



## Moray Licensing Board

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# The Licensing (Scotland) Act 2005 The Moray Licensing Board's Guide to Preventing Noise Nuisance from Licensed Premises

These guidance notes have been prepared for the Moray Licensing Board by the Moray Council's Environmental Health Department.

This guidance does not constitute legal advice. It is a general description that is not intended to be definitive in particular situations. If you have any queries over and above this guidance then you should seek advice from a solicitor. Please also review the general *exclusion of liability* below.

**Exclusion of Liability** - In no event does the Moray Licensing Board or the Moray Council or their employees or agents offer legal advice or accept liability of any description, including liability for negligence for any damages or losses (including, without limitation, loss of business, revenue, profits, or consequential loss) whatsoever resulting howsoever including but not limited to the use of or inability to use this information. We accept no responsibility for keeping the information in these pages up to date or liability for any failure to do so. **If you are in any doubt you must seek advice from a solicitor.**

## Aim

The purpose of this guide is to help you identify potential sources of noise that could cause nuisance and to prompt you to take certain steps to prevent it.

It is for your own use – you do not need to return it to the Council.

You are advised to contact Moray Council's Environmental Health Service if you require further information or assistance.

**INITIAL SCREENING: By answering all the questions below you will be able to identify if your premises is likely to be the source of noise nuisance.**

<p>1. Do (or will) <u>any</u> of the following activities take place at your premises?  <i>If YES tick box</i></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> amplified music?</li> <li><input type="checkbox"/> singing (including karaoke)?</li> <li><input type="checkbox"/> use of public address systems?</li> <li><input type="checkbox"/> use of large screen TV or other video displays?</li> <li><input type="checkbox"/> external plant or machinery, e.g. chillers, air conditioners, ventilators?</li> <li><input type="checkbox"/> on site customer car parking?</li> <li><input type="checkbox"/> outdoor play areas?</li> <li><input type="checkbox"/> gardens for customer use?</li> <li><input type="checkbox"/> firework displays?</li> <li><input type="checkbox"/> other potentially sensitive commercial uses?</li> </ul>	<p>If you answered YES there is a risk of noise nuisance.</p> <p>Even before 23:00 hours a nuisance could occur if the event occurs frequently.</p>	<p>If you answered NO you are unlikely to cause a noise nuisance.</p>
<p>2. Are any of the following “noise sensitive premises” in the vicinity or adjoining your premises, where the activity could be heard (especially, though not exclusively after 23:00 hours)?  <i>If YES tick box</i></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> houses?</li> <li><input type="checkbox"/> halls of residence?</li> <li><input type="checkbox"/> hospitals?</li> <li><input type="checkbox"/> hospices?</li> <li><input type="checkbox"/> nursing homes?</li> </ul>	<p>If you answered YES there is a risk of noise nuisance.</p> <p>Please continue to the next section.</p>	<p>If you answered NO you are not likely to cause a nuisance and will probably not need to take any further action.</p>
<p><b>REDUCING THE IMPACT OF NOISE: where noise nuisance might occur you will be expected to take steps to reduce the risk. Answer ALL questions.</b></p>		
<p>3. If you provide amplified music, will limiters be installed to restrict the sound level, e.g. microphone controlled or in-circuit devices?  <input type="checkbox"/> Yes  <input type="checkbox"/> No</p> <p><i>You will need to ensure that devices are properly maintained and that staff or performers cannot override them.</i></p>	<p>If you answered NO there is a risk of noise nuisance. Reconsider your decision and/or look at alternative control measures.</p>	<p>If you answered YES the likelihood of noise nuisance is reduced but might not be eliminated completely.</p>
<p>4. Will windows and doors ever be kept open for ventilation whilst the entertainment is in progress?  <input type="checkbox"/> Yes  <input type="checkbox"/> No</p> <p><i>Openings in the structure of the premises, such as windows, doors and vents will allow the noise to escape easily. Generally, Air Conditioning systems provide high levels of ventilation without the need to leave windows and doors open.</i></p>	<p>If you answered YES there is a risk of noise nuisance, especially during warm weather. You may need to consider adding mechanical ventilation.</p>	<p>If you answered NO the likelihood of noise nuisance is reduced but you may still need to do more.</p>

<p>5. If you have mechanical ventilation, chilling units or air conditioners, have exterior vent grilles and</p>	<p>If you answered YES there is a risk</p>	<p>If you answered NO, the likelihood of noise</p>
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<p>plant been sited where they could give rise to noise nuisance?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>Ventilation grilles provide no resistance to the transmission of noise unless acoustically treated e.g. by fitting acoustic baffles or attenuators. Using existing plant for longer hours or installing new or upgraded plant may cause problems.</i></p>	<p>of noise nuisance. You may need to consider screening or sound proofing, replacement with quieter models or relocation.</p>	<p>nuisance is reduced but you may still need to do more.</p>
<p>6. Will external doors allow noise to spill out when opened/used?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>Acoustic lobbies to exits 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.</i></p>	<p>If you answered YES there is a risk of noise nuisance. You may need to consider resiting exits or providing lobbies.</p>	<p>If you answered NO the likelihood of noise nuisance is reduced but you may still need to do more.</p>
<p>7. Is any part of the building constructed from lightweight materials?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>In some instances there is insufficient resistance to the passage of sound through the walls or roof, particularly low frequency noise. Additional sound insulation will be needed before the premises can be used without causing noise problems.</i></p>	<p>If you answered YES there is a risk of noise nuisance. You may need to add sound insulation.</p>	<p>If you answered NO the likelihood of noise nuisance is reduced but you may still need to do more.</p>
<p>8. Do you:</p> <p>a) have a conservatory-type structure in which the noisy activity will take place or which communicates with the entertainment room?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>or</p> <p>b) intend to hold entertainment, particularly the playing of amplified music, in a marquee?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>These structures offer relatively little sound insulation and should not be used if located near to noise sensitive premises. An internal lobby between a conservatory and those parts of the premises where noise levels are highest will restrict problems.</i></p>	<p>If you answered YES there is a risk of noise nuisance. You may need to relocate the entertainment and/or construct an internal lobby in the case of a conservatory.</p>	<p>If you answered NO, the likelihood of noise nuisance is reduced but you may still need to do more.</p>
<p>9. Do customers use outdoor areas for activities, e.g. parties, barbecues, music, children's play areas, etc, that could cause noise nuisance?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>These are more likely to cause problems in the summer months and the location in relation to noise sensitive premises is important.</i></p>	<p>If you answered YES there is a risk of noise nuisance. You may need to relocate the entertainment, limit the hours/season it is used or screen adjacent sensitive premises. Strict</p>	<p>If you answered NO the likelihood of noise nuisance is reduced but you may still need to do more.</p>

	management will be essential.	
<p>10. Are deliveries made to the premises, or is waste (such as bottles) collected, between 23:00 and 07:00 hours?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>Refuse and empty bottle/barrel storage areas should be positioned away from noise sensitive premises and preferably screened or enclosed. Working methods should be adopted 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.</i></p>	<p>If you answered YES there is a risk of noise nuisance. You may need to reschedule deliveries during the day and/or adopt new working methods.</p>	<p>If you answered NO the likelihood of noise nuisance is reduced but you may still need to do more.</p>
<p>11. Do you take steps to urge patrons to leave the premises quietly so as not to disturb neighbours?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>Playing calmer-type music at lower volume towards closing time can help. Door supervisors will manage the coming and going of patrons and in some cases specially trained staff may be also be used to patrol the surrounding area to help control noise.</i></p> <p><i>Taxi horns can cause a nuisance but licensees can reach agreement with local cab firms that drivers come to the door or into the premises to collect their passengers.</i></p>	<p>If you answered NO there is a risk of noise nuisance. You may need to introduce new working methods and staff training and erect signs which remind patrons to act responsibly.</p>	<p>If you answered YES the likelihood of noise nuisance is reduced but you may still need to do more.</p>

Where there is a likelihood of noise nuisance from your premises you will need to take steps to prevent it. It may be a good idea to consult the occupants of noise sensitive premises in the vicinity and to develop good working relationships, which will reduce the risk of complaint.

A list of noise consultants and any further information can be obtained by contacting The Moray Council Environmental Health Section, High Street, Elgin, IV30 1BX (01343 563345).