



CHESTERFIELD
BOROUGH COUNCIL

Environmental Health Guidance document - noise control at events

April 2020

About this guidance document

Chesterfield Borough Council supports entertainment and events that take place in the community and we are keen to ensure that an appropriate balance is achieved between organisers of events and the surrounding communities, who may be affected by the noise from the entertainment.

This document sets out the approach in respect of controlling noise from events (both indoor and outdoor) and describes the advice, support and expectations from the Council's Environmental Health noise service. The approach is essentially one based on active engagement with the Council's Environmental Protection Team at the earliest possible stage to ensure that the potential for noise disturbance is minimised. The document also outlines the relevant legal framework associated with such events as well as offering guidance on the control of noise.

It is hoped that by following the guidance in this document - as well as complying with relevant legislation - the right balance can be achieved between the needs of the event organiser and the musicians who are performing, and the right of the local community not to be unduly disturbed by noise.

Included within this document are the general principles of noise control and effective noise management which is expected of organisers. It contains guidance on the measures which event organisers must implement prior to an application for an event, during and after an event and also clarifies our position with respect to investigation and enforcement of noise issues from events.

This guidance applies to all events, providing entertainment (music, theatre or otherwise) and is irrespective of applicant source (including events organised by Chesterfield Borough Council). Events may include 'open-air', or those held within a marquee, beer garden or other similar structure.



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1. PURPOSE OF THIS GUIDE

This document is aimed at:

- ✓ interested parties who are involved in the planning or hosting of indoor and outdoor events in Chesterfield which have the potential for noise;
- ✓ event organisers and promoters;
- ✓ owners of land where outdoor events may take place; and
- ✓ acoustic consultants.

These events may include music concerts, sporting events, discos in temporary structures, fairgrounds, etc. and could range in size from celebrations at a local pub for a special event up to a major pop concert.

2. INTRODUCTION

Noise is an inevitable consequence of a modern and vibrant society and can be described as “unwanted sound”. For some, noise is an unwanted intrusion that can adversely impact on their quality of life, affecting their health and wellbeing.

There is no right to absolute peace and quiet and people should tolerate the occasional disturbance from noise. Common sources of noise include barking dogs, noise from construction/demolition activities and alarms on properties and vehicles. Noise from entertainment venues and events can also be a source of issue for local residents.

Our aim is to reduce noise disturbance by working with event organisers prior to an event taking place and at the point when premises license applications (including Temporary Event applications) are submitted.

If there are any concerns from the Environmental Protection team, we will seek to resolve these with applicants and event organisers as soon as possible. If this is not possible, we will seek to mitigate/reduce the noise impact by recommending the imposition of conditions by raising a representation in respect of a premises licence. Officers from the team may be required to present evidence at relevant hearings or reviews.

However, pubs, clubs and outdoor events are the source of some complaints to Environmental Health, 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.

Other sources of noise from events include:

- 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.

It is essential that licensees and event organisers who provide entertainment (especially near 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 venues to arrange entertainment and events and to exist happily alongside residential housing without causing a nuisance.

3. LEGISLATION and GUIDANCE

This section outlines the legislative framework governing events and noise control.

3a. Environmental Protection Act 1990

This is the key piece of legislation relating to noise and '*statutory noise nuisance*'. The 1990 Act does not define a specific level of noise that is acceptable or unacceptable, nor does it give a right to silence within a property, but it does give local authorities a legal duty to investigate complaints and powers to deal with noise that is of such a level and frequency that it is deemed to be a '*statutory noise nuisance*'.

A '*statutory noise nuisance*' is not simply something that annoys you – it is something that causes a serious and unreasonable interference with your right to enjoy your property. The Council has a duty to take reasonable steps to investigate allegations and we also have to base our assessment of the issue on what the average person would find unacceptable; we cannot take into account individual sensitivities or personal circumstances related to ill health.

Where it is established that noise from an event is causing, or is likely to cause, a statutory nuisance under Part III of the Environmental Protection Act 1990, the Council is required to serve an Abatement Notice on the person(s) responsible for causing the nuisance, requiring that the nuisance is abated. It is a criminal offence not to comply with such a notice and failure to comply may result in prosecution in a Magistrate's Court. Any such successful prosecution could result in forfeiture of equipment and / or an unlimited fine. It is therefore important that effective noise control procedures are implemented.

The Council's Enforcement Policy states that enforcement notices will be served where it is considered that a more informal approach would be ineffective. It also allows for Abatement Notices to be served without prior discussion with the prospective recipient in cases where immediate action is required in the interest of environmental protection.

3b. Licensing Act 2003

Any premises where regulated entertainment or the sale or supply of alcohol takes place must either have a Premises Licence (PL) or must be the subject of a Temporary Event Notice (TEN). If such activities take place without the benefit of either then an offence may have been committed.

If the venue/event site already holds a PL then any proposed activities will be restricted to the terms and conditions of the PL. If any of the proposals that are licensable are outside what the licence conditions stipulate then the licence holder will be required to apply for a premises licence variation, or a TEN. The licence holder is the person ultimately responsible for adhering to the requirements of the PL.

The role of Environmental Health/Environmental Protection team will be to liaise with the event organiser before (and during if necessary) the event to ensure that the event organiser has taken into account all factors to ensure the right balance with the wants of the event organiser and the needs of the local community.

If the venue does not hold a PL, then one will need to be applied for (if there will be more than 500 people, including performers, attending). If there are less than 500 people attending then a TEN will have to be applied for.

A factor that may change from year to year (or event to event) in a given location that holds a PL is the Designated Premises Supervisor (DPS). If the proposed DPS is different to the one stated then a variation will have to be applied for.

A PL application can take several weeks to be considered even where all the details of the application have been discussed and agreed before the application is submitted. This needs to be considered so that if any such application is required sufficient time is given between application submission and event date.

Under this legislation the Environmental Protection team is defined as a '*Responsible Authority*' and are consulted with regards to one of the four licensing objectives in relation to '*prevention of public nuisance*'. We are consulted on all premises licence applications, minor variations etc. and alongside the Police we are the only Responsible Authority that can object to TENs (Temporary Event Notice applications).

The legislation also allows for a review of a Premises Licence on the grounds of '*prevention of public nuisance*'. For example, the team could seek a review of a Premises Licence if a pub continually plays loud music and has not complied with any informal advice or formal action from environmental protection team and this could mean that their premises licence is revoked (withdrawn).

3c. Live Music Act 2012

This Act has introduced some exemptions to the requirement of needing a TEN in certain circumstances when live music is being played. Please consult the Act and contact the Licensing Section at Chesterfield Borough Council for further advice.

3d. Code of Practice on Environmental Noise Control at Concerts

This national Code of Practice, currently going through a process of review, was issued by the Noise Council in 1995. It remains the most up-to-date guidance on the control of noise from outdoor concerts. An electronic copy is available from our website <https://www.chesterfield.gov.uk/living-here/neighbourhoods/noise-and-light-problems/noise- nuisance/noise- nuisance-guidance-and-legislation.aspx>

The Code of Practice recommends the sound levels that should be achieved at noise sensitive premises for events that take place between the hours of 09:00 hrs and 23:00 hrs. The recommended sound levels are dependent upon the nature of the area and the number of events held in a year. It should be noted that compliance with the Code of Practice does not, of itself, confer immunity from legal obligations. If the event is to continue after 23:00 hrs it should be inaudible at the nearest noise sensitive premises.

The table below indicates the maximum Music Noise Levels (MNL) recommended in the Code of Practice for functions that do not go beyond 23:00 hours.

Table 1 – Music Noise Levels recommended in the Code of Practice

Number of events per calendar year	Venue Category	Guideline
1 to 3	Urban stadia or arenas	The MNL expressed as an LAeq should not exceed 75dB(A) over a 15 minute period
1 to 3	Other urban and rural venues	The MNL expressed as an LAeq should not exceed 65dB(A) over a 15 minute period
4 to 12	All venues	The MNL expressed as an LAeq should not exceed the background noise level by more than 15dB(A) over a 15 minute period

3e. Other Legislation

When planning an event you need to consider the health, safety and welfare of all attendees as well as those involved with the delivery of the event. Suitable and appropriate risk assessments will need to be made before the event to ensure the safety of everyone involved with the event.

Consideration will also need to be given to the effective collection and disposal of waste (especially if you are planning an outdoor event).

You may also need to liaise with Derbyshire Police, Derbyshire Fire & Rescue or Derbyshire County Council Highways Team.

4. THE EVENT

This section of the document outlines what to do in preparation for your event, during the event and after the event.

4a. Before the event/planning

Contact Environmental Health/Environmental Protection team at least **three months** before the event is planned for events with more than 500 attendees, and at least **two months** prior for events with less than 500 attendees.

Upon receiving information from the event organisers, officers from the Environmental Health/Environmental Protection team will be able to advise the organiser if that event has the potential to cause noise disturbance to the local community; we will work with the organiser to address noise issues.

All event organisers, regardless of size or location (i.e. indoor event or outdoor event) will be required to complete a Noise Management Plan – a blank copy is available in Appendix 1.

Event organisers of outdoor events will also be required to complete the Noise Monitoring Log – a blank copy is available Appendix 2 (in addition to the Noise Management Plan).

The most effective controls will be achieved by considering noise at the planning stages and adopting measures at the outset to minimise the impact of noise. Considerations include:

Location and timing

When deciding upon an event, organisers need to consider the potential impact that noise from the event may have on local residents.

All open spaces in Chesterfield are in close proximity to densely populated residential areas and therefore applicants may have to accept that they may either need to downscale their proposals, restrict the number of days the events take place and/or limit the time at which the music is played prior to an application being granted.

Event organisers should note that it is very unlikely that high levels of music be permitted after 23:00 hours.

Performance areas

Once the site is decided upon, consideration of the most appropriate position on the site for the stage/location of the entertainment and direction of the speakers is required.

The event organiser must accept that, in the vast majority of cases, speakers must be directed away from the nearest residential accommodation.

All speakers should direct sound at, and downwards towards, the audience in order to reduce the over-spill into the surrounding area (particularly for outdoor events).

Type of event

Applicants must consider the type of entertainment to be provided. Some acts will result in higher sound levels than others and some acts may have higher levels of low frequency noise. Low frequency noise has more energy than high frequency noise, will travel further, penetrate buildings and therefore result in increased disturbance to local residents.

Event organisers must pay particular attention to the control of low frequency noise and explain how it will be controlled.

Sound systems

Where events are sufficiently large, the event organiser should employ a sound system that uses circuit speakers (i.e. a range of relatively low powered speakers sited around the audience rather than one with a bank of speakers either side of the stage).

Monitoring

For some events, event organisers may be required by condition to monitor noise at predetermined positions. This will require the event organiser and/or designated responsible person to listen to the music and make a judgement based on qualitative criteria of the likely impact.

All assessments shall be recorded within a monitoring log which shall be submitted by the event organiser to Environmental Health/Environmental Protection team after the event. An example of a monitoring log can be found in Appendix 2.

It will be necessary for the event organiser to appoint a responsible person for entertainment volumes to ensure that noise does not cause unreasonable disturbance to local residents and the monitoring conditions are complied with.

The appointed responsible person shall be on site and contactable during the event and have the necessary authority to reduce noise volumes. It is important that the nominated responsible person is not exposed to high levels of noise at any time during the event to ensure that their ability to assess impact upon residents is maintained.

Public relations

Depending upon the size of the event, event organisers may be required to deliver a briefing note to noise sensitive premises around the site, advising residents when and where the event is due to take place, asking for their tolerance, advising of the precautions being taken against disturbance and giving a telephone number where someone responsible can be contacted in case of problems. Alternative notification methods will be considered.

4b. The Event – on the day

The responsible person shall ensure that sound levels are correct/meet the noise targets criterion to minimise further adjustment during the event. Where such tests are necessary, levels will be recorded.

During the event, monitoring and measuring as required by Environmental Health/Environmental Protection team will be carried out by the event organiser/responsible person/consultant at the predetermined monitoring positions throughout the event, and a record kept of the monitoring results.

Action must be taken to reduce noise levels where the agreed noise assessment / levels are exceeded. Records of all monitoring/measuring must be kept, along with an explanation for the reason for the breach and the action taken to resolve the problem.

The event organiser/responsible person should remember that noise levels set during the sound test may vary at noise sensitive premises and may need to be reduced as a result of climatic conditions. Whilst the setting of maximum levels is recommended, sound levels should not be run at these levels if lower noise levels are sufficient for the purposes of the event.



All assessments shall be recorded within a monitoring log which shall be submitted by the event organiser to Environmental Health/Environmental Protection team after the event. An example of a Noise Monitoring Log can be found in Appendix 2.

4c The Event – after

The results of the noise monitoring/measurement shall be submitted in writing to Environmental Health/Environmental Protection team along with details of any complaints received and the action taken to resolve them.

If it is proposed that the event is repeated, consideration shall be given to compliance with conditions, the number of complaints received and the applicant's ability and co-operation in controlling music from the event.

5. PARTNERSHIP WORKING

Officers from the Environmental Protection team work in close partnership with other teams within the Council such as Licensing team and Community Safety Partnership, as well as external agencies, such as Derbyshire Police to proactively investigate and manage unreasonable noise.

Remember that you are organising an event that has the potential to impact on local residents and so you have a corresponding duty of care to minimise your impact. Failure to follow the guidance in this document could lead to formal enforcement action such as service of an Abatement Notice. If an event organiser disregards the recommendations and guidance contained within this document, then any future events organised by the same organiser will attract a higher degree of scrutiny and greater emphasis will be placed on dealing with issues on a more formal basis from the outset.

6. OTHER SUPPORTING DOCUMENTS

This Policy links with other corporate documents, including

Noise Policy, a copy is available here:

<https://www.chesterfield.gov.uk/living-here/neighbourhoods/noise-and-light-problems/noise-nuisance.aspx>

Corporate Enforcement Policy, a copy is available here:

<https://www.chesterfield.gov.uk/media/607926/corporate-enforcement-policy-2018.pdf>

Corporate Anti-social Behaviour Policy, a copy is available here:

<https://www.chesterfield.gov.uk/media/865330/chesterfield-borough-council-anti-social-behaviour-policy-5-february-2019.pdf>

Health & Safety

<https://www.hse.gov.uk/event-safety/>

<https://www.derbyshireprepared.org.uk/get-involved/hosting-public-event/>

Housing Services Anti-Social Behaviour Policy, a copy is available here:

<https://www.chesterfield.gov.uk/media/865336/housing-services-anti-social-behaviour-policy-5-february-2019.pdf>

Derbyshire County Council – event policy guide/emergency planning

<https://www.derbyshireprepared.org.uk/get-involved/hosting-public-event/>

Health & Safety Executive – event guidance

<https://www.hse.gov.uk/event-safety/index.htm>

National guidance includes the Neighbourhood Noise Policies and Practice for Local Authorities – a Management Guide, a copy is available here:

<https://khub.net/documents/6197021/0/Neighbourhood+Noise+Policies+and+Practice+for+Local+Authorities+-+A+Management+Guide.pdf/4fcc80f4-23ad-4feb-a478-ebb06039bf38?version=1.0&download=true>

7. REVIEW OF THIS POLICY

This guidance document has regard to current legislation, centrally issued guidance and best working practice at the time of preparation.

This document will be reviewed every two years or in line with changes in relevant legislation, changes in centrally issued guidance or when working practices identifies working areas for procedural improvement.

END OF DOCUMENT