



## Noise Nuisance Guidance

Guidance is information about the best way to complete a process, which people are encouraged to follow. It is a description of good practice and sensible steps.

### Guidance Statement

While the local authorities are the lead organisation for dealing with noise complaints it is recognised that the police may also receive calls regarding noise issues. This procedure is designed to provide guidance to all police officers and police staff who may be involved with noise complaints.

### Overarching Policies:

#### Procedures:

[Call Handling Procedure](#)

#### Other Documents:

[Environmental Protection Act 1990](#)

[Live Music Act 2012](#)

[Licensing Act 2003](#)

[Control of Pollution Act 1974](#)

[Clean Neighbourhoods and Environment Act 2005](#)

[Anti-social Behaviour, Crime and Policing Act 2014](#)

## Process

### Introduction

1.0 Noise from neighbours is a common source of disturbance. It can be very upsetting, causing annoyance, lack of sleep, stress, and generally affects peoples' quality of life. If left unresolved cases can worsen, leading to neighbours resorting to verbal abuse, harassment or even criminal behaviour. Often those making the noise have no idea that they are causing a disturbance. To them the noise is reasonable, yet they fail to appreciate that neighbours could be shift workers or live a different lifestyle to their own.

1.1 Common sources of noise nuisance include dogs barking, music systems, televisions, shouting, banging doors and DIY activities. Remember, no house or flat is totally soundproof – everyone can expect to hear a degree of noise from neighbouring properties.

### **Lead Agency - Noise Nuisance Complaints**

2.0 Local councils have a legal duty under the Environmental Protection Act 1990 to investigate as far as practicable all noise complaints to determine whether or not a “**statutory noise nuisance**” exists.

2.1 A statutory noise nuisance is defined as being ‘**any significant and unreasonable emission of noise which affects another reasonable person in a significant and unreasonable way**’. It’s more than annoyance or simply being able to detect noise. It has to be a significant and unreasonable emission which materially interferes with the use and enjoyment of land or property.

2.2 A balance has to be struck between the rights of people to do what they like in their own home and the rights of neighbours to enjoy their home peacefully.

2.3 There is no legal noise limit therefore every nuisance is assessed as much by the reaction of an average reasonable person as by any technical equipment. Sometimes noise measurements may be made to support the assessment of a nuisance. Many other factors determine whether or not a noise is a statutory nuisance such as:

- time of day
- location e.g. urban / rural
- duration of the noise
- volume of the noise
- character of the noise
- reasonableness

2.4 The following are unlikely to be classed statutory nuisances:

- a one-off party (depends on the duration, volume, time of day or night etc)
- neighbours arguing if an isolated incident
- a lawnmower used during the day
- a baby crying
- children playing, or
- dog barking occasionally

2.5 Local councils have no control over the following:

- road traffic / revving engines on the public highway

- people shouting / laughing or screaming on a public road or footpath
- air traffic noise

2.6 Construction noise is to be expected from a development site. To minimise disturbance, work should generally be carried out between the hours of 08:00 to 18:00 Monday – Friday and 09:00 to 13:00 hours on Saturdays. No work should be carried out on Sundays or Bank Holidays.

2.7 Noise from commercial, industrial or business premises can also be addressed by Environmental Health Departments. This could include, for example, early morning deliveries, hours of use, noise from fans, noise from machinery, reversing sirens etc. or general use of land such as events or motor cross. Many such sites will already have conditions applied to them under planning regulation - to control and regulate activities. Even if something happens just once or twice, or seems insignificant, it may be that it constitutes a breach of a planning condition designed to protect amenity, which is a much lower level than statutory noise nuisance.

### **North Yorkshire Police Procedure – Receipt of a Noise Complaint**

3.0 While local councils are the lead agency for this type of complaint, there will still be circumstances where it is advisable to have police attendance to assist Environmental Health practitioners or staff to maintain order e.g. when issuing noise abatement notices, Fixed Penalty Notices (FPN's), seizing noise emitting equipment or when noise is emitted as a form of harassment or when the perpetrator is known to the police for violence/drug abuse.

3.1 The following procedure shall apply when members of the public contact the Force Control Room (FCR) to report a noise complaint at a domestic premises.

3.2 The FCR call taker will assess the best level of response, given all available information (including the impact of the noise incident(s) upon the caller), and either advise: -

- a) Caller to contact the council officer to deal, or
- b) Where appropriate, send a police response (see point 3.3).

3.3 The vulnerability of the caller and the levels of any threat or risk will be considered in deciding upon the best response. Police officers should only attend incidents when

- a vulnerable person requires immediate support
- it is believed that a crime is being committed
- a crime or a breach of the peace is likely to be committed
- it is believed that the caller is the victim of targeted anti-social behaviour
- it is deemed unsafe for the council officer to attend alone

Officers should not be dispatched to deal with noise nuisance complaints in any other cases as they have no enforcement powers. Dispatching an officer would place an unfair expectation on the officer and may also result in unrealistic expectations from the caller about the role of the police in dealing with the complaint and any future noise complaints.

Storm logs will be generated on each occasion to:-

- enable NYP to analyse the source of complaints (identify trends)
- monitor the demands being placed on NYP to deal with noise complaints.
- detail the method of disposal

3.4 Council officers deal with statutory noise nuisances in many different ways e.g. written warnings, noise abatement notices, Fixed Penalty Notices (FPN) or by seizing the noise-making equipment, depending on the severity of the noise and whether an offence has been committed. If a council officer intends to issue a Fixed Penalty Ticket or seize noise emitting equipment, they may seek police assistance in order to prevent a breach of the peace and / or for the safety of council staff.

Where council officers envisage the need for police attendance, they should contact the Force Control Room prior to attending the premises to agree a mutually convenient time for both parties to enable this to be factored within the resource deployment strategy.

3.5 Where police officers attend premises at the request of a council officer to maintain order, the presumption is that the council officer will deal with these matters as far as possible, and the police will only become involved in if criminal offences become apparent.

3.6 Details of police involvement shall be recorded on the Storm log and the officer's pocket notebook, in the event that they are required as a witness at a later date.

#### Local Authority Contact Details

4.0

| Council                | Office Hours Contact   | Out of Hours Contact  | Comments  |
|------------------------|--|---|---|
| <a href="#">Craven</a> | <b>Graham Tarn:</b><br><b>01756706339</b><br><b>07884310095</b><br>(Mobile number not for public)<br><br><b>Andy Dent:</b> | <b>Ryecare:</b><br><b>01653 699392</b><br><br><b>Graham Tarn:</b><br><b>07884310095</b><br>(Mobile number not for public) | Ryecare provide an out of office hours (after 5.15pm) call handling service on behalf of Craven District Council. Messages will be passed onto Environmental Health the next working day. |

|                                    |  |   |  |
|------------------------------------|--|---|--|
|                                    | <b>01756706297</b><br><b>07702104153</b><br>(Mobile number not for public)<br><br><b>Switchboard:</b><br><b>01756 700600</b> | <b>Andy Dent:</b><br><b>07702104153</b><br>(Mobile number not for public) |  |
| <a href="#"><u>Hambleton</u></a>   | <b>01609 779977</b><br><br><a href="#"><u>Online Form</u></a>  | <b>01609 767138</b><br><br><a href="#"><u>Online Form</u></a>             | Members of the public can leave a voicemail message for the Environmental Health Department on and the message will be picked up the next working day.   |
| <a href="#"><u>Harrogate</u></a>   | <b>01423 500600</b><br><br><a href="#"><u>Online Form</u></a>  | <b>01423 556300</b><br><br><a href="#"><u>Online Form</u></a>             | This is the out of hours number for Harrogate Borough Council for use by the public.   |
| <a href="#"><u>Richmond</u></a>    | <b>01748 829100</b><br><br><a href="#"><u>Online Form</u></a>  | <b>01653 697737</b><br><br><a href="#"><u>Online Form</u></a>             | Ryecare provide an out of office hours (after 5.15pm) call handling service on behalf of Richmondshire Council. Messages will be passed onto Environmental Health the next working day.          |
| <a href="#"><u>Ryedale</u></a>     | <b>01653 600666</b>  | <b>01653 697737</b>   | Ryecare provide an out of hours call handling service. They have no facilities to deploy a resource but pass the complaint to the EHO the next working day.                                      |
| <a href="#"><u>Scarborough</u></a> | <b>01723 232323</b><br><br><a href="#"><u>Online Form</u></a>  | <b>01723 351558</b><br><br><a href="#"><u>Online Form</u></a>             | SBC's Warden Control Centre will record details of out of hours calls and pass complaints to the EHO the next working day. Attendance is unlikely in all but the most exceptional of complaints. |
| <a href="#"><u>Selby</u></a>       | <b>01757 705101</b><br><br><a href="#"><u>Online Form</u></a>  | <b>01653 600941</b><br><br><a href="#"><u>Online Form</u></a>             | Ryecare provide an out of hours call handling service on behalf of Selby District Council. Complaints are forwarded and dealt with by the oncoming Environmental Health Officer.                 |

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|----------------------|---------------------|---------------------|---|
| <a href="#">York</a> | <b>01904 551555</b> | <b>01904 551555</b> | City of York Council operates normal office hours (8.30 a.m. to 5 p.m.) and a Noise Patrol Service every Friday and Saturday night between 9.00pm and 3.00am. Members of the public can contact the team during these hours on 01904 551555. Outside of these hours messages can be left on a voicemail facility, which are picked up the next working day. Visits and noise monitoring can be arranged outside of these hours. |
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### Live Music Act 2012 – Changes at Licensed Premises

5.0 The Live Music Act came into force on 1 October 2012. The Act basically negates noise nuisance conditions on premises licences when live music, unamplified music or certain forms of regulated entertainment take place, when specific criteria are met. Although the conditions on the premises license may be suspended this does not mean a venue is allowed to cause a statutory noise nuisance under the Environmental Protection Act.

5.1 Due to the complexity of this legislation, and enforceability of specific conditions on premises licences, seek the advice of a force Alcohol Licensing Officer before taking enforcement action on potential breaches.

5.2 Section 161 of the Licensing Act 2003 allows a senior officer of the rank of Inspector or above to make an order to close individual premises covered by either a premises licence or Temporary Event Notice (TEN) for up to 24hrs where they reasonably believe: -

- a nuisance is being caused by excessive noise emitted from the premises, and that closure is necessary to prevent that nuisance.
- The use of this power is, first and foremost, designed to protect the public and should not be seen as a punishment.
- normal nuisance powers still exist for council officers

5.3 Complainants should also be encouraged to contact the Council as information about disturbance from 'one off' events is stored against the premises history. For frequent impact from noisy events, conditions can be reinstated back onto the premises licence. Also, if they receive applications for TEN's this information is used to request that the applicant considers historic complaints and puts measures in place. If not successful, then any future TENs can be recommended for refused based on this evidence.

## **Frequently Asked Questions:**

### **Can the police stop noise nuisance?**

No. Powers to deal with noise are the responsibility of the council, but work is sometimes carried out in conjunction with the police. If the noise is causing you to be concerned about the safety of someone in a property, then you should alert the police by calling the 101 number.

### **How loud can I play music?**

There is no specific maximum noise level at which you are permitted to play your music. But you must not play your music at such a level so as to cause noise nuisance to your neighbours. The bass element of the music can be particularly intrusive, and care must be taken with this level.

### **My neighbours disturb me with their constant / frequent / late night loud music / TV / banging / shouting etc., what can I do?**

Firstly, try to speak to your neighbours and discuss the problem; explain how you are affected. Be aware that your neighbour may have hearing problems and they could use a hearing aid or headphones to reduce the problem. If this has no effect or if you do not feel comfortable approaching them directly, the local council can take the details from you. They will write to your neighbour (your details remain confidential) explaining the nature of the complaint. They will usually send you a diary sheet to record dates and times of when you are being disturbed. If the noise continues a council officer would need to visit you to witness the noise. If a statutory nuisance is established, a noise abatement notice can be served on the persons(s) responsible. You should ask other neighbours to support your complaint if they are affected.

### **My neighbour's dog keeps barking, what can I do?**

Firstly, observe what causes the dog to bark e.g. passers-by, callers at the door, when the neighbour leaves home etc. Then try to speak to your neighbours and discuss the problem; explain how you are affected. If this has no effect or if you do not feel comfortable approaching them directly, the local council can take the details from you. They will write to your neighbour (your details remain confidential) explaining the nature of the complaint. They will usually send you a diary sheet to record dates and times of when you are being disturbed. If the noise continues council a officer would need to visit you to witness the noise. If a statutory nuisance is established, a noise abatement notice can be served on the persons(s) responsible. You should ask other neighbours to support your complaint if they are affected.

### **Can the local council insist that my neighbour get rid of their dog?**

No. The council can serve a notice requiring that a statutory nuisance is abated but it will not specify how this should be achieved – it is up to the dog owner to decide on the remedy.

### **My neighbour disturbs me with noise from walking on their wooden floors / hoovering / children running around. What can I do?**

Normal use of premises such as this is not usually actionable by the Council, but if the noise is excessive, they may be able to help. Firstly, try to discuss this with your neighbour, tell them how this disturbs you. If the property is leasehold, there may be a clause which states that suitable floor covering must be provided. Discuss this with your freeholder. If this has no effect or you do not feel comfortable approaching them yourself, the local council can take the details from you. They will write to your neighbour (your details remain confidential) explaining the nature of the complaint. They will usually send you a dairy sheet to record dates and times of when you are being disturbed.

If the noise continues an Environmental Health Officer would need to visit you to witness the noise. If a statutory nuisance is established, a noise abatement notice can be served on the persons(s) responsible. You should ask other neighbours to support your complaint if they are affected.

#### **My neighbour disturbs me with DIY work. What can I do?**

Firstly, try to speak to your neighbours and discuss the problem; explain how you are affected. If this has no effect or if you do not feel comfortable approaching them directly, the local council can take the details from you. They will write to your neighbour (your details remain confidential) explaining the nature of the complaint. They will usually send you a diary sheet to record dates and times of when you are being disturbed. If the noise continues an Environmental Health Officer would need to visit you to monitor or obtain evidence to be able to serve a Notice. If a statutory nuisance is established, a noise abatement notice can be served on the persons(s) responsible. You should ask other neighbours to support your complaint if they are affected.

#### **What can I do about loud music from car stereos?**

If it is persistent and you know whose car it is, try to speak to them directly. If this has no effect or if you do not feel comfortable doing this, the local council can take the details from you. An Environmental Health Officer will investigate the matter, and if they witness a statutory nuisance, they will take appropriate action to stop it happening again. It is important to note that you will need to provide the EHO with the vehicle registration number in order for the local council to investigate.

#### **I have a burglar alarm – should I tell anyone?**

Councils encourage people to tell their near neighbours who their key holders are. This will allow false alarms to be dealt with promptly, without the involvement of the local council. You should ensure that your alarm has 20 minutes cut out device so that annoyance is minimised. The Environmental Health Department has the power to disconnect alarms when they are a nuisance. Councils usually charge homeowners the cost of disarming an alarm and for obtaining a warrant. If your neighbours alarm is going off for more than 1 hour contact your local council, who may be able to take action to disconnect it. Some local authorities store key holder information in the event a complaint about a noisy intruder alarm is received. It might be worth contacting your local authorities noise nuisance team to see whether they have a key holder database you can register your details with.

#### **There is a car alarm going off, can it be stopped?**

Car alarms should cut out after 5 minutes. If it continues for longer, an Environmental Health Officer can get it turned off or in some instances have the vehicle towed away. The council will need the make, model, colour, registration and location of the vehicle for the EHO to proceed to get it silenced.

#### **What controls can a council put in place over noise from construction sites?**

It is firstly important to realise that there are no time limits specifically laid down in law saying when a construction site can and cannot operate unless these are specified in conditions attached to a planning permission approval. The generally accepted hours of operation are Monday – Friday 0700 – 1900hrs; Saturdays 0800 – 1300hrs and not on Sundays and Bank Holidays. These time limits relate only to noisy works e.g. use of machinery; it would not apply to, for example, the manual sawing of wood (depends how noisy). Environmental Health Officers do have scope to serve notice under one of two pieces of legislation – the Environmental Protection Act 1990 (EPA); and the Control of



Pollution Act 1974 (CoPA). The EPA allows for the service of notice where a noise amounting to a statutory nuisance has been witnessed – this is more than simply being able to hear a noise. This would require the builder to do certain works to prevent the recurrence of a statutory nuisance. The provisions within CoPA allow Environmental Health to serve what is called a Prior Consent or serve a notice controlling the noise. This can either be upon application by the builder or initiated by Environmental Health. It also can require the builder to do certain works and control the noise output from the site.

### **What can you do about fireworks noise?**

It is illegal to set off fireworks between 11.00pm and 7.00am. Exceptions exist as follows: -

- During Diwali (fireworks can be set off up to 1.00am)
- Chinese New Year and New Year's Eve (fireworks can be set off up to 1.00am)
- Bonfire Night (fireworks can be set off up to midnight)

The police should be contacted about firework noise outside the permitted times. Trading Standards are responsible for laws governing the use and sale of fireworks.

### **Can I register a complaint anonymously?**

Local councils differ. Depending on the circumstances some may approach the alleged perpetrator informally to find a solution but do like a telephone number for feedback. However, in order for a statutory nuisance to be established and to take formal action to stop it, it must be witnessed from the affected premises. Local councils will keep your details confidential (but the alleged perpetrator may guess who you are) unless the case goes to court when your address will usually be disclosed in the investigating officers' statement of witness.

### **I am a night worker, and I can't sleep in the day because of my neighbour's general noise. What can I do?**

The law does not protect people in this situation – it is reasonable for your neighbour to go about his routine – using the washing machine / vacuum cleaner / mowing lawns etc.

### **I am ill in bed / have a sick relative / new baby. What can I do?**

The law does not protect people in this situation – it is reasonable for your neighbour to go about his routine – using the washing machine / vacuum cleaner / mowing lawns etc.

### **An ice cream van routinely plays his chimes loudly near my home. Can anything be done?**

Yes. The legislation makes it an offence to sound chimes before midday or after 7.00pm on any day and also in such a way as to give reasonable cause for annoyance. There is a Code of Practice which, if complied with, should enable the trader to operate without complaint. The Code covers the volume of the chimes, length of time and the frequency that they are switched on. An officer from the Environmental Health Department can investigate provided that they receive the vehicle registration number and details of the offending vehicle.

**I have a complaint about noise from my neighbour's house, but I don't want to involve the council. Is there anything I can do myself?**

Firstly, try to speak to your neighbour and discuss the problem; explain how you are affected. You may also approach your neighbour's landlord/ housing association as many tenancy agreements prohibit the causing of nuisance to neighbours. If this has no effect or if you do not feel comfortable approaching them directly or via a mediation service (some areas have mediation charities / services that are low cost or free of charge), all persons affected should complete diaries detailing the incidents that affect them and what they had to do because of the noise or couldn't do because of it. The legislation allows a person aggrieved by noise amounting to a nuisance to seek a remedy through Magistrates' Court and you should approach the clerk at your local Magistrates Court. You could also check whether or not your local council operates a free mediation service with a view to resolving noise nuisance complaints.

N.B. Some people can suffer from tinnitus (a ringing in the ears) or a condition when sufferers hear a constant repetition of a well-known song/people's voices etc, which is often worsened when trying to sleep. Sufferers of these conditions should discuss the matter with their doctor. Your local council may be able to act as an independent arbiter to determine if your neighbour is acting as you believe.

**Responsibilities**

**FCR call taker will:**

- Grade the level of response, given all available information, and either advise the caller to contact the council Environmental Health Officer to deal (if call received within normal office hours or when council operates out of office patrols), or in exceptional circumstances, where it is deemed unsafe for the Environmental Health Officer to attend, send a police response. Police officers will attend incidents when it is clear that a crime is being committed, a breach of the peace may occur or there is targeted ASB.
- Storm logs will be generated on each occasion.

**Operational Officers**

- Police will attend calls where directed and deal appropriately.
- Details of police involvement shall be recorded on the Storm log and the officer's pocket notebook, in the unlikely event that they are required as a witness at a later date.
- Police officers attending premises at the request of an Environmental Health Officer do so only to prevent a breach of the peace.
- Deal with any crimes reported appropriately.

## Definition of Special Terms

**A statutory noise nuisance:** Any significant and unreasonable emission of noise which effects another reasonable person in a significant and unreasonable way.