

fact sheet

Reporting domestic noise nuisance to the Council

Environmental Health deals primarily with noise from non-Council domestic properties. If the subject of your complaint is a Council tenant the Housing Nuisance Team will initially deal with the complaint.

To be a nuisance, the noise must be more than annoying or simply audible. It must significantly interfere with your enjoyment of your own premises and appear unreasonable to the average person. It is important to understand that noise nuisance investigations are about how you are affected. We will be unable to help without your co-operation and evidence.

Some types of noise are more likely to be a nuisance, such as loud music and DIY noise. It is very unlikely that we would be able to take action for normal domestic noise (for example people moving about their own home) or where there is poor sound insulation between dwellings. This is because we need to show the noise is being caused unreasonably.

Noise nuisance investigations are usually carried out in four stages.

Stage 1: We will provide you with some preliminary diary sheets, or you can fill in the online sheet at <http://www.reading.gov.uk/nuisance>. This should be filled in for **2-3 weeks**. The information you provide will be assessed against a number of factors, including:

- The time of day the noise occurs
- How long the noise goes on for
- The type of noise
- The location in which the noise occurs
- How loud the noise is
- How the noise affects you

This will allow us to determine whether the noise is likely to be a statutory nuisance.

Stage 2: If we think a nuisance may be occurring, we will write to the person causing the noise to let them know a complaint has been made. In many cases this will solve the problem. You will be asked to continue completing diary sheets for a further 2-3 weeks to see if there is any change in the noise.

Stage 3: If there is continuing evidence of nuisance, we will either arrange to install monitoring equipment or ask you to call an officer out to witness the nuisance during the day. If the noise occurs out of hours we can make special arrangements for an officer to attend even if it is late at night or a weekend.

Stage 4: If we witness the noise and are satisfied that a statutory nuisance exists, we can issue a noise abatement notice under the Environmental Protection Act 1990 requiring the person responsible to stop causing the nuisance noise. If the notice is ignored, we must witness the nuisance again so that we can take legal action. In the case of persistent noise problems we have the power to seize noise-making equipment (for example, amplifiers and speakers) after obtaining a warrant from the magistrates' court.

We ask for you to be patient while we investigate, as it can take time to collect sufficient evidence of nuisance to enable legal action, especially when it is irregular or unpredictable. Please note that we cannot guarantee success. If we are unable to help, we will let you know so that you can consider action yourself. Please see the fact sheet **A guide to section 82 of the Environmental Protection Act 1990** for more details, which is available on the Council website.

Guidance on completing diary sheets

Your diary sheets are an essential part of the investigative process, as they show how the noise is affecting you and your household. It is very important that the diary sheets are completed in detail and this guidance is intended to help you to do this.

The diary sheet has nine columns, in which you will need to write down different bits of information. It is important that you complete the sheets at the time that the noise occurs, as this will help to make the record as accurate as possible.

Type of noise

Please describe the type of noise, for example loud music, loud television noise, noise from D.I.Y. activity, etc.

Day and date

The correct day should be written down in the 'day' column, and the date in the 'date' column. Care should be taken when making notes in the early hours of the morning, as it is easy to become confused about the day and date.

Time started

Please write down the time the noise started. Please make sure you clearly show the time of day the noise occurred, by either stating am or pm, or using the 24-hour clock system.

Duration

Please write down how long the noise went on for. If the noise is not continuous, but frequently repeats over a period of hours, please make a separate note once every couple of hours or so.

Location of the noise

Please try to describe where exactly the noise is coming from. For example, "from ground floor front room at No. 32" or "the back garden at No. 64".

Description of the incident

Please describe how the noise affected you. Please be as specific as possible. Examples can include 'woke me up', 'had to turn up the volume on my television', or 'forced me to go out'. Please avoid using expressions like 'ditto', ditto marks (" " ") or other forms of shorthand.

We appreciate that noise can be frustrating, but please keep your notes to the point. It is best if you avoid making personal comments about neighbours or commenting about matters that are not relevant to the noise. Please remember that these diary sheets may be given in evidence if legal action is taken.

Signature

The person making the record should sign and date each entry at the time of writing.