



CONTROL OF NOISE FROM LICENSED PREMISES

When applying for a premises licence under the Licensing Act 2003, Torbay Council requires that an Operating Schedule be submitted with the application detailing how public nuisance, including noise, will be prevented.

This leaflet 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.

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.

Other than in exceptional circumstances, the Torbay 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 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 noise control measures could form part of the Operating Schedule, examples of which are included in Appendix 1 to this guide.

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 measures are implemented. However, the following general principles will apply in most licensed premises.

- Openings in the structure of the premises, such as windows, doors and vents will allow the noise to escape easily. Windows if retained, should preferably be non-opening 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. If reliance is placed on open windows for ventilation then 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 e.g. 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 where very high levels of amplified sound will be played, or buildings are constructed of lightweight materials, there may be 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 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. 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 Torbay Council Planning and Development department to find out whether permission is required.

Electronic Noise Limiters

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

1. *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 if 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 electrical circuit under the control of the limiter. Care needs to be taken that these units are not circumvented.

2. *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.

Benefits:

- Difficult to circumvent
- Virtually impossible to detect when attenuation is being applied; so customers, DJs etc are rarely aware of their operation.

Drawbacks:

- A permanently installed in-house sound system is needed for best results.
- MNLs can increase if more sensitive loudspeakers are substituted for those used when pre-set amplifier power output threshold was fixed.

Examples of noise limiters are available from the Environmental Protection Team at Torbay 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.

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.

Plant and Equipment

Noise from plant and equipment, such as chiller units and ventilation plant etc, at licensed premises can also cause problems. When choosing or installing external plant or equipment, consideration should be given to that which is least noisy.

When installing plant or equipment, a position as far away as possible from residential premises should be chosen. Regular maintenance and repair are also important in making sure that the noise from such plant or equipment is kept to a minimum.

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. Operation times should be controlled by automatic timers.

Delivery of Goods, Collection of Waste, Cleaning and Bottling Out

As a general rule, noisy activities such as deliveries, collection of waste, cleaning, etc 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, e.g. 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. Wherever possible these activities should be rescheduled for during the day.

Fireworks

Torbay Council Environmental Protection department 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 also 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. These regulations are enforced by the Police.

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.

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 Torbay Council shall 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 (bass beat) from entertainment, as this is a frequent source of complaint.

A list of local acoustic consultants who are members of the Institute of Acoustics is attached as Appendix 2 to this guide. **Please note this list is supplied purely for the convenience of the recipient and that Torbay Council is neither endorsing nor otherwise commenting on the qualification of any of the acoustic consultants. Torbay Council will not accept liability for any claims that may arise out of any contract between a person and any consultant whose name appears on this list.**

Alternatively a full list of members is available from the Institute of Acoustics, www.ioa.org.uk; Tel 01727 848195.

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 Torbay 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 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, 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.

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 measures and made aware of internal procedures for assessing and controlling noise and dealing with complaints.

Useful References:

Code of Practice on Environmental Noise Control at Concerts 1995

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

EXAMPLES OF NOISE CONTROL MEASURES

Making the Application

The more detailed the operating schedule, the less chance that objections will be made to your proposals. In particular, where regulated entertainment is held on an occasional basis then you should state the maximum frequency of events. The reason for this is that a much higher level of noise control is expected in cases where events are held on a frequent basis and/or extend beyond 23:00 hours.

Examples of noise control measures (See Section P of the Application Form)

The following statements are examples of noise control measures, which illustrate some of the types of controls that the applicant may wish to include in their operating schedule. Whereas these control measures will be appropriate in many situations, it must be stressed that these are given as examples only and will not be appropriate for all situations.

Prevention of Public Nuisance

Noise from Regulated Entertainment

Noise or vibration will not emanate from the premises such as to cause persons in the neighbourhood to be unreasonably disturbed. In general terms, noise from the premises should not be audible within any noise sensitive premises (e.g. dwelling) with windows open for normal ventilation especially after 11pm. This will be assessed from the boundary to the nearest residential properties, on all sides of the licensed premises.

The volume of amplified sound used in connection with the entertainment provided shall at all times be under the control of the Licensee/Management and the controlling mechanism shall be operated from a part of the Premises not accessible to the public.

A noise limitation device is installed to control the system to which all amplification equipment is fitted. This device will be regularly maintained to ensure that the noise produced within the premises will not be audible within any residential premises in the vicinity.

A senior member of staff (manager) will assess the impact of any noisy activities on neighbouring residential premises at the start of the activity/entertainment and periodically throughout the activity/entertainment to ensure levels of noise have not increased.

Doors and windows will be kept shut during entertainment. To reduce noise break out. A management scheme will be in place to ensure this situation remains. *(This may have negative effects on levels of ventilation and temperature.)*

Entrances are provided with lobbies with automatic door-closers. The lobbies are in use throughout the time of entertainment.

Noise from Customers

Patrons will be asked not to stand around talking in the street outside the premises or any car park; and asked to leave the vicinity quickly and quietly.

Door staff will be positioned at exits, particularly at closing times to ensure noise from patrons leaving the premises is minimized.

As far as is practical, that persons on or leaving the Premises and using adjacent car parks and highways will be reminded to conduct themselves in an orderly manner and do not in any way cause annoyance to residents or persons passing by.

Noise from Plant and Machinery

Provision of mechanical ventilation and air conditioning system will not allow noise breakout from the premises or cause a nuisance by its operation.

Regular maintenance will be carried out on all plant and machinery to ensure that noise disturbance from such sources is kept to a minimum.

Regards will be had to BS 4142 rating industrial noise affecting mixed residential and industrial areas and the Institute of Acoustic good practice guide on the control of noise from pubs and clubs.

Delivery/Collection/Storage Activities

The handling of beer kegs, bottles and other similar items will not take place in the late evening, at night and during the early morning, when the noise generated could cause a nuisance particularly outside buildings.

Bottle skips and bins containing cans or bottles will not be emptied outside after closing but will be dealt with the next day during normal office hours.

The placing of refuse, such as bottles, into receptacles outside the premises takes place at times that will prevent disturbance to nearby properties.

Deliveries of kegs, bottles, food or other materials necessary for the operation of the business will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.

Use of Gardens, Play Areas and Outside Areas

The use of gardens and external play areas will not commence before the start of normal trading hours and will cease at dusk or at 21.00hours, whichever is the earlier.

LOCAL ACOUSTIC CONSULTANCIES

(Source: 2008/09 Institute of Acoustics Register of Members)

1. Atkins Acoustics, Noise & Vibration (ANC)

The Octagon, 2nd Floor, Pynes Hill Court, Rydon Lane, Exeter, DEVON, EX2 5SP

Tel: 01392 352900

Fax: 01392 352999

Email: alan.beaman@atkinsglobal.com

Large architectural and engineering consultancy covering all aspects of acoustics, noise and vibration including noise mapping software.

A T Fletcher AMIOA, C S May TechIOA, L M Smith TechIOA

Tel: 01803 856880

Email: rogerjones82@tesco.net

Consultants specialising in planning, construction and transportation noise.

R D Jones FIOA

2. ENG2 Limited

West Hayes, Widecombe-in-the-Moor, Newton Abbot, DEVON, TQ13 7TR

Tel: 07970 129472

Fax: 01364 621279

Email: rcasey@eng2.co.uk

Investigation, analysis, reporting and specification for energy systems. Conventional, renewable and CHP-based Energy Plant.

R G Casey CEng MIOA

7. S B Consulting

2 Drovers Way, Ivybridge, DEVON, PL21 9XA

Tel: 07977 418945

Email: sbonline@tiscali.co.uk

Independent engineering and acoustics consultancy specialising in occupational noise/vibration, environmental impact assessments, and building acoustics.

S D Bruce CEng MIOA

3. Environ UK Ltd

Swallow Court, Devonshire Gate, Tiverton, DEVON, EX16 7EJ

Tel: 01884 842010

Fax: 01884 842011

Email: acoustics@uk.environmentcorp.com

International multi-disciplined environmental consultancy providing a wide range of noise and vibration services.

M Butler MIOA (D) (W) (E), S M Butler AMIOA (D) (W) (E), S L Pitt (E)

8. Soundguard

3 Rectory Park, Bideford, DEVON, EX39 3AJ

Tel: 01237 478142

Email: info@soundguard.co.uk

Industrial and environmental noise assessment, ADE testing, noise control, employee hearing screening, employee training, custom hearing protection.

R S Shaddick MIOA (D) (W)

4. Ian Sharland Ltd

Bampfylde House, Poltimore, Exeter, DEVON, EX4 0AF

Tel: 01392 469090

Fax: 01392 469030

Email: peter@iansharland.co.uk

Consultants in environmental, industrial and commercial noise assessment, prediction, control and engineering

P J Ashford MIOA, J Hammond TechIOA, E Oxborough TechIOA

9. University of Exeter

Centre for Energy and the Environment, Physics Building, Stocker Road, Exeter, DEVON, EX4 4QL

Tel: 01392 264144

Fax: 01392 264111

Email: d.a.coley@ex.ac.uk

Consultancy and research in building and environmental acoustics. School design (BB93) for local authorities and others.

Dr D A Coley MIOA

5. NSL Consultancy Ltd

Unit 2 Woodleys Drive, Exeter Road, Newton Poppleford, DEVON, EX10 0BJ

Tel: 01395 567479

Fax: 01395 567478

Email: nslnoise@aol.com

Consultants in environmental noise and vibration, refrigeration and building services acoustics, architectural acoustics and planning.

N J Fowler MIOA, S J Fowler MIOA (D)

Fax: 01392 469030

10. Anderson Mitchell

Berkley Way Cottage, Clink Road, Frome, SOMERSET, BA11 2EL

Tel: 01373 451688

Email: info@sound-hound.co.uk

Consultancy specialising in assessments for planning, noise at work, licensing and event monitoring and control.

A S Anderson MIOA (D) (W) (E)

6. Roger D Jones

Environmental Technology Consultant, Top Gallant, 71 Wall Park Road, Brixham, DEVON, TQ5 9UF

11. Environmental Acoustics

92 Bristol Road Lower, Weston-Super-Mare, SOMERSET, BS23 2TN

Tel: 01934 633284

Fax: 01934 420786

Email: info@environmental-acoustics.co.uk

Planning, entertainment & industrial noise, noise at work, public entertainment licensing, local authority noise enforcement

K S Horton MIOA

12. Fleming & Barron (ANC)

15 Gay Street, Bath, SOMERSET, BA1 2PH

Tel: 01225 326360

Fax: 01225 311362

Email: mail@flemingbarron.co.uk
*Building acoustics, auditorium acoustics,
environmental and industrial noise; planning and
design.*
Dr M F E Barron MIOA, Dr D B Fleming, A Meister
MIOA, P M Smith AMIOA

13. Graham Rock Acoustics

14 Galmington Drive, Taunton, SOMERSET, TA1
5AD

Tel: 01823 335862

Fax: 01823 335862

Email: graham@rockacoustics.co.uk

Independent consultant and expert witness.

*Environmental noise and vibration, transport noise,
occupational noise, building acoustics, planning.*

G A A Rock MIOA

**14. Paul Jackson Consulting and Sailing
Ltd**

3 Homefield, Bishops Lydeard, Taunton,
SOMERSET, TA4 3UA

Tel: 01823 433813

Fax: 01823 433214

Email: paul@judith.jackson@btopenworld.com

*School and housing acoustic design. Noise
nuisance and environmental noise control.*

P T Jackson MIOA (D) (W)

15. Peter Brett Associates

Lakeside House, Blackbrook Business Park,
Taunton, SOMERSET, TA1 2PX

Tel: 01823 445150

Fax: 01823 445151

Email: hradcliffe@pba.co.uk

*Multi-disciplinary engineering
consultancy. Specialists in environmental noise,
building acoustics and vibration*

R S Carter AMIOA (D), M A Malik AMIOA, E Olmos
AMIOA, T R Olver AMIOA, S M Sheridan CEng
MIOA (D)

Please note this list is supplied purely for the convenience of the recipient and that the Council is neither endorsing nor otherwise commenting on the qualification of any of the acoustic consultants. The Council will not accept liability **for any claims that may arise out of any contract between a person and any consultant whose name appears on the list.**

This list is not intended to be an exhaustive list of acoustic consultants. Further information is available from the Institute of Acoustics at www.ioa.org.uk