

In this case you may wish to employ the services of a noise consultant to carry out a more detailed assessment.

Building Structure, Design and Layout

Specialist sound insulation and other changes to the building structure, design and layout, may be appropriate to sufficiently control noise.

The advice of an acoustic consultant is important to ensure that adequate control measures are implemented.

However, the following general principles could apply in most licensed premises.

- Upgrading windows to double or acoustic glazing will help contain noise.
- Remember that if windows are open or even ajar, noise will escape regardless of the type of glazing you have. Ensure windows are kept closed during entertainment events or kept locked to prevent opening.
- The provision of air conditioning units or mechanical ventilation will avoid the need to open windows in warm stuffy environments. Mechanical ventilation units need to be positioned correctly and may require acoustic baffles to prevent creating further noise problems.

- Consider creating an enclosed lobby to external doors. This allows people to enter through the first door which will close behind them before opening the second door, therefore containing the sound.
- All external doors and emergency exits should be close fitting or acoustically sealed to prevent noise escaping. They should not be left open.

Noise Control Management

Appropriate noise controls must be in place on the premises to prevent excessive noise being emitted.

As well as the control measures the licensee may be expected to put in place monitoring arrangements and keep records of the monitoring. This may not be applicable in all circumstances.

Communication and Planning is Key for Effective Noise Control

Whatever entertainment you currently provide or are planning for your premises, please consider it from your neighbour's perspective.

Think carefully about how entertainment held at your premises may impact upon your neighbours.

Identify the elements of the entertainment that will need careful noise management and control.

Discuss your plans with you neighbours. Enjoy responsible licensed entertainment.