



A Guide to Noise From Licensed Premises



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North Kesteven District Council

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This document was produced by North Kesteven District Council REG8701RT

What is a statutory noise nuisance?

Under environmental law a statutory noise nuisance is defined as something that affects the enjoyment and use of a person's property. There is no noise level or time beyond which is classed as a statutory nuisance; each complaint is looked at individually. A decision as to the reasonableness of the noise is made based on its volume, duration, lateness and how often it happens. Noise that is considered unreasonable, using these parameters, may be deemed a statutory noise nuisance by the Local Authority.

What types of entertainment may cause complaint?

The majority of complaints received from residents concern amplified music or voices. For example karaoke, live bands, DJ's. It is often the low frequency content of the music or "bass beat" that causes problem as this can be heard as a thumping type noise in people's homes. The bass beat can also travel for some distance and through closed double glazed windows.

What can a venue do to control noise?

There are several steps that a venue can take to pro-actively control noise.

a) Control the Noise at Source: – either through a mixing desk or by prior agreement with the band/individual responsible. You should note that the bass portion of the noise can particularly travel through structures and is a common problem cited in nuisance complaints.

b) Noise Management:- open doors, windows and non acoustic ventilation systems provide a direct path for noise. When choosing the location the entertainment is to take place, consideration must be given to required access and ventilation and balance this with keeping noise breakout to a minimum. For example, some premises

will specify an alternative entrance for customers when events are taking place, or provide additional forced ventilation in the summer to minimise the opening of doors and windows. Remember that noise is directional – an open door or window will particularly send the noise out in that direction; consider the location of noise sensitive premises.

If the event is inside, keep doors and windows closed whilst entertainment is taking place. This will reduce the likelihood of noise breakout from a venue and reduce its effect on residents.

c) Carry out noise assessments outside the venue:- Regular subjective assessments of the noise should be carried out throughout the duration of entertainment. The most effective place for this is outside near to the nearest residential properties. If the amplified music or voices are audible here it may be a statutory nuisance and should be reduced in volume. (Please see the template form adjacent which you could base your own monitoring record on to record your assessments).

Date & Time	Name of Assessor	Location of assessment	Noise audible? (if yes complete next boxes)	If noise is audible: further detail on type of noise and further action required	Implemented further action? (if so re-assess level)

d) Fit sound insulation:- There are many sound insulation products available to fit to walls, floors and ceilings. These need to be designed for a specific venue and are not usually effective if purchased independently and fitted. Double or triple glazing can be effective if fitted in preference to single glazing, however, its ability to reduce sound will still depend on how loud the music/

voice is inside the venue. In addition as soon as a window is opened, regardless of its type, the sound reduction drops significantly. Alternatively, an acoustic lobby around access doors which could give rise to problems may help.

e) Fit a noise limiting device (NLD):- This is a good method to control the noise at source. A NLD is an electronic device that is fitted inside the venue. It is connected to the power supply of the amplification system.

How it works:- The NLD has a microphone through which it constantly measures the level of noise inside the venue. If the noise exceeds a pre-set volume level the device will cut off the power supply to the amplification system, and will not allow the supply of power until it is reset. Other devices will maintain the volume at a constant level rather than cut off the power. The devices often have a visual “traffic light” system so the person using the amplification system can see if they are likely to exceed the pre-set level.

An electrical engineer contracted by the venue fits the device. Officers from NKDC Environmental Protection team will assist in setting the limiter levels if you require it, and once the volume level has been set, it must be able to be locked/made tamper proof. Please contact our team using the contact details at the end of the leaflet.

The cost is around £400- 1000 depending on type/model.

Other noises that may cause complaint:

People noise can also cause disturbance to local residents. This can occur when customers leave the premises; when they use the beer garden and when they use the smoking shelter/ area. In addition, offensive language, drunken or lewd behaviour can be considered as antisocial behaviour. Therefore, we would advise that you ensure that customers are asked to leave quietly (a sign near the exits may help); they are asked to be quiet when in the outside

areas of the premises. This should be monitored and controlled by the premises).

Licence Conditions:

On some occasions a premise licence will have specific noise conditions attached to it. The licensee will have to ensure that these conditions are met. If these conditions are found to have been breached, Officers from the Environmental Protection Team will liaise with the Licensing Team regarding their findings. This may invoke additional investigation/ action from the Licensing Team (alongside the nuisance investigation).

Officers from the Environmental Protection Team can request specific noise control conditions be attached to a Premise Licence.

Noise Nuisance Investigation:

Under Section 79 of the Environmental Protection Act 1990 the Local Authority has a duty to investigate any complaints of the existence of a statutory nuisance.

A trained officer of NKDC will assess the noise. Potential indicators of whether a noise is a statutory nuisance include whether the noise is likely to cause sleep disturbance in a bedroom at night, or whether it can be heard above a normal volume level of a television in a living room. A noise that is audible is not necessarily a statutory nuisance though it may be an annoyance to residents.

On receipt of the complaint the premises will be informed. If possible, we will try to resolve the matter informally and offer advice. If a formal investigation is necessary, and a statutory nuisance is witnessed, the Local Authority is under a duty to take formal legal action. This consists of the service of a Noise Abatement Notice on the person(s) responsible in order to prevent noise nuisance recurrence. If this is breached the person(s) responsible for the noise is guilty of an offence and may be prosecuted and fined up to £20,000.

Other options available to the Local Authority include seizing noise equipment, or seeking review of the premises licence

North Kesteven District Council seeks to support businesses, but this must be balanced with the resident's reasonable expectations and rights that they're protected from unreasonable disturbance. There is often a compromise that can be found and the Environmental Protection Team will work with all parties to try to resolve the matter to the satisfaction of everyone.

