



Guidance Notes on Noise Control for Temporary Event Notices

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Introduction

This document provides guidance for persons who are applying for Temporary Event Notices, on the avoidance of noise and other public nuisance issues from their events/premises.

You should be aware that there is a legal duty to prevent noise 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 enforcement action/service of notices and /or legal proceedings.

Premises users should take a proactive approach to prevent possible noise nuisance. Communication with residents and providing an adequate response to their concerns, can prevent noise complaint. If there is a history of complaints it can be beneficial to hold regular liaison meetings with local residents.

This guidance suggests ways to avoid noise nuisance and so maintain good relations with your neighbours. It will also enable you to formulate a noise management plan and operating schedule to prevent causing a noise nuisance and meet also meet the Council's licensing objectives under the Licensing Act 2003.

Typical Sources of Noise

The sources of noise giving rise to complaints from local residents vary 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, pub gardens, fireworks and from people outside the premises.

Experience shows, however, that the majority of 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.

While each situation is judged on its own merits, the close proximity of neighbours to some establishments may mean that they are simply not suitable for the chosen entertainment. It is important to ensure that the location and structure of your premises is suitable for the entertainment you intend to provide.

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 frequent basis at any time, should be controlled to such a level that the noise will be inaudible, with windows partly open for ventilation, 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. We appreciate that the information is quite detailed and not all of the areas covered, will be of relevance to all situations, however we would ask that the information is considered and every effort is made to ensure that the entertainment held under the TEN, does not cause a nuisance to neighbouring properties.

Building Structure, Design and Layout

- Openings in the structure of the premises, such as windows, doors and vents will allow the noise to escape easily. Openable windows should be kept closed during events, including windows serving adjacent rooms especially if they are near noise sensitive properties. Ensure that doors are not opened unnecessarily during events. Acoustic lobbies to doors often provide good noise control.
- Ventilation grilles provide no resistance to the transmission of noise unless acoustically treated e.g. by fitting acoustic baffles or attenuators.
- 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 etc and those parts of the premises where high levels of music are played will minimise the noise in these acoustically weak areas and help to reduce noise breakout.
- Marquees afford very little sound attenuation and if sited close to noise sensitive premises noise nuisance is likely. Careful consideration should therefore be given to the type of entertainment that is held within such structures and the presumption is that they will not be suitable for high levels of amplified music.
- 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

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.

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: with regular monitoring and control 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. Existing non-sensitive buildings, barriers and natural features can provide effective screening and should be used, wherever possible. If such structures are unavailable then an alternative boundary acoustic screen should be provided adjacent to noise sensitive premises. Further information on outdoor events is available in the document 'Guidance on Noise Control for Concerts and Outdoor Events'.

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 with 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 quieter external environment.

Control of closing times between nearby premises can help prevent patrons cruising from one closed premises to another with later opening hours. 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-types of music at a 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.

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.

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, e.g. an hourly check of music noise levels at the nearest noise sensitive premises or at specified locations which are representative of the noise at the nearest noise sensitive premises.

Staff Training

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

Live Music Act 2012

The above act removes licensing requirements for:

- Amplified live music taking place between 08.00 to 23.00 in or on licensed premises and also deregulated workplaces for audiences up to 500.
- Recorded music taking place between 08.00 to 23.00 in or on licensed premises (but not workplaces) for audiences up to 500.
- Unamplified live music taking place between 08.00 to 23.00, with no audience limitations in all venues.

A full listing of deregulated activities can be found by searching Live Music Act 2012 at GOV.UK

Where licensable activities (such as the sale of alcohol) continue to take place on the premises, any existing conditions on the Licence that are related to the now deregulated activities will be suspended and shall not have effect.

Noise regulation, under other forms of legislation, such as Anti Social Behaviour Legislation or the Environmental Protection Act 1990 still apply. Local Authority Environmental Protection Officers will investigate complaints of noise and take enforcement action as required.

It is also possible, if necessary, to impose new conditions or re-instate license conditions upon a formal Review of any Premises License.

A Temporary Event Notice application will need to be made for sites that do not hold a Premises License or it is intended to carryout the deregulated activities outside of the specified hours.

Acknowledgement: This advisory leaflet is largely based upon an article entitled “The Control Of Noise From Licensed Premises”, by Dani Fiumicelli, Principal Consultant in Noise and Acoustics at Casella Stanger, in the July 2004 edition of “That’s Entertainment” (published by the Society of Licensing Practitioners).

Useful References:

Code of Practice on Environmental Noise Control at Concerts 1995

Department of Culture, Media and Sport, Deregulating Entertainment Licensing Dec 2013

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

British Beer & Pub Association, Effective Management of Noise from Licensed Premises, 2003. www.beerandpub.com/content.asp?id_Content=992&id_ContentType=1