

Licensed Premises: **PUBLIC NUISANCE CONTROL**

Environmental Health Guidance for Licensees



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Introduction

This Guidance Document is intended to help Licensees and those applying for Licences on the management of noise and other public nuisance issues from their premises, and has been prepared and adopted by Environmental Health Departments of all the 14 Essex Local Authorities.

Environmental Health Departments will comment on the Prevention of Public Nuisance aspects of your Application, and if you have not addressed these matters by statements or information on your Application form, we may make representation to the Licensing Team. This will affect your Application and result in a Hearing. This Document is also intended to provide guidance on best practice for preventing Nuisance in general from similar premises other than Licensed ones.

Under the Licensing Act 2003 the prevention of 'Public Nuisance' is one of the four licensing objectives that have to be achieved on all Applications. Public Nuisance matters include Noise, Odour, General Disturbance, Litter, Antisocial Behaviour, Light Pollution and all the kinds of issues that can affect occupiers near a licensed premises.

'**Licensed Premises**' are not only pubs or clubs, but include all those areas where 'licensable activities' take place, such as village and church halls, or even an open field if licensable activities take place there. Please speak to the Licensing Officer if you need advice on what constitutes such a use.

Preventing Public Nuisance is an essential part of any business or organisation, and can be achieved by creating an environment that controls nuisance by increasing staff awareness and training so they can assess potential risks and work towards minimising possible disturbances. **You should also be aware that there is a statutory duty to prevent public nuisance under the Environmental Protection Act 1990 and the Anti-Social Behaviour Act 2003, irrespective of the new licensing regime.** Failure to do so may lead to action being taken by Environmental Health Departments under the above legislation i.e. to serve Notices requiring works and / or take legal proceedings.

Not every licensed premises will create problems, and those that do will vary depending on design and location and type of entertainment or activities proposed. The following are the issues, which we will be looking for you to have addressed in your Application, and your operating schedule, where applicable.

- Amplified and non-amplified music, singing and speech
- Patrons arriving and leaving the premises, including provision of public transport
- Car parks and other outside areas
- Delivery and collection vehicles
- Plant & Machinery
- Gardens, including any plans for artificial lighting
- Odour
- Litter

It is unlikely that any one Applicant will need to address all of these issues – maybe only one or two will be relevant – but careful consideration is good practice as it will reduce the chances of Representations being made against your Licensing Application. (Please speak to the Environmental Protection Officer for any further clarification or advice you require).

Noise Control Management

Noise control measures and systems for monitoring and reviewing them vary according to what is practical for the size of the business and the nature of the noise source. Applicants should consider submitting a noise assessment which demonstrates that appropriate measures have been, or will be, introduced to ensure that noise from the premises does not cause undue disturbance to any residents in the locality. If there is potential for public nuisance to occur then applicants will be expected to submit a noise assessment.

The level of noise, which is acceptable, will vary depending on the time of day, the nature of the activity, and the prevailing background noise in the area. For example: the use of the beer garden could be acceptable at lunchtime, but may not be acceptable late at night when background noise levels tend to be lower and local residents may wish to sleep.

Loud music can be particularly problematic at night, as low frequency noise (bass) can often be heard some distance from the noise source.

It is important to remember matters such as:

- Nature of noise in or on the property
- Noise heard at the perimeter of the property
- Proximity of noise-sensitive dwellings*¹
- History of any noise complaints from neighbours or local authorities
- All other noise generated in the area from other sources

As well as appropriate noise control measures, Licensees may be expected to put in place monitoring arrangements and keep records of this monitoring in a log-book. Monitoring can range from simply listening to establish whether a noise is intrusive through to a full acoustic assessment using competent consultants, taking detailed measurements.

As a general rule, noise monitoring should be carried out prior to a Licence Application and at least annually thereafter when entertainment is taking place. It is, however, good practice to undertake perimeter listening checks on a regular basis if the premises are in a residential area. Remember the hearing of someone who has been **inside** the building may have been affected by raised noise levels making the noise **outside** seem quieter.

Companies should consider implementing a noise issues management policy at corporate level. This should include:

- Internal communications, logging and responding to complaints within time limits
- General advice on noise controls with useful details of advisers and suppliers
- Provision of monitoring systems to demonstrate compliance
- Training for appropriate staff

*¹ See Glossary of Terms

Premises History

Applicants should be aware of any existing measures that they already have in place that are used to control public nuisance or disturbance. These existing controls should be included in the Operating Schedule.

Where there is history of a noise problem or even where a Noise Abatement Notice has been served, it will be vital to demonstrate what measures have been taken to resolve the problems since the applicant became aware of the problem.

Consider providing information on the following:

- How many complaints since the problem was brought to your attention?
- Company policies which deal with noise control
- List of improvements since first aware of problems
- Details of how you are demonstrating management control

Locality

No two licensed premises are the same and the location will be the most obvious difference. Consider aspects such as:

- Nearness of any noise sensitive premises such as residential dwellings, hospitals or places of worship
- Proximity to other licensed premises and the cumulative effect this may have on the locality
- Location and capacity of car park, and its relation to noise sensitive premises
- Background noise levels in relation to proposed activities

You are advised to research your local area by talking to local residents' groups or other local licensees or you may wish to use a specialist noise consultant. This is equally applicable to those proposing to change the type or level of entertainment or alter your opening hours. Your neighbours may be happy for you to offer events in your garden once a month but not every weekend, for example.

If your property is in a noise-sensitive location, consider the acoustic suitability of the proposed or existing premises when deciding which type of entertainment to offer.

Structure of Premises

The potential for noise problems in relation to each individual premises will be largely determined by the location and structure of the property. You should consider the following aspects when determining how to control noise from your premises:

- Is your premises detached or do you share party walls?
- The type of construction and building fabric of your premises
- Type, location, orientation and control of window and door openings
- Layout and orientation of premises in relation to noise sensitive premises
- Location and proposed use of any conservatories

- Types of ventilation systems, air conditioning and vents
- Potential for breakout of airborne sound or transmission of vibration

You should be aware that any structural changes may need approval from the Local Planning or Building Control Departments and you are advised to contact them prior to carrying out any works.

Music, Singing and Speech

This is a common cause for complaint. Whilst the type and volume of the music is acceptable to those on the premises – it can be very intrusive to those in the surrounding area.

Problems can arise because music levels tend to increase as the event progresses against the background noise level, which will generally fall. Dance and disco music in particular rely on a strong bass beat, which can create a booming noise in neighbouring premises.

Noise coming from outside, such as beer gardens, will always be louder to neighbours than if it were coming from inside the property and is likely to cause more of a disturbance.

Well-managed pubs in built-up areas need not give rise to a noise nuisance, but it is obviously more of an issue than if the pub is in an isolated area.

The most simple and effective things to think about are:

- Play the music at the right volume for your premises!
- Doors should not be opened unnecessarily – consider the necessity for the provision of lobbies with self-closing devices for entrances and exits. Where possible the distance between inner and outer doors should be sufficient to ensure that one door set can naturally close before the next is opened.
- Consider providing Door Staff to control entrances and exits.
- Emergency exits should have well sealed acoustic doors, which open in the direction of escape.
- Windows should be kept closed – consider the need for acoustic windows.
- Consider where the music is being played – can you move it to another room, which is further away from noise sensitive premises or has less windows or openings.
- Keep the windows and doors of adjacent rooms, such as toilets and corridors, closed especially if they are next to noise sensitive premises.
- The provision of mechanical ventilation or air conditioning systems that will enable doors and windows to be kept closed – but remember that this plant can also create noise or allow breakout through ductwork and will often need acoustic treatment.
- Control the noise at source by reviewing the type of music or reducing the bass content.
- Install noise-limiting devices connected to all permanent music and public address equipment and all available mains power sockets within the area of the stage/music equipment. This should be sited away from the entertainers to prevent it from being overridden – it's best to keep it locked away!
- Alterations to the number, location and mounting of loudspeakers so that internal music levels can be kept as low as possible and transmission of structure-borne noise is minimised.

Use of Outside Areas

Careful consideration should always be given to the siting of gardens and play areas intended for the use of patrons, in order to minimise the risk of disturbance to neighbours. Noise from outside areas, usually shouting or loud voices, is likely to be especially noticeable at night, when noise levels outside are relatively low.

The use of gardens and external play areas where noise disturbance may arise should not commence before the start of normal trading hours and should normally cease at dusk or at 21.00 hours, whichever is the earlier, as recommended by the British Beer and Pub Association*²

*² See Useful References.

Consideration should be given to:

- Any proposed use of outside areas and the effect it may have on nearby noise sensitive premises
- Use of loud-speakers, PA systems or entertainment outside – in the majority of cases amplified music or voices should be restricted to indoor activities only
- Any proposals to erect or use marquees, tents etc for entertainment purposes
- Any proposals for events with firework displays

In addition, where there are nearby noise sensitive premises, the use of lighting in the garden and external play areas late into the evening can be undesirable, unless required for health & safety or security reasons. The provision of such lighting may encourage patrons to congregate in these areas and cause noise disturbance at this more sensitive later time.

External lighting should be designed and installed to ensure that glare and overspill to nearby premises is minimised.

In addition to the matters discussed above, applicants should consider the impact that litter may have on the premises and in the vicinity of the licensed premises. Adequate numbers of waste bins should be provided in suitable locations and should be emptied regularly by a licensed waste contractor.

Control of Patrons & Staff

In most circumstances people arriving at and departing from a premises will not cause any disturbance, but it must be acknowledged that sometimes it does happen!

Problem or rowdy behaviour can arise at the end of an event, as closing time approaches and afterwards. Consideration should be given to the following measures:

- Methods to control queuing outside premises and control of congregations of patrons outside premises on departure.
- Where noise-sensitive premises overlook the frontage of a licensed premises – consider an alternative exit route to a rear or side street, which may minimise disturbance.
- Post notices close to exit doors and in car parks advising that there are residential properties close-by and requesting patrons to leave quickly and quietly.
- Door staff should also assist in minimising disturbance by actively managing entrances and exits.
- Guidance to staff on their responsibilities to minimise noise from patrons as they arrive at, queue and depart from the premises.
- Guidance to patrons on routes to take as they depart, to cause least disturbance.
- If music has been playing, consider reducing the volume and/or playing slower, more mellow music as the evening draws to a close. This often quietens people down before they leave. Consider the provision of a “chill-out” area and the provision of free or low cost non-alcoholic beverages prior to departure of patrons (mostly applicable to night-clubs or similar).
- Arrangements for calling taxis, private hire vehicles etc and possible liaison with dedicated service provider. Steps should be taken to ensure that any such operator, and all drivers, are aware that they should arrive and depart as quietly as possible and should not sound their horns or leave engines idling unnecessarily.

In addition to Patrons arriving and leaving the premises it should be remembered that Staff could also cause a disturbance as they are generally leaving later than the patrons. It should be ensured that staff who arrive early morning or depart late at night when the business has ceased trading, conduct themselves in such a manner as to avoid causing disturbance to nearby residents.

Use of Car-Parks and Access Roads

It is not only people that cause a disturbance – their vehicles can also create noise through stereos, slamming doors, revving engines, the horn or screeching tyres for example.

Noise from car parks and access roads normally only becomes an issue when patrons are leaving a venue during the later part of the evening or at night. The provision of closed circuit television (CCTV) systems in these areas can provide an effective and safe method of monitoring activities during these periods and can allow rapid control or prevention of incidents that may cause noise disturbance.

It should be ensured that the car parks do not become areas for congregation of patrons with associated playing of car-stereos and anti-social behaviour etc.

Plant and Machinery

Ventilation systems and air conditioning enable windows and doors to be kept closed in order to control noise breakout but they can cause noise problems of their own! The chiller units, although necessary, can create noise since they usually have large external units, which may be roof-mounted without any kind of shielding. Often they are fan-driven and the fans may cut in and out at random during the day and night. They may also create noise when they are started up or shut down.

How to control this type of noise:

- Where possible, any externally located plant and machinery should be positioned in such a way that the building structure provides as much screening as possible for nearby noise sensitive premises.
- Consider the proper attenuation measures such as acoustic enclosures, acoustic louvres, silencers or additional acoustic screening.
- Where the plant and machinery are in or on premises that are structurally attached to noise sensitive premises then the equipment may need to be installed on anti-vibration mounts to minimise the transmission of structure-borne noise.
- Ventilation systems should include extract and intake grille silencers.
- Timing clocks may be added to systems.
- It may be necessary to seek the advice of a noise expert regarding siting and/or screening. Planning approval may also be required for external siting of plant or machinery.
- Regular maintenance should be carried out on all plant and machinery to ensure that noise disturbance is kept to a minimum.

Applicants should be able to demonstrate that noise from plant and equipment is inaudible at the nearest noise sensitive premises.

In addition to potential noise problems, kitchen extract ventilation systems can be the source of odour nuisance and it should be demonstrated that the system is adequately designed, installed and maintained so as to ensure that an odour nuisance is not created.

Delivery, Collection and Storage Activities

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

Where possible, in the planning stage, attention should be given to the siting of loading, unloading and/or storage areas – including minimising the need for vehicle manoeuvring, especially reversing.

In relation to deliveries and collection, consider the following:

- Restrict the times, for example, to the normal working day and exclude deliveries and collections at weekends and Bank Holidays
- Attempt to limit the number and/or frequency of such activities
- Alternative delivery/collection vehicles
- Alternative methods of delivery, collection, loading or unloading
- Screening the area to protect noise sensitive premises

Where premises are close to noise sensitive premises, the handling of beer kegs, bottles and other similar items should be avoided in the late evening, at night and during the early morning, particularly outdoors. Similar steps may also be necessary to restrict the use, and emptying of bottle banks at these times.

Glossary of Terms

Audible	Sound that can be heard
Inaudible	Sound that cannot be heard
Log book	A record kept by the licensee of all noise monitoring, noise limiter settings, and any technical data applicable to noise controls such as maintenance records. Also the details of any complaints received, resulting actions and responses.
Noise sensitive premises	These are properties where the occupiers are likely to be sensitive to noise from licensed premises. As well as residential property, such properties include schools, hospitals, hotels, libraries, churches and other places of worship.
Noise Expert	Member of the Institute of Acoustics or equivalently qualified and experienced person who has specialist expertise in the relevant area of noise control.

Useful References

Good Practice Guide on the Control of Noise from Pubs and Clubs, Institute of Acoustics, March 2003
www.ioa.org.uk/publications.asp

Licensed Property: Noise Control. Effective Management of Noise from Licensed Premises, British Beer and Pub Association
www.beerandpub.com/content.asp?id_Content=992&id_ContentType=1

Guidance Notes for the Reduction of Light Pollution, Institute of Lighting Engineers, 2000, revised May 2003.
www.ile.org.uk/documents/guidance-notes-light-pollution.pdf

Voluntary Code of Practice for the Fast Food Industry (DEFRA Consultation Draft Document 2003)
www.defra.gov.uk/corporate/consult/foodlitter/consultation.pdf

Control of Odour and Noise from Commercial Kitchen Exhaust Systems
<http://www.defra.gov.uk/environment/noise/kitchenexhaust/pdf/kitchenreport.pdf>

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Contact Information

Basildon District Council

Environmental Health Services
The Basildon Centre, St Martins Sq
Basildon, Essex, SS14 1DL
☎ 01268 294280 ☎ 01268 294550
✉ ehs@basildon.gov.uk

Braintree District Council

Environmental Services
Causeway House, Bocking End
Braintree, Essex, CM7 9HB
☎ 01376 552525 ☎ 01376 557767
✉ environmentalprotection@braintree.gov.uk

Brentwood Borough Council

Env. Health & Recreational Open Spaces
Town Hall, Ingrave Road
Brentwood, Essex, CM15 8AY
☎ 01277 312504 ☎ 01277 312526
✉ hoehpps@brentwood-council.gov.uk

Castle Point Borough Council

Environmental Health
Council Offices, Kiln Road
Thundersley, Benfleet, Essex, SS7 1TF
☎ 01268 882315 ☎ 01268 755320
✉ environmentalhealth@castlepoint.gov.uk

Chelmsford Borough Council

Environmental Services
Civic Centre, Duke Street
Chelmsford, Essex CM1 1JE
☎ 01245 606606 ☎ 01245 606681
✉ environmental.services@chelmsfordbc.gov.uk

Colchester Borough Council

Planning & Protection
P.O. Box 889, Town Hall
Colchester, Essex, CO1 1FL
☎ 01206 282581 ☎ 01206 282598
✉ pollution@colchester.gov.uk

Epping Forest District Council

Environmental Services
Civic Offices, High Street
Epping, Essex, CM16 4BZ
☎ 01992 564053 ☎ 01992 561016
✉ sstrand@eppingforestdc.gov.uk

Harlow District Council

Environmental Health Services
Civic Centre, The Water Gardens
Harlow, Essex, CM20 1HJ
☎ 01279 446111 ☎ 01279 446767
✉ env.health@harlow.gov.uk

Maldon District Council

Environmental Services
Council Offices, Princes Road,
Maldon, Essex, CM9 5DL
☎ 01621 854477 ☎ 01621 875899
✉ pollution@maldon.gov.uk

Rochford District Council

Housing, Health & Community Care
Council Offices, South Street
Rochford, Essex SS4 1BW
☎ 01702 546366 ☎ 01702 545737
✉ environmental.health@rochford.gov.uk

Southend-On-Sea Borough Council

Environmental Health Group
Civic Centre, Victoria Avenue,
Southend-on-Sea, Essex, SS2 6ZG
☎ 01702 215000 ☎ 01702 215888
✉ t&eservices@southend.gov.uk

Tendring District Council

Environmental Services
Council Offices, Thorpe Road, Weeley
Clacton-on-Sea, Essex, CO16 9AJ
☎ 01255 686868 ☎ 01255 686404
✉ environmental-services@tendringdc.gov.uk

Thurrock Council

Regulatory Services
Civic Offices, New Road,
Grays, Essex, RM17 6SL
☎ 01375 652955 ☎ 01375 652780
✉ environmental.health@thurrock.gov.uk

Uttlesford District Council

Environmental Services
Council Offices, London Road,
Saffron Walden, Essex, CB11 4ER
☎ 01799 510549 ☎ 01799 510567
✉ environmental@uttlesford.gov.uk

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