

For further information relating to these issues please contact:



**Environmental Protection Service
Stroud District Council
Ebley Mill
Westward Road
Stroud
Glos
GL5 4UB**



(01453) 754478



www.stroud.gov.uk



environmentalhealth@stroud.gov.uk

Taking Private Legal Action Against Noise Nuisance



NOISE NUISANCE

On rare occasions, the actions detailed in Stroud District Council's "Noise Nuisance" leaflet may not serve to fully resolve a noise issue to your satisfaction. In such circumstances, you do have the option to pursue your own private legal action.

If noise problems continue to recur, then write to your neighbour detailing your complaints and stating that unless the nuisance stops you will have no alternative but to take legal action.

The legislation that you can use is **section 82** of the **Environmental Protection Act 1990**. Please note the following:-

- Before you can take any legal action, you must advise the person responsible for the noise in writing of your intention to take action through the courts. This must give three clear days notice of your intentions.
- When using this procedure, it is the Magistrates' Court which decides whether a "nuisance" exists.
- For the Court to decide, you must provide good evidence to demonstrate that a nuisance **does** exist. The Court will, for example, wish to assess how loud and unreasonable the noise in question is and whether it would be likely that an average person would be affected by it. Even if you need particularly quiet conditions, for example due to ill health, the Court can only consider an "average" person.
- You need to be satisfied that you have a **strong** case.

YOUR EVIDENCE

The following list provides examples of the kind of written evidence you should seek to provide:-

- A copy of your letter of intent to take legal proceedings.
- Copies of all letters you have written to the person causing the noise.
- Statements from any neighbours who may be supporting you in your case.
- Statements from any other persons who have witnessed the noise. An example might be Police Officers who have been called to a disturbance (be sure to get their names, numbers and stations).
- A "Diary" of noise nuisance occurrences.

Within those items of evidence you should include the following:-

- The address complained about.
- The name(s) of the person(s) known to be causing the noise.
- The character of the noise, for example loud amplified music, DIY tools, dog barking, etc.
- When and how often the noise occurs.
- The effect the noise has on your living conditions, for example lack of sleep, inability to hear the TV, etc.
- An example of one time when the noise was a particular problem to you.

WHAT TO DO

1. Ring your local Magistrates' Court and arrange a convenient time to visit the Court and take all your evidence with you. The Court for Stroud is:

Stroud Magistrates' Court
Parliament Street
Stroud
Glos
GL5 1ET
Tel: (01452) 420100

2. At the Court you will be questioned by a Magistrates' Clerk who will decide whether to accept your application. You should say that you want to "*take out a summons under section 82 of the Environmental Protection Act 1990*" and present your evidence.
3. In the Court Office your summons will be typed up, signed by the Magistrates' Clerk and sent to your neighbour.
4. You need to ask the Court to fix a date for the hearing of your case. This will normally be a number of weeks after your application. It would be wise to seek at least 2 hours of Court time for your case to avoid a potential adjournment due to lack of time.
5. On the day of the hearing you should attend and seek to convince the Magistrates that your neighbour is causing a noise nuisance. Try to ensure that any witnesses also attend.

NOTE: You may be eligible for free legal advice - ask at your local Citizens' Advice Bureau for advice.

Remember, if you win the case you may be entitled to claim your costs **but** if you lose you may have to pay those of the defendant.