

- i. There must be a “course of conduct”, not just a single act
- ii. It has to amount to harassment.
- iii. The person must know, or ought to know, that the conduct amounts to harassment.

For the last point, section 1(2) makes it clear that the person should know that the conduct amounts to harassment “if a reasonable person(s) in possession of the same information” would think that it did as well.

Harassment Civil Provisions Section 3 of the 1997 Act: -

Permit’s for a person(s) to take civil proceedings in respect of any on goings of harassment. This includes “apprehended” harassment as well as actual harassment.

In such civil proceedings the applicant can or should seek a “non-harassment” order, and/or damages.

Section 3(2) of the Harassment Act provides for damages to be available for (among other things) ‘any anxiety caused by the harassment and any financial loss resulting from the harassment’.

Section 3(3) makes the breach of a non-harassment order a criminal offence, punishable in the magistrates’ court with up to 6 months’ imprisonment, and/or a £5000 fine, or in the crown court with up to 5 years’ imprisonment and an unlimited fine.

Noise Abetment Notice Section 80: -

The Councils Environmental Protection Team (EPT) are there to investigate complaints about noise made from certain commercial and licensed premises and events within the Councils boroughs, such as some of the following

- Noise from factories: -
- Industrial units: -
- Construction sites: -
- Shops: -
- Pubs: -
- Clubs: -
- Restaurants and takeaways: -
- Noise from residential student blocks/halls of residence, would generally be referred to the university who own the property: -
- Low level/minor noise problems and/or a one off/isolated report suggesting there is not a persistent problem emanating from Housing or social landlord providers property may be referred to Housing or the appropriate landlord for investigation as a possible tenancy breach.

This includes noise from businesses carrying out construction work on domestic property i.e. Noise from businesses carrying out sandblasting on a domestic property.

Where a reporting person(s) or victim submits a noise report for the first time, the noise and nuisance team will endeavour to contact them to acknowledge their report and provide advice to prevent further nuisance. A noise information pack will be sent to them together with a noise nuisance diary. If consent has been provided by the reporting person or victim a letter will be sent to the accused to advise them an allegation has been received. Highlighting to the accused, a problem they may not have been aware they were causing, may be sufficient to resolve the issue at an early stage.

The noise report will be logged as an enquiry within the services customer relations management system (Siebel) if not already done so, updated and closed until either the noise diary is returned, or further reports/evidence are received. Copies of any correspondence sent/received will be uploaded on to the enquiry.

Where noise has been witnessed and deemed unreasonable by an Out of Hours team response officer, for the first time, the noise and nuisance team will endeavour to contact the reporting person or victim to discuss the issue and offer advice. (If not previously provided) and consent sought to send a warning letter to the occupier/s at the address where the noise was witnessed.