



# The Noise App

## Residents guide to statutory nuisance

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## What is Statutory Noise Nuisance?

Not all noise is a statutory nuisance and there are no hard and fast rules on what is and is not, a statutory nuisance.

Whether noise is a statutory nuisance depends on a range of factors which include,

- when the noise takes place
- the nature of the noise,
- how loud it is,
- how often it occurs and;
- how long it occurs for.

Normal household activity such as using domestic appliances, walking around or a baby crying would not normally be a statutory nuisance. Others noise including listening to the TV or music could be a nuisance if excessively loud, particularly, late at night.

We are unable to pursue a statutory nuisance if the problem is caused merely by poor sound insulation, as is common in many flats and some terraced houses.

## How the council investigates noise nuisance

Firstly, we will seek to establish whether the noise is a statutory nuisance. We may ask you to;

- Keep a noise diary
- Make recordings using "The Noise App" on your tablet or mobile phone
- Allow us to put noise monitoring equipment in your home
- Allow officers into your home to listen to the noise themselves.

Because nuisance is about how noise affects the person subjected to that noise, it is the evidence of the victim which is central to any investigation. In most cases, we cannot investigate noise complaints if;

- You wish to be anonymous, or would prefer not to provide evidence to the council
- You are complaining on behalf of another person

## What happens next?

When we are satisfied that there is a noise nuisance, the council must either serve an abatement notice, or otherwise take action to try to abate it. This may not mean stopping the noise entirely and can be merely reducing it to a level where it is no longer a nuisance.

If the noise continues after we have taken action to abate it, we will need to follow the same process as above to prove in court that the Abatement Notice has been breached.

A breach of this abatement can lead to a criminal prosecution and with us taking steps to abate the noise. This could include seizure of whatever is causing the noise, such as a TV, gaming console, radio or even a pet dog.

If the matter goes to court, we may ask you to

- Provide a witness statement detailing what you are experiencing and also producing for court any recordings you have made
- In very rare case, give evidence in court.

Therefore, for both the complainant and the person causing the noise, this is a serious matter and you need to be prepared to assist the council.

If you have any concerns or queries, you should discuss these with the Investigating Officer in your case.