



LEEDS
CITY COUNCIL

Licensing Act 2003

Premises Licences - Help and Advice

This guidance is to assist you in developing your operating schedule and in meeting the licensing objectives in relation to the prevention of public nuisance and public safety. It gives guidance on the key areas that Environmental Health (including Health and Safety) will be considering. If however you wish to discuss your application, points of contact are given later in the document.

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Prevention of public nuisance

The main concerns in relation to public nuisance are:

- ◆ **Noise and vibration**
- ◆ **Odour**
- ◆ **Refuse and litter**
- ◆ **Light pollution**
- ◆ **Anti-social behaviour of patrons**

You should consider the following issues and your application should contain measures and proposed conditions detailing how you will address each issue.

Noise and vibration

Noise Sources

There are many possible noise sources including the following:

- Music and voices, both amplified and unamplified, from activities inside and outside the premises including from queues, beer gardens and people arriving at and leaving the premises;
- Noise from vehicles used by patrons and for deliveries and collections;
- Plant and machinery including air conditioning, refrigeration equipment and extraction systems etc;
- Other internal and external activities e.g. bottle sorting;

Controlling the noise

The following standards **MUST** be achieved:

- No nuisance shall be caused by noise or vibration emanating from the premises;
- Where entertainment takes place on a regular basis noise shall be inaudible at the nearest noise sensitive premises;
- Where entertainment takes place less frequently noise shall be inaudible at the nearest noise sensitive premises between 23.00 hours and 07.00 hours the following day;
- Licensable activities shall be conducted and the facilities for licensed activities shall be designed and operated so to prevent the transmission of audible noise or perceptible vibration through the fabric of the building or structure to adjoining properties;

Be aware that low levels of noise over a long period can be as troublesome as occasional loud noise and may cause local residents to request a review of your licence

Factors which may need to be addressed to prevent noise problems

- The hours or proposed hours of operation;
- The structure of the building (weak points are generally glazing, entrance and fire doors, ventilation fans and airbricks although roofs and walls may be weak points in certain cases);
- The type and frequency of any entertainment;
- The presence of any noise limiting device and the extent of its control and the presence of electrical cut-outs or warning devices on doors and windows to warn if they have been opened. *(Noise generated by amplified music may be controlled by a noise limiting device set at an agreed level. Noise limiting devices, once set, shall not be reset or adjusted without consultation with the Local Authority Enforcement Officer;*
- The need to ventilate the area during events and method of ventilation - premises shall be capable of being operated at all times of year without doors or windows being opened for ventilation where they are located close to noise sensitive premises;
- The times of deliveries/collections;
- The location, operation, noise attenuation and maintenance of plant and machinery;
- The supervision by door staff of lobby doors at the premises which must be kept closed except for access and egress, especially when public entertainment is taking place (subject to any requirements of the Fire Service)

In view of the complex nature of this subject in many cases it is recommended that a report be obtained from a competent noise consultant (Information on noise reports is contained in Appendix 1).

To assist you, a noise report will usually be required if any of the following criteria apply:

- There have been Noise Abatement Notices (Section 80 of the Environmental Protection Act 1990) served in relation to the premises within the two years prior to this application;
- There have been noise complaints relating to the premises received by the applicant, the City Council or the Police within the two years prior to this application;
- There have been objections to the renewal of a licence in relation to the premises within the two years prior to this application;
- There are noise sensitive properties above, below, adjacent, opposite or otherwise likely to be affected;
- There are activities involving the performances of music or other sounds involving a loudspeaker system, whether live or recorded, or any other 'regulated entertainment'.

Odour

The premises should be operated so as to prevent the emission of unwanted odours. Issues you should consider and implement are as follows:

- Suitable ventilation and extraction systems must be provided, cleaned in accordance with a schedule and maintained in accordance with manufacturer's instructions to eliminate unwanted odours;
- Keep all waste in covered bins and ensure they are emptied and cleaned regularly;
- Make sure that your business operates in line with other legislation on the issue, for example the Environmental Protection Act 1990.

Refuse and Litter

Keep the area around your premises clean.

Business waste produced from the licensed premises must be stored and disposed of correctly and legally. Storage must be carried out in such a way as to prevent spillage or seepage onto the public highway or open space. Storage must be sufficient for the volume produced and removed at proper frequencies to ensure that excessive accumulations do not arise.

Empty bottles must be stored in suitable receptacles within the curtilage of the premises prior to collection. Bottles should not be placed in the external receptacle after 23.00 hours to minimise noise disturbance to adjoining properties.

Deliveries, collections and servicing:

- Ensure that deliveries, collections of refuse and bottles, and operational servicing are carried out between 07.00 hours and 19.00 hours except where access at other times is unavoidable and specific procedures are in place to limit disturbance;
- Provide guidance to drivers to switch off engine during deliveries, collections and servicing, and to minimise other noise caused by their activities.

Litter includes bottles, flyers, cigarette ends, waste food, food wrappers, bags of waste and any other material left on the pavement. The activities in and around a licensed premises must not contribute to the quantity of litter found on the street or in open places. These activities include the proper use of the premises by customers and traders, together with promotions for an event.

- Supply adequate, prominently positioned and regularly emptied litter bins with clear signage to indicate that they are there to be used (particularly at fast-food takeaways). If necessary, empty them more often at peak business times;
- The licensee will be responsible for promotional materials used, whether they be used by the licensee directly, or through a third party. Regular occurrences of littering resulting from flyering and street advertising will not be acceptable;
- Where customers could habitually take material that could become litter into and out of the premises, the licensee shall provide a written statement of how this potential littering can be prevented. This statement will describe the sources of litter found within the licensed activity, e.g. cigarette ends from queuing people, chewing gum, food wrappers taken out of the property, bottles leaving a property etc and should include:
 - The steps proposed to prevent the litter occurring;
 - The steps to be taken to remove the litter should prevention not succeed;
 - Who will be responsible;
 - Methods proposed to evidence that these steps have been undertaken.

Lighting

Lighting provided for the purpose of customer and staff safety, for the security of the premises, and lighting associated with activities of entertainment and advertising must be of such an intensity, suitably positioned and operated so as not to cause nuisance to neighbouring or adjoining properties.

Anti-Social Behaviour

Licensees can take steps to influence individual behaviour. Regard should be given to the following points:

- Train staff to intercept and manage any incidents;
- Employ sufficient staff to keep down queues that lead to noise and aggression;
- Restrict queues to cordoned areas to prevent them obstructing footpaths and spilling out onto roads, and to keep noise and obstructions away from residential property;
- Provide clear and legible notices displayed at exits and other circulatory areas requesting patrons to leave the premises having regard to the needs of local residents, in particular emphasising the need to refrain from shouting, slamming car doors, sounding horns and loud use of vehicle stereos;
- The premises licence holder, designated premises supervisor and any door supervisors must monitor the activity of persons leaving the premises and remind them of their public responsibilities where necessary;
- Introduce a chill-out area with coffee and mellow music where customers can settle;
- Provide a facility for customers to order taxis. Display telephone numbers for taxi firms in a prominent location. If the space exists, consider providing a waiting area;
- Liaise with local taxi firms to ensure a ready supply of transport and reduce disturbance;
- Develop and implement a comprehensive plan for the quiet, rapid dispersal of customers throughout the evening;
- Consider how activities on your premises might lead to customers soiling public rights of way;
- Provide toilets near the exits from your premises;
- Avoid activities or circumstances that promote excessive consumption of alcohol, and encourage sensible drinking practices.

Opening hours

The opening hours of the premises will affect a number of the factors outlined above. You should consider the following:

- Choose your opening hours after considering the closing times of pubs/bars/clubs in the locality in order to avoid the disturbance associated with large concentrations of people who have been drinking leaving the premises;
- Have regard to the type of locality in which your premises are situated, the proximity of noise sensitive properties and the potential to impact adversely on the area;
- Ambient noise levels are lower at night making disturbance more likely;
- Ensure external drinking areas are closed after 21.00 hours;
- For takeaways plan your opening hours to avoid groups of troublemakers;
- Have regard to times of deliveries and collections;
- Ensure outdoor activities such as refuse sorting occur before 19.00 hours.

Public Safety

There are a number of bodies responsible for enforcing public safety. West Yorkshire Fire Authority (WYFA), Environmental Health Services' (EHS) Health and Safety Team, and the Health and Safety Executive (HSE) are responsible bodies under the Licensing Act.

West Yorkshire Fire Authority (WYFA) will give advice on fire and evacuation.

EHS Health and Safety Team and the HSE are responsible for enforcing other aspects of health and safety, but on different types of premises. For example:

- EHS are the enforcing authority for the majority of premises whose primary function is leisure or to provide a service to the public. E.g., Pubs, clubs, takeaways etc.
- The HSE are the enforcing authority for Leeds City Council (LCC) premises and events, and premises where LCC have an interest. Where the main activity of a site falls under HSE enforcement, and a licence for a secondary activity is applied for, enforcement will also fall to the HSE. E.g., A manufacturing business with an employee social club requiring a licence.

Risk Assessment

When considering how to comply with the objective of public safety a risk assessment must be carried out. There are a number of publications to assist you with this:

- 5 Steps to Risk Assessment Case studies (HSE 1998) ISBN 0776 15804
- Leeds City Council has a web based tutorial course on risk assessment web www.leeds.gov.uk/risk. A **FREE** CD ROM based on the web access course is available.
- 5 steps to risk assessment INDG 163 (rev1) - Free

The types of issues your risk assessment must address are:

Accidents

All sites must be aware of their duty to report accidents and incidents under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR). You may find the following leaflet useful:

- RIDDOR Explained ISBN 0 7176 2441 2 HSE31(rev1) - Free

Falls From Height

Premises which have mezzanine floors (e.g., balconies) and other similar structures must consider the potential of people falling from these areas. This will include the likelihood of people climbing the structure / protective barrier, and the fact that people may be under the influence of alcohol. A supervision policy should be in place to ensure any behaviour which could result in a fall is prevented so far as is reasonably practicable.

Slips, Trips and Falls

Slip, trips and falls are a major cause of injury in workplaces. The floor surface in any premises must be suitable for its use. When considering its suitability the effects of rain water, liquids and food substances on the floors' surface must be taken into account.

As part of any slips, trips and falls assessment a spillage clearance policy must be in place to prevent injury to the public. This could be incorporated into existing staff training documentation. Trip hazards must be identified to the public, and there should be a system in place for collecting glasses and bottles.

You may find the following information useful:

- Slips and trips: Guidance for employers on identifying hazards and controlling risks. HSG 155 ISBN 0 7176 1145 0
- Preventing slips and trips at work. INDG225 – Free
- Specialist advice from Health Safety Laboratory can be sought via Leeds City Councils' Environmental Health, Health and Safety Section (see contacts below) to assess suitability.

New Premises

- A suitable slip-resistance flooring surface must be incorporated into the design. For bars and related wet areas within the premises compliance with DIN measurement standard R11 minimum or pendulum test (in accordance with the UK Slip Resistance Group document Issue 2 June 2000) rating of 35 or above is required. If you require further assistance with test methods please contact Dr Paul Lemon at the HSE Health & Safety Laboratory, telephone 0114 2892495 or fax 0114 2892526).
- You are advised to contact this local authority before any installation is carried out. (Note: The document 'The Measurement of Floor Slip Resistance Guidelines' recommended by the UK Slip Resistance Group, Issue 2 June 2000 (ISBN 1-85957-227-8) can be purchased from RAPRA Technology Ltd, contact Dr Sarah Ward, telephone 01939 250383.

Falls Onto Or Through Glazing

Glazing in new build and refurbished premises must comply with Part N of the Building Regulations 2000. In existing premises a risk assessment of glazing must be carried out to ensure it does not pose a risk to the public. If people are likely to come into contact with the glazing you should ensure that, if it breaks on impact it does so in a way unlikely to cause injury, it can resist impact without breaking, or it is shielded / protected from impact.

Falling Objects

Any decorative or functional items such as amplification systems, speakers, signs or decorative items that are fixed to the structure of the building and could fall causing injury must be regularly inspected to ensure they are safe. This may mean periodic assessment by a competent engineer.

The use of plastic containers instead of glass should be considered, regard having been taken for the client group, type of activity and premises layout. If the premises comprise of balconies and there is the potential for objects to fall then plastic containers should be used.

Refreshments

Where hot food and drinks are prepared and served to the public, the associated hazards must be identified and risks controlled to avoid injury.

First aid facilities

Adequate and appropriate first aid equipment and materials must be provided for the public. You must also ensure there is an appointed person on site at all times to take charge of first aid arrangements. (An appointed person must not attempt to give first aid for which they have not been trained.)

A risk assessment must be undertaken to identify the number of trained first-aiders required for the type of business you run, this should include consideration to the number of members of the public likely to be present.

At certain indoor sports entertainment a qualified medical practitioner must be present. If you are constructing a ring (e.g., for a boxing match) the plans for the ring and seating should be submitted to the Responsible Authority. For water sports you must consider the number of life saving / rescue personnel required.

The following leaflets may assist you:

- First Aid at Work : Your Questions Answered ISBN 0 7176 1074 8 INDG214 4/2
- Basic Advice on First Aid At Work ISBN 0 7176 2261 4 INDG347 2002

Special Effects

A risk assessment considering the risks to the performers and public must be undertaken before the use of special effects. When using real flame effects, explosives, highly flammables or pyrotechnics the Fire Authority must be consulted for advice. If fire arms are to be used the Police must be consulted.

If strobe lighting effects are to be used you must take steps to reduce the likelihood of a seizure in photosensitive epileptics being triggered. This can be done by limiting the duration of the strobe effects and reducing the flash rate. Notices should be displayed at the entrance of the venue warning of the use of strobe effects.

- HS(G)195 The Event Safety Guide ISBN 0 7176 2453 6
- HSE LAC 51/1 Disco Lights and Flicker Sensitive Epilepsy

A variety of methods can be used to create smoke and vapour effects, which can give rise to a number of hazards depending on the substances used. Information must be provided by manufacturers and suppliers about hazards which may arise from their products. You should use this information when carrying out your risk assessment. Depending upon the risk the amount of smoke / vapour should be limited, and warning notices should be displayed on the premises. If the venue is hosting a foam party you will need to consider the additional hazards this may introduce, such as slip hazards, and health effects of the substance used. The following information may be useful:

- COSHH: A Brief Guide To The Regulations ISBN 0 7176 2677 6 INDG136rev2 - Free
- Smoke and vapour effects used in entertainment. Entertainment Sheet No 3 - HSE information sheet - Free

When using lasers a risk assessment should be undertaken using:

- HS(G)95 Radiation Safety Of Lasers Used For Display Purposes ISBN 0 7176 0691

You should also contact the relevant health and safety enforcing authority for your premises.

Where the venue is to use motor vehicles as part of a performance etc, a risk assessment must be carried out. This should include ensuring any vehicles do not come into contact with people, and consideration to the possible effects of carbon monoxide.

Theatres, Cinemas, Concert Halls and Similar Places

Particular note should be taken of the provision that no drinks shall be sold to or be consumed by a closely seated audience except in plastic and paper containers without being authorised by the premises licences or club premises certificate. The same advice applies as above for special effects.

Noise

Consideration must be given to noise levels within the premises in order prevent damage to hearing. Venue owners should provide the public with clear information on noise levels to make them aware of the risks. Where reasonably practicable offer quieter or 'chill-out' areas within the venue. Where noise may be an issue ear plugs could be provided to members of the public to protect their hearing.

Electricity

Electrical safety is important in keeping the public and employees safe. You should consider regular inspection of the premises installation by a competent electrical engineer. You should ensure that there is a regular visual and thorough inspection of portable electrical equipment. Electrical equipment used by performers must be safe including any equipment they have brought with them. Any temporary electrical installations should be installed by a competent person.

The following information may assist you:

- HS(G)107 Maintaining Portable and Transportable Electrical Equipment ISBN 0 7176 0715 1
- Electrical safety of entertainers ING 247 - Free
- Maintaining Portable Electrical Equipment in Offices and Other Low-Risk Environments ISBN 0 7176 1273 2 INDG 236 - Free
- Maintaining Portable Electrical Equipment in Hotels and Tourist Accommodation INDG237 - Free

Play Equipment

If you provide play equipment you must undertake a risk assessment. The following references may assist you:

- RoSPA – Maintaining Facilities in Commercial Premises, available from: www.rospa.com
- Safe Use and Operation of Play Inflatables, Including Bouncy Castles: Entertainment Sheet 7

Street Events

These events are enforced by the HSE and you should contact them for advice. The following may assist you:

- Safety Guidance for Street Arts, carnival, Processions and Large Scale Performers, Published by the Independent Street Arts Network copies can be obtained through ISAN PUBLICATIONS, www.streetartsnetwork.org.uk/pages/publications.htm

Other Events

If you are considering undertaking a one off activity, such as a charity bungee jump. Please contact this Department for advice.

Other information:

- HS(G)154 Managing Crowds Safely ISBN 0 7176 1834 X
- Guide to Safety at Sports Grounds ISBN 0 1130 0095 2
- HS(G)192 Charity and Voluntary Workers – A guide to Health and Safety At Work ISBN 0 7176 2424 2
- Charity and Voluntary Organisations – A Health and Safety Video Training Pack ISBN 0 7176 2229 0

Smoking

Environmental Health Services strongly recommend that you introduce a smoke free policy.

Smoking kills 120,000 people each year in the UK. Non-smokers are also affected – more than 1,000 are killed each year by passive smoking – breathing other people's smoke.

Since the 1990s knowledge of the dangers of second-hand smoke has continued to accumulate and it is now well established that second-hand smoke causes a wide range of diseases including lung cancer, coronary vascular disease, chronic respiratory problems, angina, nausea and headaches.

Hospitality establishments need to be concerned about passive smoking for the above reasons and because it can severely affect the atmosphere in the premises. This can put people off visiting your venue or limit the time that they stay there. It can therefore be damaging to businesses and does not cater for the needs of all your customers.

Your business would benefit from catering for non-smokers:

- All of your customers would be given a choice of environment. This could attract non-smokers who might not visit a smoky bar or restaurant.
- More customers could mean more profits. A survey in the 'Good Pub Guide' reported that 86% of pubs with clean air policies attracted new customers, 75% increased food sales and 65% increased overall turnover. Customers who dislike smoky atmospheres may spend longer (and therefore spend more!) if the atmosphere caters to everyone's choice.

75% of the population do not smoke - are you catering for as many customers as possible?

Many establishments are already introducing smoke free policies in advance of possible legislation. A smoke free policy will help protect your employees from passive smoke and therefore help you comply with the law. Smoke free policies create a safer working environment and demonstrate your commitment to the wellbeing of all your staff and customers as well as possibly delivering financial benefits.

If you would like further information about developing a smoke free policy contact joanne.loft@leeds.gov.uk or telephone 0113 3057610

Contacts and References

Environmental Health offices:

Head Office, Millshaw Office, Millshaw Park Way, Churwell, Leeds, LS11 0LS. Tel: 2476026

North East, 299 Roundhay Road, Leeds, LS8 4HT. Tel: 2143200

North West, Micklefield House, New Road Side, Rawdon, Leeds 19. Tel: 2477647

East, 6th Floor South Point, South Accommodation Road, Leeds 10. Tel: 2145132

South, Dewsbury Road One-Stop-Centre, 190 Dewsbury Road, Leeds 11. Tel: 2476623

West, Millshaw Office, Millshaw Park Way, Churwell, Leeds, LS11 0LS. Tel: 2475972

Health and Safety, Millshaw Park Way, Churwell, Leeds, LS11 0LS. Tel: 2477791

Health & Safety Executive

Marshall Mills, Marshall Street, Leeds LS11 Tel:0113 283400

Useful references

Noise

Good Practice Guide on the Control of Noise from Pubs and Clubs – available from The Institute of Acoustics, 77A St Peter's Street, St Albans, Hertfordshire, AL1 3BN.
Tel: 01727 848195.

Code of Practice on Environmental Noise at Concerts – available from the Chartered Institute of Environmental Health, Chadwick Court, 15 Hatfields, London, SE1 8DJ.
Tel: 020 7928 6006

Noise and odour

Control of Odour and Noise from Commercial Kitchen Exhaust Systems - closed consultation report to the Department for Environment and Rural Affairs, available on Chartered Institute of Environmental Health website.

<http://www.cieh.org/about/policy/requests/2004-07-defraKitchenNoise.htm>

Lighting

Guidance notes for the reduction of light pollution

GP02 Lasers, festival and entertainment lighting code

TR05 Brightness of Illuminated advertisements

All available from the Institution of Lighting Engineers, Regent House, Regent Place, Rugby, CV21 2PN.

Tel: 01788 576492. Website: www.ile.org.uk

Most Public Safety references can be obtained from:

HSE books PO BOX 1999 Sudbury, Suffolk CO10 2WA Tel:01787 881165
Fax:01787313995

Web site: www.hsebooks.co.uk - Free publications can be downloaded from this site

HSE Infoline on **08701 545500** is a point of contact with HSE. It's a 'one-stop' shop, providing you with rapid access to HSE's wealth of health and safety information, and access to expert advice and guidance.

Appendix 1

Noise Report

A noise report should contain some or all of the following:

- 1. Environmental Noise Impact Assessment (all noise reports);**
- 2. Acoustic Report for Plant and Equipment ;**
- 3. Sound Insulation and Sound Reduction Measures Assessment;**
- 4. Planned Management Measures**

These are expanded below:

1. Environmental Noise Impact Assessment

An Environmental Noise Impact Assessment should provide information, as applicable, including:

- Existing ambient noise climate and a survey of both pedestrian and vehicular numbers in and around the premises;
- Assessment of the existing and future noise climate due to the new or increased use of the premises, indicating any increase in predicted noise levels;
- Assessment of the existing and predicted number and level of noise events;
- Details of management procedures to reduce the impact of the premises' operation on the locality, including noise from customers and others arriving and departing.

2. Acoustic Report for Plant and Equipment

An Acoustic Report should provide information for both external and internal plant, and on the prevention of noise breakout from plant, equipment and internal activities. This should cover, as relevant:

- Mechanical and electrical plant, machinery and equipment and their locations, with manufacturers' specifications: octave or 1/3 octave band analysis of noise for the proposed plant, machinery and equipment;
- The location of the nearest openable window of the nearest noise sensitive property that may be affected by noise from the proposed licensed use/plant and equipment, with the distance between these;
- The proposed operational hours;
- The background noise level assessment (LA90,15 min) over the proposed hours of operation, including the time, date, weather conditions, instrumentation and calibration, noise sampling locations, and a copy of the noise survey data (in accordance with BS 4142 measurement methodology);
- Calculations for the predicted noise level 1 metre from the window of the nearest affected noise sensitive property;
- Use of acoustic enclosures;
- Use of noise attenuators and acoustic screens as required;
- Measures to ensure that plant, machinery and equipment is maintained to prevent noise levels from them increasing;
- Use of vibration isolators;
- The rating level of noise from plant and machinery is no higher than 5dB below the lowest background level at the most affected noise sensitive premises during the operation of the plant.

3. Sound Insulation and Sound Reduction Measures Assessment.

A Sound Insulation and Sound Reduction Assessment should provide information, as applicable, on proposed:

- Assessment of the existing sound insulation of the building fabric;
- Operational building layout to prevent noise escape;
- Sound insulation measures to prevent airborne and structural transmission of noise and vibration to adjacent premises;
- Attenuation measures to minimise noise breakout, and to prevent noise disturbance to the surrounding area;
- Use of electronic sound limiters on amplification systems as alternative means of control;
- Other measures to reduce structural transmission of noise and vibration;
- Installation of acoustic doors and lobbies.

[Note:BS 8233:1999 contains useful guidance on commercial design criteria].

4. Planned Management Measures

This is a statement of management measures to be taken to prevent and control noise-covering matters such as:

- Hours of operation;
- Location of entry and departure points;
- Door control;
- Control and prevention of queuing;
- Management of amplified and unamplified music and voices;
- Steps to be taken to achieve good behaviour outside and within the premises;
- Communication with customers (signs, announcements and other means);
- Management of use of outdoor areas;
- Steps to be taken to ensure customers leave quietly;
- Advice to customers on departure routes;
- Stewarded access to taxis and licensed mini-cabs;
- Arrangements for dedicated taxi or licensed minicabs to collect patrons in a manner so as to minimises any disturbance;
- Arrangements for staff and patron parking;
- Limits set on hours for servicing and delivery;
- Guidance to drivers to limit noise during deliveries;
- Communications with suppliers and service providers;
- Providing quiet means for storage and movement of waste and recycling materials.