

Hull City Council and noise nuisance



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City Council

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This guide explains what Hull City Council will do when dealing with your noise complaint and how we deal with noise nuisance.

If you are experiencing noise nuisance, it is recommended that you approach the neighbour or business before making a complaint to Hull City Council. If you feel comfortable doing this, a friendly approach may resolve the problem without the need for further action. However, there are occasions when it is not appropriate or safe to do this.

What Hull City Council can do about noise?

The council has powers under the Environmental Protection Act 1990 to take action against noise which amounts to a statutory nuisance.

Sometimes the noise may be regarded as noise from antisocial behaviour, in which case it could be dealt with under the Crime and Disorder Act 1998. If the noise is from a licensed pub or club then we can also use powers under the Licensing Act 2003 to solve the problem

We can deal with complaints of noise from:

- alarms - from homes, businesses or cars. These might be security or smoke alarms
- dogs barking
- loud music from people's homes
- other noises people make, usually at home (for example: shouting, arguing or sexual activities)
- DIY noise
- household appliances
- pubs and clubs
- businesses and factories
- construction sites
- machinery on premises
- vehicle's machinery or equipment in the street (not including traffic)



We cannot deal with noise from:

- traffic (moving or temporarily stationary vehicles in the street)
- aircraft (not including model aircraft)
- demonstrations
- naval military or air force actions
- noise from children playing
- noise from banging doors

What is a statutory nuisance?

A statutory nuisance is something which materially interferes with the use and enjoyment of a person's property. For a noise to be classed as a nuisance it needs to be shown that it is unreasonable and prevents a person from enjoying normal activities in their home. We will need to gather evidence before any action may be taken.

We are unable to make a decision only based on what you have said.

How will your noise nuisance complaint be dealt with?

Once we have received the complaint we will contact you within four working days to discuss your complaint in more detail. We will then contact the person being complained about, by letter or visit, to inform them that a complaint has been made against them. We will explain the nature of the complaint and offer them advice.

This gives them the chance to stop the problem before considering more formal action. Your complaint will remain confidential and we will not release your personal details.

After Hull City Council has made contact with the person responsible you will receive a letter updating you on the situation. You will also receive **diary sheets** which you will need to complete if the problem continues. Diary sheets are a useful tool in the investigation, they can help the investigating officer establish the extent of the problem and arrange visits at times when the noise is occurring. They can also be used as evidence later in the investigation, if further action is taken.

Will my personal details be given out?

The council will not give out your details. If the case progresses to court, your details will still not be released unless you agree to give evidence at court. Occasionally individuals being investigated may accuse others of making the complaint against them. Please contact us for support and assistance if you feel you are being harassed.



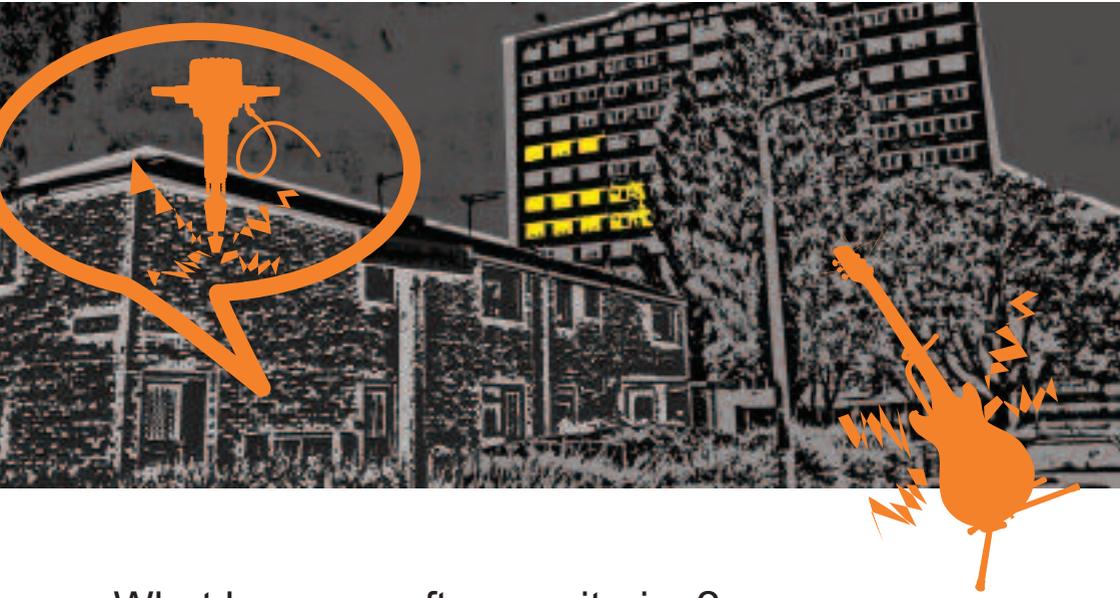
What happens when we receive your completed diary sheets

Once we have received the completed diary sheets we will need to carry out further investigations to decide if the noise is something we can deal with. We will contact you within five working days to discuss what the next steps might be.

Possible next steps:

- If we are unable to take action we will close the complaint. This means the noise may be annoying but does not meet the levels necessary to be a statutory nuisance. If this is the case, officers will give you further advice on how to deal with the matter.
- If the noise problem occurs on a regular basis, we can monitor it and gather evidence by installing noise recording equipment at your property. Due to the high demand for this equipment there may be a wait of a few weeks before it can be installed and we can only leave it for one week at a time.
- If the noise is random we can monitor it and gather evidence by arranging officer visits either during normal working hours, or by using our out of hours service, which operates 24/7.





What happens after monitoring?

There are occasions when we are unable to gather enough evidence to prove a nuisance exists during the monitoring period. If this happens we will normally close the case. If, however, the officer is satisfied that a statutory nuisance does exist then an **abatement notice** will be served within seven days of the nuisance being witnessed. If the noise is coming from a pub or a club we will consider taking action against the premises licence.

What is an Abatement Notice?

An abatement notice is a legal document that requires a person to stop creating a nuisance. There may be different ways of preventing a nuisance, for example by stopping an activity altogether or by changing an activity to different times of the day. It is not an offence to be served with an abatement notice, but, it is an offence to breach its requirements. If the noise nuisance continues after the abatement notice has been served further monitoring will take place, usually for another three months, so that any breaches of the notice can be witnessed. We must witness breaches to allow us to take further action in court. In most cases however, serving an abatement notice is enough to stop the problem.



What happens if an Abatement Notice is served and the problem continues?

For the first breach of an abatement notice we will normally send a written formal warning to the person creating the noise. Should further breaches occur we will then consider taking a **prosecution** in the magistrates court. Whilst we are gathering sufficient evidence to take a prosecution you may continue to experience problems from the noise. Although the length of time it takes to gather evidence can be frustrating we would ask you to be patient whilst we resolve your case. For extreme cases, were the noise becomes unbearable and whilst we are preparing a case for prosecution, we may decide that it is necessary to obtain a **warrant to enter the property** and **seize the noise making equipment**. If having seized equipment the problem still continues we can seize more equipment as often as is necessary.

What else can be done?

If the person causing the nuisance is a tenant of a Registered Social Landlord, such as the Council or a Housing Association the landlord may also take tenancy action. So as well as being prosecuted in court for causing a nuisance, their Landlord may also decide to apply to the court to have them evicted from their home. We liaise with the Councils Neighbourhood Nuisance Team to ensure the full range of powers are considered in dealing with such cases.

We will also liaise with the Councils Licensing Team and the Police if the noise nuisance is being caused by a pub or a club. If the Licensee is found guilty of causing a noise nuisance or breaching licensing conditions we can ask for a review of the premises licence.

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