

 West Lothian Council	Environmental Health		SUBJECT: Entertainment Noise
		Food Safety/Food Hygiene	NUMBER: PH10
ISSUED: 06/10/2009		Health & Safety	
		Public Health	KEYWORDS: Entertainment Noise Nuisance pub club licence licensing inaudibility
STATUS: PUBLIC ADVICE TRADE ADVICE	✓	Pollution Control	
		Pest Control/Dog Warden	

Information Sheet PH10 Entertainment without Problems

Many licensed premises want to put on entertainment to bring in customers. Unfortunately, West Lothian Council regularly receives complaints about noise from pubs and clubs, especially during the summer.

By taking simple steps to control noise, licensees should be able to prevent problems with their neighbours.

What's the problem?

The main problems which neighbours report are amplified music from a number of sources:

- Live performers
- Juke Boxes
- Karaoke

Other types of problem we are also asked to investigate are:

- Noisy customers in the beer garden or smoking area
- Plant and equipment such as ventilation, air conditioning and refrigeration.

If you provide entertainment in your business, taking simple steps to control noise should help to prevent problems with your neighbours.

Amplified and non-amplified music and speech

The more often noisy events occur and the later they finish, the more likely it is that the Council will receive complaints. Simple steps to control noise include:

- closing windows and doors when the entertainment is taking place. If this causes a business to be too warm in the summer, the business will need to fit additional ventilation and / or air conditioning
- controlling the volume of music - always seek advice from a noise consultant
- considering the use of an electronic noise limiter to control sound levels - set a limit and keep to it. Environmental Health will set this to an acceptable level in conjunction with a sound engineer
- walking around the boundary of your property while the entertainment is taking place and reducing the volume if you can hear music
- fixing self-closers to external doors, which ideally should be accessed from a lobby

We do not recommend DIY work to try to limit noise. Experience shows that it is likely to be expensive and time consuming and have little effect. Expert advice should always be sought if licensees are looking at making significant changes.

Customers

Noise from customers leaving the premises is often the most difficult type of noise to control. However, licensees are expected to take reasonable steps to control customers inside and on leaving their licensed premises. We recommend:

- providing twin sets of doors (lobbies) to minimise noise break-out and keep them closed as much as possible
- providing notices on exit doors asking customers to keep the noise down
- providing trained door staff to control entry and exits on busy nights
- providing details of reliable taxi operators
- instructing taxi operators not to sound their horns when they arrive for customers

Smoking areas and beer gardens

To avoid complaints about loud music and shouting from outside areas, licensees should consider:

- ensuring there is no music outside
- putting up signs encouraging customers to keep the noise down
- preventing customers from taking drinks into smoking areas to stop them lingering there.

Plant and equipment

Noise from chillers and extraction units can be a problem, especially at night. If businesses are considering installing or replacing a unit, they should seek our advice first. We recommend:

- using and maintaining the equipment in line with the manufacturer's instructions
- positioning all equipment away from your neighbours
- considering the use of a timer to ensure equipment is turned off at the end of the night.

Communication

Before introducing any changes which might affect your neighbours, we recommend licensees discuss it with them first. The Public Health team is also available to give advice.

Noise at work

High noise levels can pose a health risk to licensees and their employees and businesses have a legal duty to minimise any risks. Please contact our Health and Safety Team for advice or see <http://www.soundadvice.info/index.htm> or contact us.

What can West Lothian Council do about it?

All licensed premises in West Lothian which provide entertainment are required to be 'inaudible' in neighbouring or adjoining premises. This means neighbours should not be able to hear entertainment noise in their homes. If you can hear noise from outside a licensed premise, it might well be breaking this requirement of its licence.

Although we will normally approach a business informally first, West Lothian Council has two formal options for getting a problem stopped.

We can serve an Abatement Notice under the Environmental Protection Act 1990. Failure to comply with an Abatement Notice is an offence and can result in:

- A report to the Licensing Board;
- A Fixed Penalty of £400 per breach of the Abatement Notice;
- Seizure of noise making equipment; and / or
- A report to the Procurator Fiscal, which can result in a fine of up to £40000 if found guilty.

In addition, local residents or council officers may also ask for the Premises Licence to be reviewed. A review can result in additional conditions or suspension of your licence. Environmental Health will report to the liquor Licensing Board any more than two breaches of the requirement that the business should not be heard in neighbouring properties.

More Information

For further information and advice, contact Environmental Health at County Buildings, High Street, Linlithgow, EH49 7EZ. Telephone 01506 282500, Fax 01506 282448, e-mail environmentalhealth@westlothian.gov.uk.