

# Noise nuisance guidelines



The Neighbourhood Enforcement Team deal with **domestic** noise (from a property). Public Protection deal with **commercial** noise. Domestic noise is dealt with under the Environmental Protection Act 1990.

Report your complaint via the customer contact centre on 01904 551550 or [ycc@york.gov.uk](mailto:ycc@york.gov.uk)

Make sure you provide the address of the property where the noise is, the dates and times when the noise took place, the type of noise and your own contact details. When we contact your neighbour we do not disclose who made the complaint.

The guidelines for dealing with domestic noise is as follows:

- 1) We will send a warning letter to the perpetrator. This serves two functions. Firstly, it informs the perpetrator that a complaint has been made and allows them to contact the council if they wish to discuss or dispute it. Secondly, contained within the letter is a sentence advising the perpetrator that if we have to conduct a full investigation we may use recording equipment. This is a legal requirement. The letter is only valid for four months. If there are no further problems until after that date then the process must start again with another letter.
- 2) If the noise continues we will start to gather evidence. We may use recording equipment that we will install in the complainant's home. We may also try and witness the noise ourselves by encouraging the complainant to contact our noise patrol service that operates on Friday and Saturday from 9pm to 3am.
- 3) Noise has to reach a particular level, or threshold, before we can conclude that it is a statutory nuisance. We can only take legal action if noise has become a statutory nuisance. There are no rigid rules to assessing noise nuisance. We will consider the type of noise, the level of noise but also the time of day, the rooms that are affected by the noise (for example, where you sleep). We will also consider the time between complaints (for example, if it is happening every day or once every 3 months). We assess the noise based on what we believe a court would accept as unreasonable for the average person to endure. Noise nuisance is an offence and is dealt with in the magistrates' court where the standard of evidence is 'beyond reasonable doubt'.
- 4) Once we have gathered enough evidence we can serve a noise abatement notice. If this is then breached (and we will need to gather evidence, as above, to prove this) then we may decide to prosecute or get an order from the court that will allow us to seize equipment that is causing the noise (music systems etc). Prosecution can result in a fine of up to £5000.

For the most up-to-date information please visit [york.gov.uk](http://york.gov.uk) and search for noise pollution.