



Noise Management Plan – advisory notes

Introduction to Noise Control Legislation

Section 79 (1)(g) of the Environmental Protection Act 1990 prescribes that noise emitted from premises can constitute a Statutory Nuisance if it disturbs local residents and prevents people from enjoying their homes. Where a local authority is satisfied that the noise gives rise to a statutory nuisance, then it must serve an Abatement Notice on the person(s) responsible for the nuisance to effectively prohibit a recurrence. Failure to comply with an Abatement Notice is an offence, which upon summary prosecution in a Magistrates' Court, can result in a fine of up to £20,000.

The Noise Act 1996 provides local authorities with additional powers to investigate night-time noise offences from licensed premises. If specified permitted noise levels are exceeded (as measured from within the complainant's property) then a warning notice can be served on the person responsible for the noise. Breach of the warning notice is an offence, and could lead to summary conviction or the payment of a fixed penalty.

In addition to the primary legislation detailed above, the provision of regulated entertainment requires a premises licence under the Licensing Act 2003. The prevention of public nuisance forms one of the Licensing Act objectives, and premises licences may also contain specific conditions relating to noise control. Premises licences issued under the 2003 Act can be subject to review following complaints from local residents or Council Environmental Health Departments.

Maintaining good public relations

It is essential that licensees who provide regulated entertainment (especially in residential areas) are aware of the likelihood of complaints and the potential repercussions, and take all reasonable steps to minimise the impact their activities have on the local neighbourhood. It is entirely possible for licensed premises to exist happily alongside residential housing and provide regulated entertainment without causing a nuisance.

However, pubs and clubs are regularly the source of complaints to Environmental Health Departments, if local residents become adversely affected by excess levels of noise. Most complaints of this nature occur during the summer months, when windows and doors are left open, patrons gather outside in beer gardens and local residents use their gardens more.

Likely sources of noise from licensed premises

- Noise from amplified music or other regulated entertainment: (for example live bands, recorded music, discos, juke-boxes, karaoke and television).
- Noise from outdoor areas: (for example rowdy behaviour in smoking areas, beer gardens and outdoor play areas).
- Noise from deliveries and collections: (for example beverage and food deliveries, bottle handling and waste collection).
- Noise from car parks: (for example rowdy behaviour as patrons leave the premises, taxis sounding horns and cars coming and going).
- Plant and machinery: (for example chillers and air conditioning units).

Noise Management Plan

It is strongly recommended that all licensed premises prepare and implement a noise management plan which should be submitted to Chesterfield Borough Council (see details below).

A noise management plan is a proactive approach to noise control and will help the licensee or premises supervisor to assess the likely acoustic impacts associated with the premises. The noise management plan will outline the measures proposed to reduce or control any potential noise disturbances, and should be reviewed regularly in light of any alterations to the premises or any changes to the activities taking place on the site.

Should you have any queries or wish to make a complaint you can contact us

- In person at Chesterfield Borough Council, Revenues Hall, New Square, Chesterfield, Derbyshire, S40 1AH
- By letter to Chesterfield Borough Council, Environmental Protection Team, Town Hall, Rose Hill, Chesterfield, Derbyshire, S40 1LP
- By telephone to main switchboard on 01246 345345
- Via email/through website www.chesterfield.gov.uk