

Taking your own action

Section 82 of the Environmental Protection Act 1990 allows an individual to take private action against a noisy neighbour if their local Council decides that the nuisance which is complained of does not, in their view, amount to a “statutory” nuisance.

Procedure

1. Speak to your solicitor before pursuing any legal action, as they may be able to offer you advice.
2. Retain and use the Noise Monitoring Sheets or any other record of the time and place in which the noise was heard as evidence to put before the magistrate.
3. Write to the person you are complaining about, giving them at least three days notice of your plan to apply to Court for legal action to be taken. You must specify the nature of your complaint, for example, the persistent barking of a dog. Ensure you keep all copies of correspondence sent or received.
4. Should the noise continue, contact the clerk at the Magistrates Court (either Northampton or Wellingborough) and explain you wish to make a complaint under **Section 82** of the **Environmental Protection Act 1990**.
5. The court will set a date for the hearing, and the person causing the noise will be summoned to attend court.
6. At the hearing you will be required to explain the issue and provide evidence of the noise you are experiencing, with you and your witnesses being cross-examined. The alleged will also be able to cross-examine you, your witnesses and evidence and may produce contradictory evidence to yours.
7. If your case is proven, the Court will make an order requiring the nuisance to be abated. If you fail to prove your case, you may incur expenses.

How to contact us:



01536 464000



One Stop Shop, The Cube



customer.first@corby.gov.uk



www.corby.gov.uk/

Write to us:



Environmental Services,
Corby Borough Council,
Deene House,
New Post Office Square,
Corby,
Northants.
NN17 1GD.



Noise Annoys.



Environmental Services

Examples of noise we can investigate

There are several types of unwanted and excessive noise we investigate, shown below are some examples of common noise complaints.



Persistent Dog Barking



Loud Music



Persistent DIY Noise



Loud Equipment

Types of noise we can't investigate

- Road noise
- Everyday, domestic noise from children playing and babies crying.
- Noise associated with military or political demonstrations.
- Aircraft noise

Informal Action: Many people are completely unaware that they are having an effect on their neighbours. If your neighbour is approachable, it is often better to discuss and solve the problem together than to involve the Council.

How we deal with noise The Legislation

There are two pieces of legislation that we can use to investigate and deal with noise complaints.

Environmental Protection Act 1990: Statutory Nuisance

The Council can also investigate the possibility of the noise amounting to a **statutory nuisance**. Defined as “an unlawful interference with a person’s use or enjoyment of land or some right over or in connection with it”, it is much more than an annoyance or awareness of noise.

There are several factors that determine whether or not the noise is classed as statutory nuisance including **time of day, location, duration, volume** and **characteristics**. Should the noise be deemed as a statutory nuisance, an **Abatement Notice** will be served. If this Notice is breached, further action may commence, including **prosecution, fines** or **forfeiture**.

Anti-Social Behaviour, Crime & Policing Act 2014

When dealing with noise complaints, the Council can serve a **Community Protection Warning** to anyone over the age of 16. This written warning sets out instructions that aim to stop the noise and associated anti-social behaviour.

Should this warning be ignored a **Community Protection Notice** can be served. If this Notice is then breached, this is a criminal offence and a **Criminal Behaviour Order** or **prosecution** may follow.

How we deal with noise The Procedure

A noise complaint is made to the Council.



One of the Environmental Services team calls the complainant to find out more information and to decide how to proceed.



Letters are sent to both the alleged perpetrator and the complainant. The complainant also receives a noise monitoring sheet to complete.



The complainant completes the monitoring sheet over a period of time (usually 2 weeks), and returns it to Environmental Services.



Should the noise continue, the complainant is sent more monitoring sheets. The alleged perpetrator is also sent another, stronger worded letter.



If the noise continues further, visits by an Officer during office hours will be made to witness the noise. Noise monitoring equipment may also be installed.



If the noise recorded or witnessed amounts to a statutory nuisance or anti-social behaviour, the appropriate piece of legislation will be used to tackle the noise in question.