Basingstoke and Deane

Control of noise from licensed premises

When applying for a premises licence under the Licensing Act 2003, the applicant must submit an operating schedule that includes a statement of the steps he proposes to take to prevent causing a public nuisance. This page provides guidance to applicants on the noise issues which need to be addressed as part of the Operating Schedule, including the assessment and control of noise from licensed premises.

Contents

Typical sources of noise

The sources of noise giving rise to complaints from local residents varies considerably, but can include music, singing, public address systems, large screen televisions or video displays, plant and machinery, deliveries, car parks, children's play areas, beer gardens, fireworks and from people outside the premises.

Experience shows, however, most most complaints come as a result of music being audible in nearby or adjoining noise sensitive premises. Problems usually arise where licensed premises are close to residential premises or share adjoining structures. This is because entertainment noise can break out from the licensed premises or be transmitted through the structure to the adjoining premises, where it can cause problems.

Other than in exceptional circumstances, the council expects that noise associated with regulated entertainment which takes place between the hours of 23:00 and 09:00 or which takes place on a regular basis at any time should be controlled to such a level that the noise will be inaudible at all times inside noise sensitive properties in the vicinity of the licensed premises.

The following sections outline practical measures to reduce the risk of unacceptable noise associated with licensed premises. These measures could form part of the operating schedule.

Electronic noise limiters

Electronic noise limiters can be useful in controlling amplified noise levels within the licensed premises. There are two types of entertainment noise limiter.

Microphone controlled

These units continually monitor the Music Noise Levels (MNLs) in the premises via a microphone and either trigger a warning light or cut the power supply to the sound systems f pre-set threshold MNLs are exceeded. They have the advantage of working on any sound system brought into the premises, provided it is connected to the circuit under the control of the limiter. Care needs to be taken that these units are not circumvented.

Electronic in circuit devices

These are incorporated into the sound system and operate by monitoring the electrical power output of the amplifiers. If the pre-set amplifier power output threshold is exceeded, whereby MNLs become too high, the device automatically attenuates the amplifier power output so that MNLs are reduced to below the threshold limit.

Examples of noise limiters are available from the council.

Other measures to consider include:

- reviewing the type of music being played
- reducing the bass content of the music
- reviewing the location, direction and number of speakers
- informing performers of any noise problems and associated controls and monitor their compliance
- relocation and/or isolation of speakers which are adjacent to wall or ceiling mounted extractors
- mounting speakers on rubber or similar material to reduce transmission into the main building structure

Building structure, design and layout

Specialist sound insulation and other changes to the building structure, design and layout may be necessary to sufficiently control noise. The advice of an acoustic consultant is important to ensure that adequate measures are implemented.

General principles that will apply in most licensed premises

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Openings in the structure of the premises, such as windows, doors and vents will allow noise to escape easily. Windows if retained, should be non-openable and acoustically protected by seals with specifically designed and installed acoustic secondary glazing. Openable windows must be kept closed during events, including windows serving adjacent rooms especially if they are near noise sensitive properties. Artificial ventilation may need to be provided instead.

Acoustic lobbies to doors often provide good noise control. Care should be taken that any door to a lobby on a fire exit route is still capable of easy and rapid opening in the direction of exit in the case of emergency evacuation, and that the appropriate fire protection is provided after acoustic treatment. Ensure that doors are not opened unnecessarily during events.

Ventilation grilles provide no resistance to the transmission of noise unless acoustically treated, for example by fitting acoustic baffles or attenuators.

The walls and roofs of most traditionally constructed permanent buildings will provide significant resistance to the transmission of noise. However, in some instances very high levels of amplified sound will be played, or buildings are constructed of lightweight materials, whereby there is insufficient resistance to the passage of sound. Additional sound insulation will be needed before the premises can be used without causing noise problems.

Conservatories or structures with large areas of glazing or lightweight roofs offer relatively little sound insulation and should not be used to host amplified music and dancing entertainment if located near to residential properties. An internal lobby between any conservatory and those parts of the premises where high levels of music are played will
restrict noise levels in these areas and help reduce the break out of noise.

Where entertainment premises are physically joined to a noise sensitive building, then noise travelling through the structure can be very difficult to control. Careful thought should be given to the layout and positioning of rooms used for noisy entertainment. In certain circumstances it is just not practical to have noisy premises joined to a noise sensitive neighbour. In some circumstances, extensive specialist sound insulation works and tight control of the music noise levels are the only option.

Before carrying out any internal or external alterations to the building, you should consult the council’s Planning and Building Control departments to find out whether permission is required.

Outdoor areas

These are more likely to cause problems in the summer months and the location in relation to residential properties is important.

Screening by buildings or by the erection of walls or close-boarded fences can help reduce disturbance to neighbours. Management of outdoor areas is important: regular monitoring and control is essential. It may be appropriate to restrict or prohibit public access to a beer garden, terrace, barbecue or children’s play area late in the evening and at night, to adequately control noise nuisance.

If planning outdoor events, make sure speakers are pointed away from the most noise sensitive premises and position stages as far away from these premises as possible. Use the screening provided by existing non-sensitive buildings, barriers and natural features or provide an effective acoustic screen to boundaries adjacent to noise sensitive premises.

Plant and equipment

Noise from, for example chiller units or ventilation plant at licensed premises can also cause problems.

When choosing or installing external plant or equipment, consideration should be given to selecting the plant or equipment that is least noisy. When installing plant or equipment, a position which is as far away as possible from residential premises should be chosen. Making sure that the plant or equipment is regularly maintained and repaired also reduces noise.

Where it is not possible to re-locate plant or equipment the air-borne noise can be restricted using silencers and/or acoustic screens or enclosures, which have been specifically designed and installed for the job. Machinery should be mounted on anti-vibration mounts where appropriate. Plant and equipment should also be switched off when not in use, particularly at night. Automatic timers should control operation times.

Delivery of goods, collection of waste, cleaning and bottling out

As a general rule, noisy activities such as deliveries, collection of waste or cleaning should not be carried out at noise sensitive times. Refuse and empty bottle/barrel storage areas should be positioned away from residential properties and preferably screened or enclosed. Deliveries and collections scheduled during the day are unlikely to cause noise problems. However, activities early in the morning or late at night close to residential premises should have working methods that minimise noise,for example use of padded mats where beer barrels are dropped, careful handling of empty bottles and crates, and careful manoeuvring of empty beer barrels and waste.

Fireworks

The council may prohibit or restrict the use of fireworks at licensed premises because of the widespread nuisance it can cause to the public.

The use of fireworks is controlled by the Fireworks Regulations 2004. These regulations prohibit the use of fireworks between 23:00 and 07:00, with extensions on certain occasions including until 01:00 on New Years Eve and midnight on 5 November. The Police enforce these regulations.

Patrons

Licensees can be held to account for noise problems arising from patrons both on their premises and in the vicinity of the licensed premises. Controlling the impact of noise from patrons is usually a careful mix of location, design, operation and management of licensed premises. Patron noise tends

to be less of a problem for premises that attract a mixed clientele, compared to premises targeted only at young persons.

The use of lobbied doorways can help control noise pollution, as they are directly under the control of the licensee and provide a calming transitional phase between the potentially noisy interior and exterior.

Control of closing times between nearby premises can help prevent patrons cruising from one closed premises to another later open premises. This helps a more even distribution pattern of patrons leaving and hence creating noise, rather than a concentration from the last open premises.

Playing calmer-type music at lower volume towards closing time can encourage patrons to leave in a less rowdy manner, spread over a longer period so that the peak number leaving, and peak noise, are reduced.

Providing notices at exits requesting the co - operation of patrons can also help to reduce noise. However, in most cases it will be good practice for door supervisors, to manage the coming and going of patrons. In some cases specially trained staff may be also be used to patrol the surrounding area to help control noise from patrons.

The sounding of taxi horns when waiting to collect customers can be discouraged by licensees forming an agreement with local cab firms so the drivers come to the door or into the licensed premises to collect their passengers. Additional controls can be gained by staff calling cabs for customers, or a dedicated freephone line being installed for customers to call cabs and then being directed to wait inside the premises for their taxi. These measures can help reduce nuisance from taxi touts.

Assessment of noise

In some circumstances the council will require the applicant to submit an acoustic assessment of noise from the licensed premises which has been produced by a competent acoustic consultant. This report may need to be submitted as part of the licence application. Particular attention should be paid to the assessment and control of low frequency noise from entertainment as this is a frequent source of complaint.

For a list of local acoustic consultants who are members of the Institute of Acoustics contact Env Health Team.

A full list of members is available from the Institute of Acoustics. (https://www.ioa.org.uk/)

Liaison with Local Residents

You are encouraged to build and maintain a good working relationship with local people and be proactive about controlling noise from the premises. This can help promote goodwill and assist in ensuring that complaints are not made to the Council and reduce the likelihood of objections to the license in the future.
Methods should also be set up for logging and responding to noise complaints from local residents within appropriate time limits.

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Establishment of noise assessment procedures

This may involve a person listening to a particular noise source to establish whether or not it is intrusive to noise sensitive premises, or the use of specialised noise equipment.

Establishment of monitoring systems

Monitoring systems can be established to demonstrate compliance with noise policies and with any specific noise restrictions imposed by the licence, for example an hourly check at the nearest noise sensitive premises.

Internal communications

It is recommended that an internal communications procedure is set up for dealing with noise issues and complaints.

Staff training

Staff should be provided with general advice and training on noise control and made aware of internal procedures for assessing and controlling noise and dealing with complaints.

Contact details

Environmental Health team

If you have an enquiry, send a message to the Environmental Health team