

Advisory note on the investigation of domestic noise complaints (excluding barking dogs)



This advisory note outlines Environmental Health's approach to dealing with complaints about domestic noise such as loud music, DIY, shouting etc.

Environmental Health have enforcement powers to deal with noise when evidence exists that it is causing a statutory nuisance i.e. is substantially interfering with the use and enjoyment of your property and we will consider using ASB legislation when the noise is affecting your quality of life and is unreasonable.

How will my noise complaint be dealt with?

Please note that if the noise is coming from a Council property you should contact the Council's Housing Section and if the main problem is anti-social behaviour this should be reported to Civic Enforcement/Police.

It is important to manage expectations as in a lot of cases where the noise is annoying and on occasions causing a disturbance it may not meet legal threshold to enable enforcement action to be taken.

Your noise complaint can be dealt with in one of two ways:

- 1) Advisory approach - for most cases in the first instance an officer will send an advisory letter to the persons complained of asking them to take steps to limit any unreasonable noise. In some cases, the persons complained of may not be aware that they are causing a noise disturbance. The noise will not be investigated but hopefully this informal approach will be successful and resolve the matter.
- 2) Investigative approach – this is appropriate where the noise is having a greater impact on the use and enjoyment of property for example loud music being played regularly for long periods of time. If you wish for your complaint to be investigated, you will be asked to complete and return **noise disturbance diary sheets which will be provided by the investigating officer**. This record is normally kept for 2 to 4 weeks and will be used as evidence if legal action is taken. If you have previously made a report and the advisory approach has been unsuccessful, please contact the officer dealing with the matter.

Why does Environmental Health require the completion of noise disturbance diary sheets?

It is important that you as the complainant provide the investigating officer with evidence of how the noise is affecting the use and enjoyment of your property and /or affecting your quality of life.

Noise disturbance diary sheets are the first stage of the investigating officer's assessment of whether a potential statutory nuisance exists or noise which could result in action being taken under anti-social behaviour legislation. Subsequent investigation including officer visits and installation of noise monitoring equipment is to collect independent evidence to substantiate the evidence contained within the noise disturbance diary sheets.

Environmental Health acknowledge that the completion of noise disturbance diary sheets can take time and effort when you may feel frustrated and want an immediate solution to the noise problems that you are experiencing. Time and effort taken now to complete noise disturbance diary sheets will enable the investigating officer to bring about a quicker resolution to the investigation into your complaint.

What is the next stage?

On receipt, the investigating officer will review the noise disturbance diary sheets to decide whether there is evidence of a potential statutory noise nuisance/evidence of anti-social behaviour. You will be informed of the outcome of this assessment and whether your noise complaint is to be investigated further.

Further investigation may involve an officer visiting your property to witness and assess the noise and/or the installation of noise monitoring equipment into a main room such as a bedroom or living room. The investigating officer will notify the person complained of if a potential noise nuisance exists/evidence of anti-social behaviour is obtained and is required by law to inform them that as part of the ongoing investigation noise monitoring maybe undertaken. The person complained of is not informed of the dates the noise monitoring equipment is installed but is advised that noise from their property maybe monitored.

What legal action can be taken?

If a statutory noise nuisance exists a **Noise Abatement Notice** will be served on the person(s) responsible for causing the problem. This will require them to take steps to abate the statutory nuisance and if evidence is gathered of non-compliance further enforcement action may be taken.

A **Community Protection Notice** can be served if the noise is persistent or continuing and having detrimental effect on the quality of life of those in the locality and the conduct is unreasonable.

You can take your own action under Section 82 of the Environmental Protection Act 1990 in the Magistrates Court or civil action in the County Court if you can prove your health, comfort or convenience is affected by the noise and you may obtain an injunction to stop the noise or be able to claim damages from the person responsible.

Will my details be kept confidential?

Complainant details will be kept confidential. However, if the Council decides to take legal action for non-compliance with an abatement notice or the abatement notice is appealed your name may have to be released to the defence and you may be required to appear in Court as a witness.

Your name would not be disclosed without your permission, but you will need to be aware that legal action is unlikely to be successful without the use of your evidence.