

## Noise Nuisance Investigations

No house or flat is totally soundproof and you shouldn't expect total silence from your neighbours. However, if you feel that the noise is not an isolated incident and you are being seriously disturbed on a regular basis, it is not unreasonable to make a complaint.

### Your Options

Approach your neighbour and politely explain that you are being troubled by the noise. A proportion of all noise makers claim to be unaware that they are causing a disturbance and simply making them aware can resolve the problem.

If the above has not worked or you do not feel able to approach your neighbour you may want to consider mediation. This involves an independent third party communicating with both sides to reach an agreement or compromise.

If you are considering sound insulation or a structural change to a property we can provide practical advice on noise reduction measures.

Contact the Environmental Protection Team for a formal noise investigation to be carried out.

### Can the Council Help?

The Environmental Protection Team receives many complaints about a range of noise problems. Under the Environmental Protection Act 1990, we have a duty to investigate all complaints and we do this in an impartial manner.

A Statutory Nuisance is a significant and unreasonable emission of noise that substantially affects the way you use and enjoy your property. It is merely more than a detection of a noise or an annoyance.

### The Investigation

We will write to the noise maker advising that a complaint has been received. We will aim to do this within 3 working days.

Complaints are dealt with on a confidential basis unless agreed otherwise. Situations may occur where it is self-evident who is being affected and therefore who has complained. If you have concerns you may wish to discuss this with the Investigating Officer.

As part of the investigation, you will be required to keep an accurate diary of the noise disturbance. This includes: the type of noise, its duration, the time and date it occurred and how it affected the way you use and enjoy your property. We aim to send these within 3 working days.

If diary monitoring forms are not returned by the scheduled date the complaint will be closed.

If completed forms shows unreasonable noise disturbance it will be necessary for the Investigating Officer to collect independent evidence to establish a Statutory Nuisance. This can include witnessing the noise and/or installing noise equipment into your home. Should evidence show that a Statutory Nuisance exists, an Abatement Notice will be served on the noise maker.

Should the noise continue, more evidence will be collected to prove whether the Notice has been breached.

The effect of an Abatement Notice is to make any further occurrence of the nuisance a criminal offence, punishable, on conviction in the Magistrates Court, and subject to an unlimited fine.

If it becomes necessary to take formal action, the Council must be able to justify its action in Court. As you are directly affected you will be asked to provide a witness statement and may be required to attend Court.

It must be stressed that this happens in the minority of cases. However, if you have a complaint and are not prepared to provide evidence, you will have to accept that the prosecution will be weaker and your case may not be resolved.

### [Taking Your Own Action](#)

It is possible that after the Investigating Officer has collected and assessed the evidence, the existence of a Statutory Nuisance has not been determined.

In these cases, you have an alternative option to take your own private action. You can do this by complaining directly to the Magistrate's Court under Section 82 of the Environmental Protection Act 1990.

If the Magistrates Court are convinced that you have a case, they will make an order requiring the nuisance to be abated and prohibit its reoccurrence.