

Reports where noise has been witnessed are always considered on their merits, and a case may be opened and further enforcement action taken as appropriate.

Cases will be opened where noise is deemed a statutory nuisance that could warrant a Section 80 Noise Abatement Notice being served or where noise is witnessed on a second occasion and is deemed a potentially persistent problem.

The following evidence may be used to support a noise nuisance investigation, however, does not solely determine what constitutes a statutory noise nuisance. Professional judgement is necessary to decide if the complaint can be considered a statutory nuisance. Evidence, which may be used to support an investigation, includes;

- Noise diaries: -
- Calls to the Council and the Out of Hours service to report that the noise is Ongoing: -
- Visits by officers and Out of Hours service to witness the noise: -
- Witness statements from officers/Out of Hours officers and the reporting Person/victim: -
- Evidence from noise monitoring equipment.

#### **Noise Diaries: -**

Noise diaries completed by the reporting person or victim(s) can assist the noise and nuisance team in deciding whether the problem is actionable or reasonable by providing details of;

- The nature of the problem: -
- The frequency, time of day and nature of the noise.

Where an abatement notice is to be served, this should be drafted and served within 7 days, starting with the day on which the relevant officer was first satisfied that the nuisance existed, or was likely to occur or recur.

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MOTIVE – deliberately using noise to cause annoyance or distress, the noise and nuisance team will consider the circumstances under which the noise was witnessed.

- Is the behaviour reasonable?
- Is it intentional?
- Can it be controlled?
- Has the accused failed to comply with a previous request to abate the nuisance?

THE NOISE AND NUISANCE TEAM recognises that there is no set decibel limit that needs to be exceeded for noise to be categorised as a 'statutory nuisance'. Noise that could potentially be a statutory nuisance includes;

- Loud music: -
- Loud TV: -
- Loud parties: -
- Playing musical instruments: -
- D.I.Y at unreasonable hours: -
- Dogs barking for prolonged periods: -
- Cockerels crowing: -
- Alarms: -

By way of example, loud music which occurs every other day for a few hours after midnight is likely to be a nuisance, a cockerel crowing in an urban garden at 5am most summer mornings could be a nuisance and deliberate banging which occurs solely to cause irritation could also be a nuisance.

If the noise and nuisance team need to gain entry to a property to carry out a seizure of noise making equipment or for the silencing of an internal alarm, an application will be made to the Magistrates Court for a warrant to do so.