

Licensing Act 2003

An Introduction to the Prevention of Public Nuisance

The Council regards the control of public nuisance as an essential aspect of good neighbourliness, contributing to the sustainability of residential and commercial communities.

This Guidance note is intended to assist you in completing section Q of your Lancaster City Council application form where you as the Licensee have to describe the steps you intend to take to promote the four licensing objectives. Applicants should demonstrate that appropriate measures will be taken to prevent public nuisance.

NOISE AND NUISANCE SOURCES

Applicants should consider the potential sources of noise and nuisance and the hours when they may be generated. Factors for consideration will include:

- Music and speech, whether amplified or not
- Other internal activities including public address system
- Use of open areas, for example beer gardens
- Patrons queuing
- Patrons and staff entering and leaving the premises
- Vehicles arriving, waiting, parking and departing
- Deliveries and collections
- Plant, including ventilation, machinery and associated equipment
- Building structure and fabric thereof
- Any other factors that may give rise to noise disturbance
- Litter
- Odour
- Lighting
- Fireworks

Please find over the next two pages a list of recommendations for measures to be taken to prevent public nuisance arising from the premises.

Where to contact us

You can contact us during office hours by:

Writing to:

Environmental Health Services
Lancaster City Council
Town Hall
Marine Road East
Morecambe
LA4 5AF

Telephone: (01524) 582935

Fax: (01524) 582709

Email: environmentalhealth@lancaster.gov.uk

AMPLIFIED MUSIC

Amplified music, whether played by a DJ, juke box system or by live performers must be controlled. The control measures you put in place must ensure that the music is “not intrusively loud” at the boundary of the premises, i.e. a person outside the premises should not be disturbed by the entertainment occurring inside the premises. Measures that may be used to control this type of noise include:

- Reducing the bass frequency of the noise as this is the most likely element of the music to cause disturbance.
- Ensuring all external doors and windows are kept closed other than for access and egress while amplified music is being played. All fire doors shall be fitted with audible and visual alarms to trigger when opened.
- Introducing sound limiters with an appropriate cut off point so as to prevent disturbance to neighbouring premises.
- Monitoring outside the premises by a competent member of staff to establish that the noise is not intrusively loud.
- Instructions issued in advance to performers about noise control.
- Public Entertainment Licences have traditionally limited the hours of operation for regulated entertainment to be the same as the Liquor Licensing hours, but this new regime will allow some flexibility in respect of finishing time. However consideration should be made regarding reducing the volume and tempo or stopping the music towards the end of the night.
- No music or speech shall be relayed via external speakers other than for events with prior approval of the Licensing authority.
- The use of outdoor areas must be managed to ensure that noise is controlled so as not to cause nuisance to neighbouring residents.

NOISE FROM CUSTOMERS AND STAFF

Noise caused by customers and staff entering and leaving the premises must be controlled. This type of noise can be controlled by:

- Posting notices in the premises or announcements made advising customers to be considerate towards neighbouring residents and to leave the premises quietly.
- At particularly busy premises a door supervisor should be employed to control queuing and instruct customers regarding respecting the needs of neighbouring residents.
- The licensee shall ensure that staff arriving early morning or departing late at night when the business has ceased trading conduct themselves in such a manner to avoid disturbance to nearby residents.
- Staff must be given adequate training to prevent them causing unnecessary noise when they leave the premises and prominent, clear notices must be displayed at all points where staff leave the building that instruct to respect the needs of local residents and to leave the premises and area quietly.
- Arrangements should be made for the calling of taxis, min-cabs, cars or limousine companies from within the premises and the collection of patrons by arrangement in an agreed manner to minimise disturbance.

REFUSE, LITTER AND WASTE

The accumulation of waste and litter not only makes an area look bad but it can also attract vermin. The disposal of waste can also cause a noise disturbance for example bottles breaking when they are put into bins. The kinds of measures that may be used to control this type of nuisance include:

- When food for consumption off the premises is sold, adequate waste receptacles for use by patrons shall be provided in the local vicinity. The positioning of these receptacles shall be agreed by the Council, and the responsibility for disposing of the collected waste shall rest with the licensee.
- The use of outdoor areas must be managed to ensure that littering is dealt with promptly and so does not attract rodents.
- The placing of refuse, such as bottles, into receptacles outside the premises shall take place at reasonable times, so as to prevent disturbance to neighbouring residents.
- Waste Receptacles provided for the premises must be sufficient to accommodate all of the waste produced to ensure that refuse is not left open to the air, or on the ground and so cause nuisance.
- Arrangements must be put in place to ensure waste collection contractors do not collect refuse between 1800 hours and 0800 hours.
- Guidance should be given to drivers to switch off engines during deliveries, collections and servicing, and to minimise other noise caused by their activities.

ODOUR

Cooking odour and noise can arise from extraction systems and this nuisance must be controlled. The kinds of measures that may be used to control this type of nuisance include:

- The licensee shall ensure that cooking, noxious or persistent smells generated at the premises do not cause nuisance to nearby properties, and that the premises shall be adequately ventilated.
- Extraction fans by their nature generate noise therefore consideration needs to be given to the location, type and maintenance of extraction equipment.

LIGHTING

Lighting can cause disturbance to neighbouring residents, but this can be controlled by:

- Positioning or screening all flashing or bright lights in such a manner so as not to cause inconvenience to nearby properties or motorists.

FIREWORKS

The use of explosives, pyrotechnics and fireworks of a similar nature, which could cause disturbance in surrounding areas shall be restricted out of season. The licensee shall provide the Council with 28 days notice of the intention to stage any event involving the use of fireworks.