



Noise Nuisance

October 2016

THE PROBLEM

Noise nuisance is not a crime and the District Council is the most appropriate agency to deal with noise nuisance as Police Powers are very limited.

If you have noisy neighbours this leaflet contains information and advice about where and how to complain. It also gives practical advice on how to keep your own domestic noise to an acceptable level.

Help us reduce these complaints by being considerate to your neighbours. Don't forget excessive noise can cause anxiety and stress leading to ill health and a fine of up to £5000 if you are the source of the problem.

WHAT IS A NUISANCE?

Legal action can be taken if noise amounts to a nuisance. Nuisance here has a legal meaning based on a number of factors including:

The **VOLUME** or loudness of the noise

The **CHARACTER** of the noise. Loud music is often heard next door as a dull 'thump-thump' of the bass whilst D.I.Y. may be heard as a piercing whine of electrical power tools.

The **DURATION** of the noise. Noise which lasts for long periods is more annoying than noise which only occurs for a short time. However, repetitive bursts of noise can sometimes be even more annoying than a continuous noise over a similar period.

The **TIME** at which the noise occurs. Noise late at night, early in the morning or on Sundays is more likely to be a nuisance than at other times, especially when it causes disturbance to others when they are asleep.

The **REGULARITY** at which the noise occurs. A noise which occurs frequently will give rise to greater annoyance than a 'one-off' noise.

There are no legal noise levels, so a nuisance is assessed as much by the reaction of an average reasonable person as by any technicalities involving sound level meters. Sometimes, however, noise measurements may be made to help in the assessment of a noise nuisance.

THE SOLUTION



Don't forget, music to one person may be noise to another. Initially, it is often worthwhile taking the direct approach and talking to the person who is making the noise. This may be easier said than done, but many people are unaware they are causing a problem until they are told - and are often happy to respond positively if approached in a friendly manner!

If this does not succeed there are several possibilities open to you: -

COMPLAIN TO Environmental Health Dept. or to your Landlord

You can ask the Environmental Health Department of the City Council Tel: 01228 817559

or email: environmentalhealth@carlisle.gov.uk for help. If a noise nuisance is proved they can serve a nuisance abatement notice (Section 80, Environmental Protection Act 1990). You may be asked to keep a noise diary - noting down when, for how long and what sort of noise occurs. An Environmental Health Officer may then come and visit your home to assess the problem at first hand. If it is felt that it is a noise nuisance an abatement notice will be served.

This can be enforced through the Magistrates' Courts. If the problem continues a fine of up to £5000 can be imposed. Further fines will be made for subsequent offences. In extreme cases of loud music, stereo and other music amplification equipment can be seized under warrant in order to abate the noise nuisance. Under certain circumstances an injunction can be taken out against the person(s) responsible for the nuisance with likelihood of more severe penalties imposed by the High Court. If the officer feels the noise does not constitute a nuisance you will be told as soon as possible, and Pollution Control will take no further action. You may still feel you are suffering a noise nuisance however in which case you have every right to complain to a Magistrates' Court yourself.

Noise nuisance diary

If you want your complaint to be dealt with it will require you to complete a nuisance diary. This information is essential to gain sufficient evidence to be able to investigate your complaint.

If the evidence obtained shows there is a likelihood that a statutory nuisance may exist, your nuisance diary will be used to support any action taken. It is, therefore, essential that the information which you record is accurate and written at the time of the noise or shortly after.

Please continue to record any incidents of noise after the initial diaries have been completed as this is an on-going record and needs to be maintained throughout investigations.

If you do not complete a nuisance diary it may not be able to progress your complaint or take any further action.

Notes to help you complete the noise nuisance diary

Be clear and precise. Remember, you could be asked to give evidence in court based on your notes.

Be sure of the source of the nuisance. Don't guess at the address. If in doubt, draw a sketch.

Give the period of nuisance. Fill in both columns - time nuisance started and time nuisance ended. This could be essential in assessing the degree of the problem.

Type of nuisance. Give as much information as possible to describe the nuisance.

Noise - type of noise i.e. loud music, barking dog, fan noise etc. Also give an assessment of the loudness on each occasion.

Scale of annoyance. Try to give an assessment of each recording by giving a number from the following scale:

Not annoying - Slightly annoying -Annoying -Extremely annoying.

Effects of nuisance. Try to indicate how the nuisance affects you or its effect on your way of life. Remember to be as accurate as you can. Exaggerating will not help the case in the long term.

If you are away for a period of time and can't make notes e.g. you go on holiday or you work away, indicate the reason for the gap on the form and include dates. Please complete the nuisance diary for at least 14 days.

COMPLAIN TO A MAGISTRATES' COURT

Under the Environmental Protection Act you have the right to take your complaint straight to the Magistrates' Court. You will have to present your own evidence to support your case. A well-documented noise diary recording the volume, character, duration, times and regularity of the noise as well as the names and addresses of the person(s) responsible will all help your case.

This does mean that you will have to suffer the noise for a while to be able to prove that a noise nuisance exists.

Provided you are well prepared there is no reason why you shouldn't take this course of action.

However as in any other legal action, you are well advised to seek professional advice.

TAKE ACTION AT COMMON LAW

Alternatively you can take Civil Action at Common Law - but you will need to consult a solicitor. An injunction can be obtained to restrain a person from causing you a noise nuisance.

HANDY HINTS



Noise is one form of pollution we can all do something about. Often we don't know we are causing a problem, but when we are told, a little thought and common sense action on our part can make a real difference to the comfort and health of our neighbours. The following simple measures can be taken at home to prevent noise nuisances: -

Keep the volume of radios, TVs, hi-fi equipment etc. **as low as possible**. Remember that in some situations sound insulation is poor and in any event low frequency sound, like bass can carry much further than other sounds and pass through walls.

It is a good idea to position speakers (and other noisy equipment) away from party walls. If you like loud music why not use headphones? - But don't deafen yourself!



Avoid noisy D.I.Y. activities late at night, If you are going to cause a great deal of noise or hammering - tell your neighbours in advance.



Don't hold noisy parties too often. If you are having a party tell your neighbours in advance and avoid making loud music especially late at night. Particular care must be taken if partying outdoors.

Noise Nuisance Diary

Your name: _____

Your address: _____

Address being complained about:

Name(s) of occupier(s) (if known):

Day & Date	Time Started	Time Stopped	Type of Noise(s)	Rooms Affected	How it affected you
Example Sat 11 June	10pm	11.30pm	Loud music	Bedroom	Stopped me getting to sleep

Day & Date	Time Started	Time Stopped	Type of Noise(s)	Rooms Affected	How it affected you

Day & Date	Time Started	Time Stopped	Type of Noise(s)	Rooms Affected	How it affected you

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