

**HULL CITY COUNCIL**  
**PUBLIC PROTECTION DIVISION**  
**ENVIRONMENTAL NOISE AND VIBRATION POLICY AND PROCEDURE**

**Index**

1. Definitions
2. Aims and Objectives
3. Introduction
4. Noise Team Qualifications and Experience
5. General Policy Arrangements/Procedures
6. What happens if Hull City Council are responsible for creating the noise
7. Specific Types of Noise Emission
8. Support for Victims of Noise Nuisance
9. Monitoring and Review

**Appendices**

Appendix 1: Main Legislative Background

Appendix 2: Noise Team – Hours of Operation:

## **1. Definitions**

ASB	Anti Social Behaviour
EHO	Environmental Health Officer
EPA90	Environmental Protection Act 1990
EPO	Environmental Protection Officer
ER Section	Environmental Regulation Section
NNT	Neighbourhood Nuisance Team
PEHO	Principal Environmental Health Officer

Noise and Vibration Policy: November 2012.

1<sup>st</sup> Review: July 2015.

2<sup>nd</sup> Review: January 2018.

3<sup>rd</sup> Review: April 2018.

4<sup>th</sup> Review: March 2021

## **2. Aims and Objectives**

- 2.1 To provide clarity in relation to how and by whom service requests relating to noise and vibration will be investigated.
- 2.2 To ensure that an efficient and courteous specialist noise and vibration investigation service is provided to the public and businesses, as well as external and internal partners, including Licensing, Planners, and the Neighbourhood Nuisance Team.
- 2.3 To ensure that service requests are investigated and resolved within set timescales.
- 2.4 To provide a transparent framework so that members of the public and businesses know what level of service they can expect.
- 2.5 To ensure that enforcement is fair, consistent and proportionate and is carried out in accordance with the Public Protection Division's enforcement policy.
- 2.6 To prevent significant adverse impacts of noise and vibration on health and quality of life.

## **3. Introduction**

- 3.1 In a busy city such as Hull, the production of noise and vibration from daily activities is inevitable. Indeed a certain amount of both is desirable to show that the city is vibrant and flourishing. However, when levels become excessive and/or intrusive on the lives of others, this can become a problem.
- 3.2 This policy has been written to detail what action is taken by Hull City Council to deal with the many complaints it receives regarding unwanted noise and/or vibration, and to explain other methods used to prevent unwanted noise and vibration at an early stage, such as Planning and Licensing approvals. From here on in, where reference is made to noise, this shall be read as meaning both noise and/or vibration. The policy has been written taking into consideration the Neighbourhood Noise Policies and Practice for Local Authorities – Management Guide which was produced by the Chartered Institute of Environmental Health (CIEH) in September 2006. This guide sets out in detail the level of service that local authorities are expected to provide when dealing with noise nuisance.
- 3.3 Depending on the location and nature of the noise, initial service requests are dealt with by one of two sections within the Council. The Public Protection Division incorporates specialist noise officers who are based in the Environmental Regulation Team and who investigate complaints relating to all forms of noise and vibration, including domestic, industrial and commercial.

Noise and Vibration Policy: November 2012.

1<sup>st</sup> Review: July 2015.

2<sup>nd</sup> Review: January 2018.

3<sup>rd</sup> Review: April 2018.

4<sup>th</sup> Review: March 2021

- 3.4 The Neighbourhood Nuisance Team carry out initial investigations into noise only (not vibration) that is generated in Council owned domestic properties, and noise that is a symptom of, but not the main issue, of other anti social behaviour activities in private and public sector housing.
- 3.5 This Noise Policy concentrates mainly on the investigation procedures of the Public Protection Division. However, as the Neighbourhood Nuisance Team play a key part in the investigation into noise complaints in Council owned domestic premises, their role in this area is considered in detail.

#### **4. Noise Team Qualifications and Experience**

- 4.1 The noise team based within the Environmental Regulation Section are responsible for the delivery of this policy. The noise team currently comprises of a team leader who is a Principal Environmental Health Officer (PEHO), one Environmental Health Officer (EHO), and three Environmental Protection Officers (EPOs). The team reports to the Environmental Regulation Manager.
- 4.2 All officers who are given the responsibility of assessing and dealing with statutory noise nuisance must be appropriately authorised by the Council to do so. The Council must be satisfied that the officer is competent to carry out the work they have been authorised to undertake. This should include the ability to identify the existence of a statutory nuisance, being able to determine the most appropriate course of action to abate a nuisance which may involve taking court action or providing technical advice, and the ability to satisfy a court of the continuation of a nuisance and breach of an abatement notice. Competence can be demonstrated through a combination of qualification, experience and training. Provision should also be made to ensure that once appointed, officers undergo sufficient refresher training and/or instruction and supervision to allow them to maintain their level of competence.
- 4.3 All officers authorised to take action for statutory noise nuisance using the provisions of noise control legislation have either a Degree or BTEC in Environmental Health and/or a specialist noise qualification, and a minimum of 2 years experience in dealing with noise complaints. They also receive regular refresher training in the assessment of statutory noise nuisance.

#### **5. General Policy Arrangements/Procedures**

##### **5.1 Investigation Procedure for Neighbour Noise**

- 5.1.1 The majority of service requests are received via the telephone by the Council's call centre staff. Other less common methods of receipt are the Council's internet page, email or letter, which are sent or are forwarded to the Environmental Regulation Team. On receipt of a service request at the call centre, their staff take details of the complaint on the Council's service request recording system (Civica 360), including the name and address of the complainant, details of the nature of the noise they are complaining about, and the location/address generating the noise. Noise that forms a part of other

Noise and Vibration Policy: November 2012.

1<sup>st</sup> Review: July 2015.

2<sup>nd</sup> Review: January 2018.

3<sup>rd</sup> Review: April 2018.

4<sup>th</sup> Review: March 2021

issues of an anti social behaviour nature or which is emanating from a Council owned domestic premises is forwarded by the Call Centre to the anti social behaviour team. All other noise service requests are passed to the Environmental Regulation Section. Service requests are automatically transferred from 360 to the Public Protection Division's data base, Flare, and are received by any one of three Technical Assistants based in the department. On receipt, service requests are printed onto pink paper (so that they can be easily identified as service requests), and are then split into the noise team officer areas. Letters and emails are dealt with in a similar manner as details are transferred onto the Flare system by one of the Technical Assistants.

- 5.1.2 On receipt of a service request, the EHO or one of the EPOs will, within 4 working days, telephone the complainant to confirm details of their complaint so that an initial assessment can be made as to the most appropriate course of action to start an investigation. Following a minimum of two failed attempts to contact the complainant via telephone a letter will be sent to the complainant advising them to contact the case officer at their convenience. Once contact has been made for the majority of cases the investigation will involve sending out letters to both parties (see point 5.1.3 below for exceptions). The letter sent to the person accused of causing a problem advises them that a complaint has been received and asks them to consider their future actions. The letter sent to the complainant advises them that the person they allege is causing the nuisance has received a letter and asks them to keep a record, on log sheets that accompany the letter, of any future problems and return these to a named officer. The letter also advises that if no further contact is received from them within 21 days, it will be assumed that the problem has been resolved and the complaint will be closed. The other possible method of initial investigation is likely to involve officer visits to one or both parties, although this method is used in exceptional circumstances only.
- 5.1.3 On occasions and at the discretion of the PEHO or Section Manager where previous initial contact letters have been sent to the person accused of creating noise nuisance but complaints have continued on an adhoc basis the investigation maybe started at the second letter stage or in exceptional circumstances at the abatement notice stage.
- 5.1.4 If, following initial contact, complaints continue and log sheets have been returned, formal investigation is undertaken. Both parties are sent letters before the investigation commences setting out possible investigation methods. These methods can include officer visits, use of sound recording equipment, or use of the department's out of hours service. The length of these investigations varies considerably from case to case, but on average lasts approximately 3 months.
- 5.1.5 Service requests relating to noise, other than neighbour noise, are investigated in accordance with the advice/criteria as set out in any one of a number of British Standards/codes of practice (for example BS4142 for assessment of noise from industrial premises).

Noise and Vibration Policy: November 2012.

1<sup>st</sup> Review: July 2015.

2<sup>nd</sup> Review: January 2018.

3<sup>rd</sup> Review: April 2018.

4<sup>th</sup> Review: March 2021

## 5.2 Possible Outcomes following an Investigation:

### 5.2.1 *Nuisance established*

Where noise nuisance is proven, the authority has 7 days before which it must serve an abatement notice. Depending upon the response received previously to earlier approaches to the accused, the officer may either choose to give the person 7 days to abate the nuisance or satisfy the officer that plans are in place to abate the nuisance, or alternatively may immediately serve an abatement notice. The abatement notice will provide details of the offence committed, a time scale in which the nuisance must be abated, and may or may not set out specific steps that should be taken to abate the nuisance. Further advice will be given in a covering letter sent with the notice. The complainant will also be sent a letter at this stage advising them that the notice has been served and how the investigation will be progressed. Investigations will then continue, and if further evidence is gathered, consideration will be given to formal action such as prosecution or if necessary confiscation of equipment. Formal action in the form of prosecution and / or confiscation of noise making equipment would normally follow a minimum of two but more usually three breaches of an abatement notice, but action can be taken after a single breach in extreme cases. The usual procedure, following a single breach of the notice, would be to write to the person responsible warning them that future breaches may result in formal action. This decision is taken on a case by case basis by an officer at PEHO level or above. Although in theory an abatement notice lasts indefinitely, it has been agreed between the Environmental Regulation Manager and Legal Services Section that in the majority of cases, action on an existing abatement notice will not be considered if no breach has occurred in a 12 month period after service. If after 12 months a further nuisance is witnessed, a new abatement notice is served.

### 5.2.2 *Noise is found not to be a statutory nuisance but is a disturbance*

On occasion the noise complained about may not be severe enough to constitute a statutory nuisance but will amount to a disturbance or annoyance strong enough to warrant further action. This can be by way of the use of a Community Protection Notice. Currently, this procedure is managed by the NNT and such cases will be referred to that team.

### 5.2.3 *No nuisance is found*

Both parties are advised accordingly in writing and the case closed. The complainant is also sent a leaflet detailing their right to consider private action in accordance with section 82 of the EPA90. Cases that have been investigated for the same alleged noise nuisance on more than one occasion, where no nuisance is found, are reviewed in accordance with the section's vexatious complaints procedure.

Noise and Vibration Policy: November 2012.

1<sup>st</sup> Review: July 2015.

2<sup>nd</sup> Review: January 2018.

3<sup>rd</sup> Review: April 2018.

4<sup>th</sup> Review: March 2021

### 5.3 Notice served before nuisance occurs:

In accordance with the provisions of the EPA90, an abatement notice may be served before a nuisance occurs. Although rare, these provisions can be used, for example when a large outdoor event is likely to result in the production of loud music which is likely to cause a statutory noise nuisance. By way of an example in this case, the time the event must finish may be specified in the notice as a way of preventing a nuisance from occurring.

### 5.4 Service Requests regarding neighbour noise investigated by the Neighbourhood Nuisance Team:

5.4.1 The NNT team investigate, in the first instance, neighbour noise complaints where the noise results from an anti social behaviour activity. In addition, they also carry out initial investigations into all noise complaints emanating from Council owned domestic properties. Any such investigation will be carried out in accordance with the Councils "Statement of Policy and Procedures for Dealing with Antisocial Behaviour". These are considered separately in more detail below:

5.4.2 *Source of noise privately owned / rented property* - Following their initial investigations, where the NNT officer deems that noise forms a major part of the problem they will refer the case to the Environmental Regulation Section for further investigation. At this stage the NNT officer may, depending on the circumstances, either close their case or if an element of ASB remains, continue their investigation in to the additional elements of ASB. Where they continue to investigate, close liaison occurs between the NNT officer and the Environmental Regulation Officer. Where noise is an element of the overall problem but does not form the main part, the NNT officer will continue to deal with the issue, including the noise element but may ask for assistance of the Environmental Regulation Team in gathering evidence of the extent of the noise by use of specialist recording equipment or use of the out of hours standby scheme. Again, close liaison occurs during this process between the teams.

5.4.3 *Council owned domestic properties* - Noise complaints relating to Council owned domestic properties are, in the first instance, investigated by the NNT. This is so that action may be considered by the Council as a landlord using tenancy powers, if appropriate, at an early stage. Following initial investigation, where the use of tenancy powers has been deemed not to be appropriate and informal approaches have failed to resolve the problem, the case is referred to the Environmental Regulation Section. Investigation is then carried out in accordance with normal procedures as detailed above, but taking into account the approaches that have already been made by the NNT.

5.4.4 *Registered Social Landlord Properties* - Where a resident reports noise originating from premises owned by Registered Social Landlords (RSL), the resident will be requested to ask the relevant RSL to carry out the initial

Noise and Vibration Policy: November 2012.

1<sup>st</sup> Review: July 2015.

2<sup>nd</sup> Review: January 2018.

3<sup>rd</sup> Review: April 2018.

4<sup>th</sup> Review: March 2021

investigation. The relevant RSL should carry out its own investigation and follow similar working arrangements as the Councils NNT.

## 5.5 Transfer Procedures

5.5.1 The Environmental Regulation Section and the NNT have agreed the following procedure for the transfer of cases.

5.5.2 The NNT officer will discuss with their supervisor their proposal to transfer a case. Before agreement is given, the Supervisor will establish that all action possible by the NNT has been taken. Once agreed, an email is sent to a generic email address which is read daily by one of the Technical Assistants (TA) based within the Environmental Regulation Section. The email contains brief details about the case plus the NNT Flare reference number. Upon receipt of an email, the TA will forward the email to the PEHO or in his absence the EHO or Section Manager. The PEHO will consider the details of the case via Flare, and will either query certain aspects of the case with the NNT Supervisor or accept or refuse to take the case. Once the case is accepted for transfer, a new Service Request will be created for the Environmental Regulation Noise Team. This enables the NNT to either close their service request or alternatively carry on with their own investigation, updating their own record as appropriate.

## 5.6 Evidence Gathered using Log Sheets

Log sheets are sent out by ER and NNT officers along with the first response letters. Log sheets are used by the ER section to establish patterns of when the noise problem may occur so that the best use of resources can be planned by visiting only at times when a nuisance is most likely to be witnessed. Complainants are therefore asked to keep a log to cover a maximum three week period only. Evidence from log sheets may be used at a later date as part of the evidence to defend an appeal or for a prosecution, but as the officer will normally have witnessed the noise at this stage, this information will form only a small part of the overall evidence. The NNT will send the first letter and log sheets for cases they initially investigate.

## 5.7 Nuisance Witnessed by Others

On occasions, the service of an abatement notice will be considered based on evidence presented by a member of the public or a Council Officer who does not work for the noise team or on the out of hours standby service. In all such cases 3<sup>rd</sup> party evidence will be considered by an officer of the noise team, in the first instance, and if they believe that the evidence may be appropriate to use for service of an abatement notice, they will refer this to the PEHO or above. The PEHO will usually request a statement from the person who has witnessed the nuisance and will then make a decision based on the evidence presented as to whether or not service of an abatement notice is appropriate.

Noise and Vibration Policy: November 2012.

1<sup>st</sup> Review: July 2015.

2<sup>nd</sup> Review: January 2018.

3<sup>rd</sup> Review: April 2018.

4<sup>th</sup> Review: March 2021

Where it is deemed to be so, the notice will be served on the 'likely occurrence' of a nuisance rather than 'recurrence' because an authorised officer has not actually witnessed the nuisance. Although this wording will have no effect on the action taken, should the nuisance continue, it will prevent potential issues at a later stage of the investigation regarding the ability of the person who witnessed the nuisance to make that decision. Following the service of a notice, it is extremely unlikely that any formal action such as prosecution for a breach of the notice would be considered on 3<sup>rd</sup> party evidence only, as such evidence could be easily challenged in court.

#### 5.8 Evidence Gathered using Recording Equipment (TROJAN recorders)

TROJAN recorders are a useful tool in dealing with the large number of service requests received by the ER section. Their advantage over use of officer visits to investigate noise nuisance is that they can be switched on as soon as the noise starts and are therefore ideal for short duration problems. However, they have limitations due to a lack of corroboration. TROJAN recorders are usually placed in the complainant's home for a period of 7 days. Once collected, the recordings are analysed by one of the noise team by listening to the recordings and if necessary analysing the data collected on the sound level meter via specialist software. Where the officer feels that sufficient evidence has been gathered on the TROJAN recorder to serve an abatement notice, the evidence will be reviewed by the EHO, PEHO or above before a final decision is made. Any abatement notice served as a result of evidence obtained using a TROJAN recorder is served on the likely occurrence of a nuisance. As with nuisance witnessed by others (see above), this wording is used as no independent verification of the nuisance has been witnessed by an authorised officer. Due to potential challenges against the evidence gathered, recordings taken using TROJAN recorders are rarely used to establish breaches of notices and would only be used for this purpose with approval of the PEHO or Section Manager.

#### 5.9 Evidence Gathered using the Department's Out of Hours Service

The Environmental Regulation Section operates an out of hours noise standby service so that officers can gather evidence of alleged noise nuisance 24/7. A separate procedure has been written for the operation of this service.

#### 5.10 Additional Policies/Procedures Held by the Environmental Regulation Section

- Out of Hours Standby Procedure
- Mis-firing intruder alarms
- Mis-firing Car Alarms
- Vexatious complaints procedure

Noise and Vibration Policy: November 2012.

1<sup>st</sup> Review: July 2015.

2<sup>nd</sup> Review: January 2018.

3<sup>rd</sup> Review: April 2018.

4<sup>th</sup> Review: March 2021

- Construction Noise
- Noise from Licensed premises

#### 5.11 Noise from premises where the source of the noise requires Planning Permission

In such cases, the source of the noise is regulated by separate legal regimes requiring different standards. However, if the noise is found to be causing a statutory nuisance, the council MUST serve an Abatement Notice in accordance with the criteria detailed in 5.2.1 above. The person responsible will be informed that a planning consent is necessary for the noise source and that a stricter standard may be required by the planning department. Environmental Regulation Officers will work closely with the nuisance causer and the Development Control officers to ensure that all required controls are implemented in the most cost effective manner.

### **6. What happens if Hull City Council are responsible for creating the noise?**

- 6.1 In cases where it is another Council department that are responsible for creating a noise problem, investigation will be carried out in the same way as detailed in this policy. If a noise nuisance is confirmed and informal approaches to the department responsible for the nuisance fail to resolve the problem, approaches will be made through the hierarchy of management up to and including the Chief Executive, if necessary, to find a solution to the problem. Any approaches made to management above Section Manager level will first be notified to The Public Protection Division's own Head of Service.

### **7. Specific Types of Noise Emission**

- 7.1 The Public Protection Division's Environmental Regulation Section investigates all forms of alleged noise/vibration nuisance, with the exceptions detailed below. The investigation method used will depend on the type of noise/vibration being complained about.
- 7.2 The following category of noise complaint will only be investigated in exceptional circumstances:-
- Noise from Children Playing (as this is normal activity for a child)
  - Noise resulting from banging only (eg: banging doors) as these are short term events and will therefore not be of sufficient duration to constitute a statutory noise nuisance
- 7.2.1 Although neighbour noise forms the largest part of the work of the Environmental Regulation Section, officers within the section also have input

Noise and Vibration Policy: November 2012.

1<sup>st</sup> Review: July 2015.

2<sup>nd</sup> Review: January 2018.

3<sup>rd</sup> Review: April 2018.

4<sup>th</sup> Review: March 2021

to control noise through other avenues, such as acting as consultees to the planning department and as Responsible Authorities and Authorised Officers under the licensing Act 2003 so that controls can be implemented proactively at an early stage to prevent nuisance occurring.

## **8. Support for Victims of Noise Nuisance**

- 8.1 The Council recognises that unwanted noise can have a serious detrimental effect on the Health & Wellbeing of the person experiencing it. Officers of both the ER Section and the NNT are fully aware of this and provide as much support as possible to those effected which can include accessing facilities offered by other organisations such as the Council's Safe Guarding Team, Victim Support, Age Concern, the NHS and the Citizens Advice Bureau.

## **9. Monitoring and Review**

- 9.1 Three types of monitoring and review will take place for this policy.
- 9.2 The PEHO and/or Section Manager will review cases as the need arises to ensure that the principles of this policy are being followed in the investigation of noise complaints.
- 9.3 The policy itself will be reviewed every two years by the PEHO or Section Manager to ensure that all sections remain relevant.
- 9.4 The policy will be reviewed, as necessary, in light of any changes that may affect the policy, such as changes in legislation.

**Policy Date:** 6<sup>th</sup> November 2012

**Author:** John Rogers  
Environmental Regulation Manager

**Policy Review Date:** July 2015 – John Rogers  
January 2018 – John Rogers  
April 2018 (following Ombudsman Enquiry) – John Rogers  
April 2020 (Review missed due to COVID work)  
8<sup>th</sup> March 2021 - 4<sup>th</sup> review completed by John Rogers

Noise and Vibration Policy: November 2012.  
1<sup>st</sup> Review: July 2015.  
2<sup>nd</sup> Review: January 2018.  
3<sup>rd</sup> Review: April 2018.  
4<sup>th</sup> Review: March 2021

## **Appendix 1:**

### **Main Legislative Background**

#### **Control of Pollution Act 1974**

##### **Construction Sites**

This legislation provides developers with the opportunity to apply for a prior consent to carry out demolition or construction activities. The aim of the consent is to ensure that best practicable means are used to prevent noise from the activities. On receipt of an application, the LA has 28 days to give permission with or without conditions or refuse permission.

Where prior consent is not sought, the LA can use its reactive powers to impose controls on noise by service of a notice under Section 60 of the act.

Once prior consent is given or a notice has been served, the LA can only take action against breaches of conditions imposed.

A contractor can appeal to a Magistrates Court in respect of any notice served or in respect of a refusal to grant prior consent or against any condition imposed with prior consent.

Failure to comply with a condition granted either via prior consent or specified within a notice is an offence which, upon conviction can result in a fine of up to £20,000.

##### **Control of Loud Speakers in the Street**

In general terms, it is an offence to operate a loudspeaker in the street:-

- (a) between the hours of 21:00 and 08:00 for any purpose
- (b) at any time for the purpose of advertising any entertainment, trade or business.

There are a number of exemptions to the above, including where the speaker is operated by the emergency services, or where prior consent has been granted by the LA to operate the loud speaker between the prohibited hours specified in (a) above. Such consent may be given in connection with charity or street events which may last beyond 21:00. No such consent may be granted in connection with any election or for advertising any entertainment, trade or business.

#### **Environmental Protection Act 1990 (Part 3)**

The Environmental Protection Act 1990 is the piece of legislation that is most widely used by Environmental Health Departments for dealing with noise complaints (noise includes vibration). Since its introduction in 1990, it has been improved via various amendments, in particular through the Noise and Statutory Nuisance Act 1993 and

Noise and Vibration Policy: November 2012.

1<sup>st</sup> Review: July 2015.

2<sup>nd</sup> Review: January 2018.

3<sup>rd</sup> Review: April 2018.

4<sup>th</sup> Review: March 2021

the Clean Neighbourhoods and Environment Act 2005, but the spirit of the Act has overall remained unchanged.

Amongst various other nuisances specified within Section 79 of the Environmental Protection Act 1990 (EPA 90), the Act also specifies that nuisance can result from:-

- Noise (except that from aircraft other than model aircraft) emitted from premises so as to be prejudicial to health or a nuisance. This does not apply to Crown premises used for military or Ministry of Defence purposes (Section 79 (1) (ga), (2) and (6) as amended)

Also

- Noise that is prejudicial to health or a nuisance and is emitted from or caused by a vehicle, machinery or equipment in a street (other than noise made by traffic, by any military force or by political demonstration or a demonstration supporting or opposing a cause or campaign) (Section 79 (1) (ga) and (6A)).

Along with all Local Authorities, Hull City Council has a duty to inspect its area to detect statutory nuisances. Where the authority is satisfied that a statutory nuisance exists, is likely to occur or recur, the authority must, within 7 days, serve an abatement notice on the person responsible for the nuisance or the owner or occupier of the premises.

The person served with an abatement notice has the right to make an appeal to the magistrates court within 21 days of the date of service of the notice.

Should the notice be subsequently breached, action may be taken by the authority. In the case of noise nuisance, this will usually involve a prosecution in the magistrates court and if necessary seizure of noise making equipment. Upon conviction for non compliance, a person is liable to a fine not exceeding level 5 (Currently £5,000) and one tenth of that level daily for continuation. In the case of an offence committed on industrial, trade or business premises, the maximum fine is £20,000.

In addition to action through the courts, the authority may also carry out works in default once an abatement notice has been breached. In the case of noise nuisance, such action is usually taken when dealing with misfiring alarms, but could also be used to modify plant and equipment.

### **Noise and Statutory Nuisance Act 1993**

The Noise and Statutory Nuisance Act 1993 made amendments to the Environmental Protection Act 1990 in relation to dealing with noise from vehicles (including car alarms but not traffic noise), intruder alarms and equipment used in the street

### **Noise Act 1996**

Noise and Vibration Policy: November 2012.

1<sup>st</sup> Review: July 2015.

2<sup>nd</sup> Review: January 2018.

3<sup>rd</sup> Review: April 2018.

4<sup>th</sup> Review: March 2021

The Noise Act 1996 provides additional powers that can be used by officers for dealing with night time noise (ie: noise generated between the hours 23:00 and 07:00). The benefit of using the Noise Act 1996 to deal with night time noise is the option of serving a fixed penalty notice. However, assessment of noise under the Act is done by ensuring that prescribed noise levels are not exceeded. This would involve the use of a sound level meter onsite at night, and would mean that the way in which noise is currently assessed out of hours would have to be completely changed. A previous assessment by the Environmental Regulation Section into the need for this service showed that demand would not justify the implementation of this service, and that current procedures for dealing with late night noise are adequate and cost effective.

### **Licensing Act 2003**

Certain types of activities require licences from the authority, one of the most important being a public entertainment licence. Officers of the Environmental Regulation Section are given the opportunity to recommend conditions for the licence to control noise. Regular visits are also carried out to Licensed Premises by officers of the Environmental Regulation section to ensure that conditions are not being breached.

### **Planning**

Planning Officers will consult with the Public Protection Division on various aspects relating to new developments, including noise. Such consultation gives officers the opportunity to recommend conditions on planning approval to control potentially noisy activities.

### **The Clean Neighbourhoods and Environment Act 2005**

The Clean Neighbourhoods and Environment Act 2005 simplified the procedure for Local Authorities in relation to dealing with misfiring intruder alarms, and introduced an option to officers to defer the service of an abatement notice by 7 days, when a noise nuisance has been witnessed.

### **Anti-Social Behaviour, Crime and Policing Act 2014**

The Anti-Social Behaviour, Crime and Policing Act 2014 introduced new controls for Local Authorities and the Police to deal with issues that previously fell outside the remit of other legislation provided they could gather evidence to show that the activity was spoiling the community's quality of life and the behaviour, was of a persistent and continuing nature and was unreasonable. Provided this test is satisfied any activity, including noise related activities, which fall outside the definition of a statutory nuisance can be dealt with using a range of controls such as issuing notices known as Community Protection Notices (CPN), issuing Fixed Penalty Notices (FPN) and prosecution for non compliance with a CPN or non payment of a FPN. The legislation is quite clear, however, in that the use of statutory nuisance provisions must be considered first before action can be considered under this act.

Noise and Vibration Policy: November 2012.

1<sup>st</sup> Review: July 2015.

2<sup>nd</sup> Review: January 2018.

3<sup>rd</sup> Review: April 2018.

4<sup>th</sup> Review: March 2021

## **Powers of Entry**

The main provisions used by noise officers in relation to powers of entry are contained within Schedule 3 of the EPA 90. Authorised officers can upon production of their authority, enter premises at any reasonable time to see whether or not a statutory nuisance exists or to execute works. Unless in an emergency, 24 hours notice of entry is required to the occupier of residential premises. Where admission is refused or apprehended, where premises are unoccupied, in an emergency or where the application for entry would defeat the object, application may be made to the magistrates court for a warrant. The maximum fine for obstruction is level 3 (currently £1000).

## **Other Useful Guidance/Standards**

BS 2750      Measurement of sound insulation in buildings and of building elements

BS 4142      Method for Rating Industrial Noise affecting mixed residential and industrial areas

BS 5228      Code of Practice for Noise and Vibration Control for construction and open sites

BS 5821      Method for rating the airborne sound insulation in buildings

BS 6472      Evaluation of human exposure to vibration in buildings

BS 7445      Description and Measurement of Environmental Noise

BS 8233      Sound Insulation and noise reduction for buildings

Calculation of Road Traffic Noise 1988

Calculation of Railway Noise 1995

Noise and Vibration Policy: November 2012.

1<sup>st</sup> Review: July 2015.

2<sup>nd</sup> Review: January 2018.

3<sup>rd</sup> Review: April 2018.

4<sup>th</sup> Review: March 2021

## **Appendix 2:**

### **Noise Team – Hours of Operation:**

The Noise Team operate under the Council's flexible hours working scheme. Core times are 10.00 am to 4.00 pm Monday to Thursday and 10.00 am to 3.30 pm Fridays. In addition, the service provides an out of hours facility to deal with registered callers, construction noise and alarms only. The out of hours service has one officer on duty from 6.00 pm to 8.00 am Monday to Friday (am), and from 6.00 pm on Fridays to 8.00 am the following Monday. All Bank Holidays are also covered by the out of hours officer. Out of hours officers are volunteers who have worked within the Public Protection Division for a minimum of 2 years, and who have received extensive training in the assessment of statutory noise nuisance.

Noise and Vibration Policy: November 2012.

1<sup>st</sup> Review: July 2015.

2<sup>nd</sup> Review: January 2018.

3<sup>rd</sup> Review: April 2018.

4<sup>th</sup> Review: March 2021