

Controlling Noise and other Public Nuisance

Introduction

This section gives guidance for the licensed trade on the prevention of public nuisance, which is of course one of the four licensing objectives under the Licensing Act 2003. Public nuisance can include matters such as noise, litter, odour, general disturbances of the area, anti social behaviour and light pollution.

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 possibly 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.

1. Noise

What Does the Law Require?

Noise from operations carried on at the licensed premises should not cause or be likely to cause a statutory or public nuisance.

What Factors Need to be Considered?

❖ Location of Premises

The most obvious difference between two licensed premises will be their location. The location of a licensed premises needs to be considered when implementing controls to prevent and minimise noise and public nuisance.

Among the main factors to be considered are:

- Whether the building is detached or shares party walls
- The distance from sensitive premises such as residential dwellings, hospitals or places of worship
- The proximity of the premises to any other licensed premises.
- The location and size of the premises car park
- Background noise levels in relation to activities undertaken on the premises

- The location and type of window and door openings
- Types of ventilation or air conditioning systems used.

You should research the local area by talking to local residents groups and any other local licensees. By carrying out this research it will enable you to establish the type of activities the premises can be used for without causing a problem and provide ideas for prevention and controls of any noise or public nuisance issues that may arise during the operation of the premises.

❖ **Noise Control Management**

The acceptable noise level emitted from the premises will vary depending on the time of day, the location of the noise source and the level of background noise. For example the use of an outside area such as a beer garden may be perfectly acceptable during daylight hours but its use in at night may cause a problem or the level of noise may become unacceptable due to a lower level of background noise in the area.

The use of loud music from either within the premises or from the garden area may be problematic at night. Low frequency noise (bass) from the music can often be heard some distance from the source of noise.

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.

Perimeter listening tests should be carried out on a regular basis to ensure that the noise levels emitted are appropriate and not excessive for the time of day.

❖ **Amplified and Non-amplified Music, Singing and Speech**

The type of music and the level it is played at may be acceptable to those on the premises but often it is a common cause for complaints as those in the surrounding area can find it intrusive. These problems often occur because music levels within the premises tend to increase as the event progresses and when put against the background noise level, which generally tends to fall as the evening progresses, the noise level can seem at an increased level to those in the surrounding area.

Particular types of music such as dance music can cause a particular problem due to a strong bass beat, which tends to carry further. Music that emanates from outside the property from places such as a garden will often

be much louder to neighbours than if it was inside the premises and would be more likely to cause a disturbance.Noise nuisance often becomes more of an issue if the premises is located in a rural or isolated area.

The most simple and effective control methods are:

- Having staff listen to the volume of music from outside and beyond the premises, and turn the volume down as necessary.
- Keep doors and windows closed as much as possible. If applicable consider the provision of lobbies with self-closing door devices for the entrances and exits of the premises.
- Possible use of door staff to control entrances and exits
- All emergency doors such as fire exits should have well sealed acoustic doors which open in the direction of escape
- Consideration of where in the premises the music is being played and if it could be moved to another area of the premises to decrease the amount of noise emitted
- Mechanical ventilation such as air conditioning can create a suitable atmosphere and allow for doors and windows to stay closed, although this type of machinery can create its own noise.

❖ **Control of Patrons and Staff**

Usually people arriving and departing from the premises will not create any kind of disturbance but sometimes disturbances do occur. This problem and rowdy behaviour can often occur at the end of the evening, as closing time approaches, or the end of an event. The following measures should be considered :-

- Possible use of door staff to control entrances and exits
- Methods to control queuing on entering the premises and the congregation of people outside the premises on leaving the premises
- An alternative exit route may be provided to avoid large congregations of people when leaving the premises
- Display the poster provided with this pack to ask customers to leave the premises quietly
- If music has been playing during the evening reduce the level of noise and play slower songs to try and quieten people down before they leave the premises

- Possible arrangements with local taxi firms to provide methods of transport for patrons
- Staff on the premises often leave later than patrons so it should be staff policy to leave the premises quickly and quietly causing minimum disturbance.

❖ **Use of Outside Areas**

The situation of gardens and play areas should be given careful consideration if they are intended for the use of patrons, and the risk of disturbance to neighbouring properties should be minimised. Remember that noise from outside areas such as shouting or loud voices, can often be more noticeable in the evening due to the lower background noise.

Outside parts of the premises should be used sensibly, and only when the premises is open. Outside areas should not be used by patrons after dark. In this way, noise levels can be kept at a minimum.

Any use of the outside area could have an adverse effect on nearby properties. The use of loud speakers outside should be kept to a minimum and if the outside area is going to host music for events such as a wedding reception etc. then the surrounding community should be informed and the noise levels should be kept to an acceptable level. The same should be done in the event of hosting a fireworks display.

❖ **Use of Car Parks and Access Roads**

Vehicles often create noise disturbances through stereos, slamming doors, revving engines, beeping the horn and screeching of tyres. This type of noise only usually becomes a problem when patrons are leaving the premises in the late evening. CCTV can often provide a good method of monitoring the situation although this can be costly.

Notices should be put in the car park area asking patrons to leave quietly. Signs on the access roads may be provided directing patrons to the car park to avoid on road parking and congestion. The car park should not become an area for congregations of patrons with associated anti social behaviour.

❖ **Plant and Machinery**

Ventilation systems and air conditioning units enable windows and doors to remain closed to control noise emissions from the premises, but these machines can cause noise problems of their own. The units can create noise due to the large external units that are usually roof mounted without any kind of shielding. They are often fan-driven and can cut in and out at random both

during the day and the evening. Noise may also be created when starting or shutting down the machine.

Externally located machinery should be positioned in such a way that nearby premises are not affected by any noise created. Equipment that requires it should be mounted on anti vibration mounts to minimise the transmission and silencers and hoods should be fitted to ventilation and extraction equipment to decrease the noise levels from the premises. Regular maintenance should be carried out on all equipment to ensure that disturbances are kept to a minimum.

❖ **Delivery, Collection and Storage**

Most licensed premises will receive commercial vehicles onto their premises for deliveries and collections. If these visits occur early in the morning then disturbances are likely. Sites for loading, unloading and storage areas should be appointed trying to minimise the need for vehicle manoeuvring.

Delivery and collection times should be limited to appropriate times of the day when they are likely to cause the least disturbance so evening deliveries of kegs and bottles would not be appropriate.

Lighting situated outside in garden and car park areas could cause problems for the properties in the surrounding area, although adequate lighting is a health and safety requirement the lighting used should be kept to a minimum and only used when the premises is open.

An adequate number of waste bins should be provided in the outside areas to reduce the chances of littering occurring.

2. Litter and Waste

What Does the Law Require?

The law controls the storage, collection and disposal of litter in the following ways:-

- Waste must not be deposited or accumulated to cause or be likely to cause a statutory or public nuisance
- Waste producers have a *duty of care* to ensure that waste is properly controlled while in their possession
- Waste must be collected by a licensed waste carrier
- Waste must not be dumped in the open air
- Waste must not accumulate in common yards or passages
- Waste must not provide harbourage for pests including rats and mice.

Identifying the Problem

Litter and waste can attract vermin and insects, can pose slipping hazards and similar for staff and customers alike, and can harm the reputation of the premises concerned. Depending upon the nature of the business, litter and waste may arise from the following:-

- Waste produced by the premises
- Packaging of food and drink and other litter discarded by patrons / customers
- Promotional leaflets etc., particularly those left on car windscreens.

What Can be Done to Minimise the Problem of Litter and Waste?

Careful consideration should be given to the following:-

- Ensure there are adequate storage facilities for waste
- Keep packaging to a minimum, always ask if customers really want a bag
- Carry out regular litter patrols if necessary
- Limit the use of promotional leaflets, and position litter bins in areas where such material is likely to be discarded.

3. Odour

What Does the Law Require?

Odours should not cause nor be likely to cause a statutory or public nuisance.

Identifying the Problem

Depending upon the type of premises, the two main sources of odour are likely to be from:-

- The storage of waste on the premises
- Food and the smell of cooking

What Can be Done to Minimise Odours?

Careful consideration should be given to the following, as appropriate:-

- The use of large, lockable bins

- Cleaning the storage area and bins regularly
- Ensuring waste is removed from the premises by a reputable waste carrier
- Reviewing the adequacy of kitchen extraction systems – *detailed guidance is contained in 'The Control of Odour and Noise from Kitchen Extraction Systems' available from the Department of the Environment, Food and Rural Affairs (DEFRA)*

Useful References

Good Practice Guide on the Control of Noise from Pubs and Clubs, Institute of Acoustics, March 2003

www.ioa.org.uk

Licensed Property: Noise Control. Effective Management of Noise from Licensed Premises, British Beer and Pub Association

www.beerandpub.com

Guidance Notes for the Reduction of Light Pollution, Institute of Lighting Engineers, 2000, Revised May 2003

www.ile.org.uk

Voluntary Code of Practice for the Fast Food Industry (DEFRA Consultation Draft Document 2003)

Control of Odour and Noise from Commercial Kitchen Exhaust Systems

www.defra.gov.uk

Note that this guidance has been produced for your information only. It should not be taken as an authoritative interpretation of the law, as only the courts are able to decide points of law.