



New Forest
DISTRICT COUNCIL

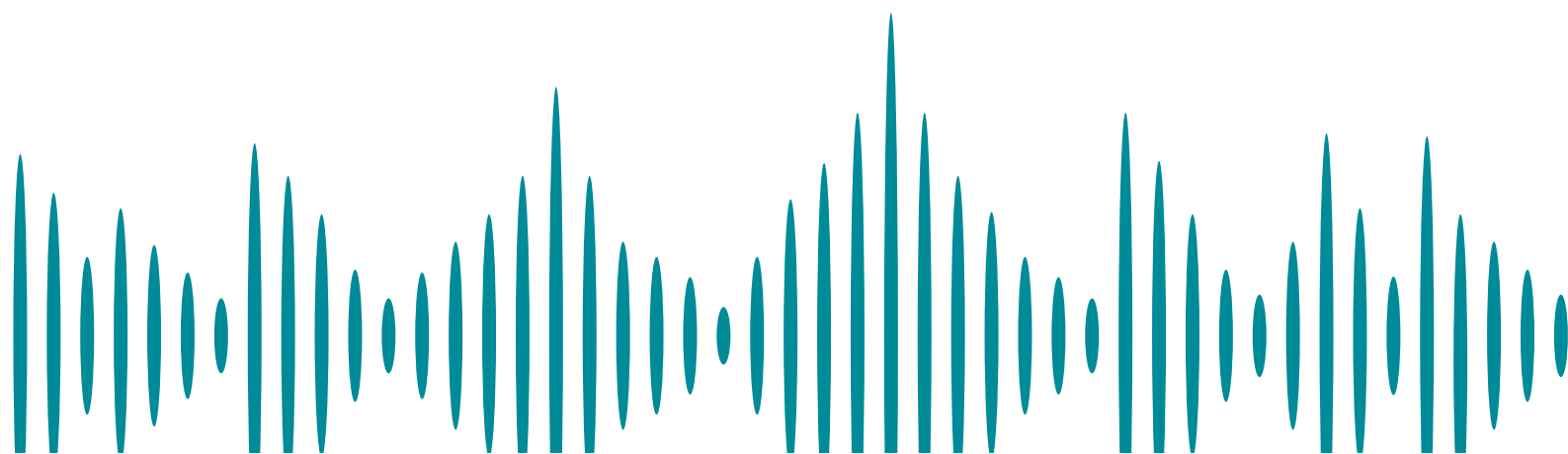
Managing noise from licensed premises

How to reduce noise impact and
the likelihood of noise complaints



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Introduction

Noise from licensed premises can often result in New Forest District Council receiving complaints from residents.

The purpose of this guidance is to:

- assist landlords, licensees, designated premises supervisors (DPS) and breweries on how to identify potential sources of noise from their premises,
- provide advice on how to reduce and effectively manage the noise impact, and
- reduce the likelihood of noise complaints being made.

The sources of noise from licensed premises which typically result in complaints include music, customers, equipment, deliveries, and events.

Problems usually arise when noise breaks out from a licensed premises, impacting on nearby residential properties or when noise is transmitted through the structure of a licensed premises to adjoining structures.

The council's role is to investigate all complaints received, taking a staged approach with the aim to informally resolve issues wherever possible. However, at times it may be necessary to take more formal action to improve the situation and reduce the noise impact.

The council would always encourage those responsible for licensed premises to contact environmental health and licensing teams to discuss any concerns regarding noise from their premises as soon as possible.

Post pandemic

Many operators have been keen to make the most of their premises since the pandemic, to help with the losses incurred during this time. This may be using outside areas more frequently or differently, looking at the licensable activities they have on their existing licence or seeking to vary their licence to allow more activities to take place or over different times.

If you are thinking of changing your operation, then you will mostly likely require a variation to your licence. In the first instance, it is recommended that you seek advice from the Licensing and Environmental Protection teams at the Council, particularly if the changes to activities or increased timing are likely to affect residents. Conditions may be suggested to reduce (mitigate) any impact on residents and further advice can be provided for applicants.

During the pandemic, communities became used to the quiet of closed premises and as businesses reopened and increased the use of their property, it has created some conflict with residents. However, it is important to achieve a good balance between supporting businesses and protecting the local community. This guidance seeks to assist licensed premises operate successfully without impacting negatively on their community.

Noise

The sources of noise from licensed premises which give rise to complaints from residents vary, but can include:

- Music
- Outdoor areas including beer gardens, play areas, smoking areas, and car parks
- Plant and machinery
- Deliveries
- Customer noise (inside and outside of premises)

Most complaints are because music is audible in nearby or adjoining noise sensitive premises (such as residential properties) however it is important to consider noise from all the above sources. In addition, the building structure, design, and layout should also be considered with regards to noise and its suitable control.

Noise control measures, and systems for monitoring and reviewing them will vary according to what is practicable, the size and nature of the business and the location of noise sensitive receptors. Noise that is determined as being acceptable will also vary depending upon the time of day, nature of the activity and existing background noise levels.

The following sections highlight potential noise sources and outline practical control measures to reduce the risk of unacceptable noise. These measures could form part of the 'operating schedule' or 'noise management plan,' or may already be imposed as a condition on the premises licence.



Live and recorded music

The break-out of music from licensed premises, whether it be an in-house entertainment system, juke box, live music, dj or karaoke, is the most common complaint received by environmental health.

Whilst the type and volume of the music may be acceptable to those on the premises, it can be intrusive to others in the surrounding area.

Often, music, and associated noise, tends to rise during the event and is especially noticeable later in the evening when background noise levels drop.

Other than in exceptional circumstances, the council expects that noise associated with live and recorded music taking place between 23:00 and 09:00 or which takes place on a regular and frequent basis at any time is controlled to such a level that the noise will be inaudible inside noise sensitive properties (residential properties) in the vicinity of the licensed premises and does not cause a nuisance.

The following points and control measures should be considered at the premises when music is provided for customers:

- How often you intend to have music and what type of music (such as a mix of recorded and live music).
- The location of the music - will it be inside where noise controls are easier to implement or outside?
- Music with a significant bass or low frequency element can often lead to a disturbing audible bass beat at residential properties.
- Acoustic (unamplified) music or smaller amplified groups will usually be quieter and may be more appropriate for the premises or certain locations such as outside.
- The type of music played at your premises must be taken into account to prevent noise nuisance. It is good practice to research a band/vocalist who has been booked to perform at a premises (or prior to booking). Management is encouraged to attend a performance at another premises if the band are new to a premises to ascertain the volume, set list and audience profile. This may provide useful background and determine if measures need to be in place.
- Inform performers of any noise problems and associated controls and monitor their compliance
- Review the location, direction and number of speakers and relocating speakers which are adjacent to wall or ceiling mounted extractors
- Mount speakers on rubber or similar material to reduce transmission into the main building structure
- Provide an automatic cut out device (noise limiter) which will cut out when the noise goes beyond a pre-set noise level inside the premises. The pre-set noise level should be set at a level that does not cause a noise nuisance to local residential properties
- Quieten the music towards the end of the evening
- Consider how you intend to assess and control the noise levels from music
- Advertise music events in advance to inform the local community
- Plan your music events in advance.

Outdoor areas

This includes noise from:

- Beer gardens and outside television screens
- Smoking shelters
- Play areas
- Car parks
- Marquees

These areas are more likely to cause problems in the summer months. Consideration should be made when siting outdoor areas to help reduce noise disturbance to residents.

Music held in outside areas is considerably more difficult to control when compared to holding music inside a premises, and therefore careful planning is recommended. It is important to note that marquees offer limited noise control and should not be considered as a form of noise control unless the structure is acoustically insulated.

The following points and control measures should be considered with regards to outdoor areas:

- The number/ frequency of music events and the timings. These are considered the best controlling factors for the prevention of nuisance
- Regular monitoring and control of noise from outdoor areas.
- Point speakers away from the most noise sensitive premises and position any stages as far away from residential properties as possible.
- Screening by buildings or by the erection of walls or close-boarded fences can help reduce disturbance to neighbours.
- Appropriate management of outdoor areas to prevent excessive customer noise and to move customers away from outdoor areas quickly
- 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.
- The use of CCTV to assist in managing outdoor areas

Plant and equipment

Most licensed premises will have mechanical ventilation/ extraction units, air conditioning units, chiller units and beer pumps.

These often include external units that will operate automatically day and night and noise from these units can cause noise problems.

The following points and control measures should be considered with regards to plant and equipment:

- When choosing or installing external plant or equipment, consider selecting plant or equipment that is as quiet as possible.
- Choose a position which is as far away as possible from residential properties.
- Regularly maintain and repair the plant and equipment.
- Restrict any airborne noise from plant and equipment using specifically designed and installed silencers and/or acoustic screens or enclosures if they cannot be relocated. Mount equipment on anti-vibration mounts.
- Switch off plant and equipment when not in use, particularly at night.
- Control plant and equipment operation times by automatic timers.

It is advised that the relevant planning department is contacted to discuss any requirements for planning permission for new external plant or existing plant being moved on site.



Customers

Licensees can be responsible for noise problems arising from customers on their premises (including in smoking areas) and in the vicinity (such as whilst waiting for taxis).

Controlling the impact of noise from customers is usually a careful mix of location, design, operation and management of licensed premises.

The following points and control measures should be considered

- Customer noise tends to be less of a problem for premises that attract a mixed clientele.
- Control of closing times between nearby premises can help prevent customers cruising from one closed premises to another later opening premises. This helps a more even distribution pattern of customers 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 customers to leave in a less rowdy manner, spread over a longer period so that the peak number leaving, and peak noise, are reduced.
- Provide notices at exits requesting the co-operation of customers can also help to reduce noise.
- Do not allow customers to congregate on your premises, such as in car parks, after leaving
- Customers waiting for lifts or taxis should be encouraged to wait inside the premises at the end of the evening, however management must ensure that all customers are off the premises by the time stated on the premises licence.
- Employ door supervisors to manage customers, particularly their movement. In some cases, specially trained staff may also be used to patrol the surrounding area to help control noise from customers.

Deliveries and collections

Daytime deliveries to and collections from premises are less likely to cause noise problems than those during the evening, night or early hours of the morning, therefore noisy activities should be carried out during the working day wherever possible.

The following points and control measures should be considered with regards to deliveries and collections:

- Refuse and empty bottle/barrel storage areas should be positioned away from residential properties and preferably screened or enclosed.
- Activities early in the morning or late at night close to residential premises should include measures that minimise noise, e.g. Use of padded mats where beer barrels are dropped, careful handling of empty bottles and crates, and careful moving of empty beer barrels and waste.



Building structure, design and layout

The building itself should also be considered in terms of its structure, design and layout.

These factors may limit the choice of music or activities being undertaken at the premise or identify a requirement for future investment to prevent a noise nuisance.

Whilst each premise is unique, the following general principles will apply to most licensed premises.

- Openings in the structure of the premises, such as windows, doors and vents will allow noise to escape easily. Openable windows must be kept closed during music events, including windows serving adjacent rooms especially if they are near noise sensitive properties. Consideration should be given to upgrading glazing to secondary or double glazing and / or installation of window boards during music events.
- Artificial ventilation may need to be provided.
- Acoustic lobbies to doors often provide a good degree of noise control and are particularly useful to minimise the variation in music noise caused when doors are frequently opened. 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.
- Consideration to which doors should be in use during events for entry into and out of the premises. Ensure doors are not opened unnecessarily during music events – these could be alarmed to alert staff when they are opened 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.

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Building structure, design and layout, continued

- 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 restrict noise levels in these areas and help reduce the break-out of noise.
- Where entertainment premises are physically joined to a noise sensitive property the 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 property. In some circumstances, extensive specialist sound insulation works and tight control of the music noise levels are the only option.
- Consider appropriate location of speakers both inside (to reduce break out of noise from premises) and outside (direct away from noise sensitive premises and hard reflective surfaces).

In some circumstances the advice of a specialist acoustic consultant may be required to ensure adequate noise control measures are identified. A list of local acoustic consultants who are members of the institute of acoustics is available from the council. A full list of members is available from the Institute of Acoustics, www.ioa.org.uk.

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.



Additional considerations

Management of premises

- 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.
- If the DPS is not on the premises on site, staff should always know how to contact them, if required.
- Have someone on site who is capable and has knowledge of the CCTV (if installed).
- The development of a specific noise management plan is recommended to document all systems to be implemented and maintained at the premises to ensure noise is effectively managed.
- It is important that managers of the premises seek to rectify problems with noise reported to them by residents or New Forest District Council. Dealing with issues proactively at an early stage can prevent problems escalating. Continuing disruption to residents can often interfere with their quality of life and potentially lead to enforcement action.
- If a premises is leased or tenanted, it is advisable to contact the brewery, as they can offer support and may be able to assist with structural changes. A close working relationship with the area manager is helpful, as often the brewery only become aware of issues later in the process, when communication has broken down and the options to resolve the issues become limited.

Noise management plan

A noise management plan can be a useful way of effectively controlling noise from a variety of sources on the premises by documenting noise policies, training requirements, working practices, specific noise restrictions and monitoring requirements.

A noise management plan is an excellent way to demonstrate that noise from the premises has been appropriately assessed and systems are in place to control noise levels to acceptable levels.

A noise management plan should be routinely checked and updated as required and can be used to demonstrate the premises is following its' own procedures and policies. An example of the expected detail of a noise management plan is available in appendix a.



Liaison with residents

Licensees are encouraged to build and maintain a good working relationship with residents 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 licence in the future.

Consideration should be given to the following measures with regards to liaising with residents:

- Methods should be set up for logging and responding to noise complaints from residents within appropriate time limits. Maintaining an incident book is useful
- Informing nearby residents if a special event involving music or extended hours is being held, what the impact for them is likely to be and what measures will be in place to minimise disturbance
- Direct communication early with residents is encouraged to prevent an issue from escalating
- Management should consider supplying a contact phone number for residents to call if the music at a premises is causing them a disturbance.

Noise limiters

Noise limiters can be useful in controlling amplified noise levels within the licensed premises.

There are two main types of noise limiter:

1. Microphone controlled- these units continually monitor the music noise levels (mnl) 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 circuit under the control of the limiter. Care needs to be taken that these units are not circumvented or tampered with once set.
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.

Fireworks

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 year's eve and midnight on 5 November. These regulations are enforced by the police. The council may also prohibit or restrict the use of fireworks at licensed premises or licensed events because of the widespread nuisance they can cause to the public.

The council's guidance on 'Planning an Event' newforest.gov.uk/article/1379/Planning-an-Event should be specifically referred to with regards to the consideration, assessment and mitigation of noise from outside events such as music festivals, beer festivals or charity events held at premises.

Legislation and noise

Role of New Forest District Council

Officers from the council are available to provide advice on licensing or noise issues and can support the premises in resolving issues informally. This is especially useful if the management are new to the premises or area and is recommended if the premises receives complaints concerning alleged noise or management issues.

In the event of a complaint being received by New Forest District Council, officers will investigate the complaint either in terms of a Statutory Nuisance (environmental health team) and / or as a potential breach of the premises licence (licensing team). New Forest District Council takes a staged approach to any complaint received concerning a licensed premises and will always attempt to work with the premises to informally resolve any determined issues. However, should this approach not be successful, the council will have to consider more formal enforcement options as is our duty under legislation.

Nuisance

Noise from licensed premises can be considered to be a Statutory Nuisance which is defined in part III of the Environmental Protection Act 1990. The law requires the council to investigate complaints of this nature and can serve an abatement notice where noise is considered by officers to amount to a statutory nuisance.

The abatement notice may specify measures to be implemented to cease the identified nuisance or advise the nuisance is abated (leaving the premises to determine the most appropriate course of action). Failure to comply with the abatement notice within the time specified is a criminal offence and may result in formal action in a magistrates court.

The determination of nuisance depends on a number of factors, including (with specific reference to noise) the audibility of the noise, the frequency the disturbance occurs, for how long, the time and the impact of the disturbance. These factors will be specific for each premises depending on their location, use of space, and ongoing intentions for the premises. During an investigation, officers will discuss the nature of any complaints and request co-operation in resolving any issues. In some circumstances, the council may advise that specialist advice is required from a competent acoustic consultant, particularly where works to the structure of the building may be required or where any other specialist works/ advice is needed.

Licensing

All licensed premises must adhere to the Licensing Act 2003.

This act introduced four licensing objectives which are;

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

The prevention of public nuisance includes the suitable control of noise emitted from a licensed premises.

Premises licence applications

If you apply for a new premises licence or seek to vary an existing licence, environmental health at the council is consulted.

Officers will consider the measures the applicant has offered to prevent public nuisance from the premises and work with the applicant to resolve any concerns.

If you do not address these matters sufficiently in your application, the environmental health officer may submit a representation against the application (an objection) and/or request that additional conditions are placed on any licence granted.

It is therefore important that the application outlines the measures that will be taken at the premises to minimise the disturbance to residents. These measures could be attached as a noise management plan and should include; management control, the positioning of speakers and /or performers, the frequency of music and how the building will affect noise leakage.

If a representation is received from a responsible authority (including environmental health) or a member of the public, a licensing hearing will be held at New Forest District Council and councillors will determine the application.

The hearing will also delay the length of time the application will take to be determined.

Licence review

In addition, under the Licensing Act 2003, any of the responsible authorities (police, fire service, environmental health, trading standards etc) or an interested party such as a member of the public, may apply for the premises licence to be reviewed, should it be determined that the premise is failing to uphold at least one of the four licensing objectives.

A licensing review is held at New Forest District Council before councillors and could result in specific conditions being applied to the premises licence, a forced change of the DPS, the removal or amendment of licensable activities, suspension or revocation of the licence.



Appendix a - Example of noise management plan

1. Names, Duties, Contact Details of Responsible Persons:

Name	Position (examples provided)	Contact Details	Responsible for:
	Designated Premises Supervisor	Tel:	
	Manager	Tel:	
	Brewery	Tel:	
		Tel:	

2. **Premises plans:** Detailing plan of premises (indoors and outdoors) plus relevant locations of noise sources, for example locations of music, outside seating areas, plant etc.

3. Noise sources, mitigation and responsibilities:

Noise	Things to consider	Potential mitigation (examples for provided)	Person responsible
Music outdoors	Type of performance	Specify - Employ artists appropriate for event and location	
	Volume / Set-up of sound system	Controls at source (mixing desk; limiters; direction/location of speakers etc.)	
	Days / Hours of event	Specify. Avoid late finishes and multiple events in a short time frame	
	Monitoring	Specify. Type of monitoring. Monitoring locations. Details of log	
Music indoors	Type of performance	Specify - Employ artists appropriate for event and location	
	Volume / Set-up of sound system	Controls at source (mixing desk; limiters; direction/location of speakers etc.)	
	Days / Hours of event	Specify. Avoid late finishes and multiple events in a short time frame	
	Structure / Layout of building	Further soundproofing / insulation. Locate performance elsewhere in building	
	Doors, windows, vents etc.	Specify - Keep closed at all times during performances; Fit acoustic baffles to vents	
	Monitoring	Specify. Type of monitoring. Monitoring locations. Details of log	
External areas (seating, shelters, marquees, play areas, gardens, car parks etc.)	Location	Don't locate near noise sensitive receptors. Detail on plans	
	Times of use	Specify. Limit usage avoiding late night use. Set-up / clean down – carry out at reasonable hours. Limit loitering after hours. Door staff to ensure patrons leave quietly and on time. CCTV.	
	Structure	Further soundproofing / insulation. Rubber feet to furniture.	
	Patron and children noise	Restrict hours of use – specify. Door staff. Signage. Supervision. Games monitored	
	Traffic / Car park use	Controlled parking. 'no stereo' rule for vehicles leaving? Hire of responsible public transport.	
Working practices (deliveries &	Delivery noise	Acceptable days and hours – specify (i.e., Mon-Sat 0800-1800 no Sundays/Public Holidays)	

collections; staff members etc.)	Staff members	Train staff. Ensure staff members are aware of any licensing conditions. Request they arrive and leave quietly.	
	Waste, recycling, bottles etc.	Ensure responsible company(ies) used and they collect/deliver within reasonable hours. Staff members to empty bins / bottle bins during reasonable hours as aforementioned. Waste storage located away from residential properties.	
Plant / machinery (fans, air con, refrigeration, extract systems, generator etc.)	Noise from plant and machinery. Type of noise.	Where possible ensure located away from noise sensitive receptors. Ensure a good maintenance programme is in place. Acoustic hoardings / silencers are fitted where applicable.	
Complaints	Staff member response / attitude towards complainant	Specify procedure. Train staff members on how to deal with complaints. Pass to DPS if required. Keep a record of complaints (what was the complaint; how it was dealt with; positive feedback etc.) Further community liaison.	

4. Monitoring record:

Date: _____ Event: _____

Monitoring observations				
Time	Staff member	Monitoring Location	Observation	Action taken

5. Complaint record:

Date	Time	Staff member	Complaint	Action taken

6. Staff training records:

Date	Staff member	Training (specify)	Trainer sign off	Staff sign off

7. Record of NMP reviews and updates:

Date of review	Review undertaken by?	Staff update?	Paperwork updated?

Useful references and contacts

- 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:
- <http://beerandpub.com/wp-content/uploads/2017/LicenseeGuidance/Licensed-Property-Noise-Control.pdf> (beerandpub.com)

The Licensing Service, New Forest District Council

Email: licensing@nfdc.gov.uk

Telephone: 023 8028 5505

Environmental Health (noise), New Forest District Council

Email: eandr@nfdc.gov.uk

Telephone: 023 8028 5411

Planning (duty officer), New Forest District Council

Telephone: 023 8028 5345 (option 1)

Planning (duty officer), New Forest National Park Authority

Telephone: 01590 646615

Email: planning@newforestnpa.gov.uk



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May 2023