

#### St.Helens Council

# **Environmental Health & Trading**

# **Standards Division**

 3rd Floor Wesley House

 Corporation Street

 St.Helens

 Merseyside

 WA10 1HE

 Contact: Environmental Health

 *email*: noise@sthelens.gov.uk

 *Website*: www.sthelens.gov.uk

Dear Sir/Madam,

## ENVIRONMENTAL PROTECTION ACT 1990

**ALLEGED NOISE NUISANCE INVESTIGATION AGREEMENT**

This agreement outlines the requirements for progressing your noise complaint investigation. By signing, you confirm that you understand and agree to comply with these requirements. Failure to adhere to these steps may result in the closure of your case without further investigation.

**Stage 1: Use of The Noise App**

Upon receipt of your complaint, St Helens Borough Council will invite you to submit supporting information via the Noise App. The Noise App is available on iOS and Android through your device's application store. An application user guide is available upon request.

Access to submit information to St Helens Borough Council via the Noise App is only possible by invitation. *If you cannot find your invite, please check your 'spam' or 'junk' folder.*

Access to submit information will be provided for four weeks before being revoked. The information submitted via the app will be assessed to determine whether there is sufficient evidence that a nuisance exists or if further investigation is warranted. If further action is necessary, you will be assigned a dedicated case officer.

Additional access to the app is at the discretion of the investigating officer.

If the submitted information is sufficient to establish the presence of a nuisance, an abatement notice will be served on the occupiers of the source address under the Environmental Protection Act 1990, Section 80, requiring the noise to be reduced to a reasonable level. The recipient will be allowed an appropriate length of time to reduce the noise.

If the submitted information does not demonstrate sufficient evidence to warrant further action or investigation, you will be informed, and the case will be closed.

The Noise App is often sufficient to establish the presence of a nuisance; however, there are instances when a period of noise monitoring using St Helens Borough Council's calibrated class one sound level meters will be necessary at your property. The need for noise monitoring is to be determined by the investigating officer.

Please ensure accurate and consistent use of the Noise App.

*Consideration will be given to individuals who cannot access or use the app.*

**Stage 2: Noise Monitoring**

If noise monitoring is required, up to three visits will be conducted. These visits may involve officer observation or the installation of a sound level meter.

Monitoring will be conducted over a maximum period of three weeks.

You must provide reasonable access to your property for monitoring purposes.

Failure to cooperate with reasonable requests of the investigating officer will result in the case being closed.

If the noise monitoring information is sufficient to establish the presence of a nuisance, an abatement notice will be served on the occupiers of the source address under the Environmental Protection Act 1990, Section 80, requiring the noise to be reduced to a reasonable level. The recipient will be allowed an appropriate length of time to reduce the noise.

If the noise monitoring information does not demonstrate sufficient evidence to warrant further action or investigation, you will be informed, and the case will be closed.

**Stage 3: Noise Monitoring Post Abatement Notice**

If an abatement notice is served, your access to the Noise App will be reinstated. If the problem noise is to recur, you must submit information via the Noise App.

If the information indicates the abatement notice is breached, further noise monitoring will be required at your property.

If noise monitoring is required, up to three visits will be conducted. These visits may involve officer observation or the installation of a sound level meter.

Monitoring will be conducted over a maximum period of three weeks.

You must provide reasonable access to your property for monitoring purposes.

Failure to cooperate with reasonable requests of the investigating officer will result in the case being closed.

If the noise monitoring information is sufficient to establish that the abatement notice is being breached, the investigating officer will determine the most appropriate course of action.

You must submit a witness statement if it is determined that prosecution is the most appropriate action.

If the noise monitoring information does not demonstrate sufficient evidence that the abatement notice has been breached, you will be informed, and the case will be closed.

**Important Information**

**Environmental Protection Act (EPA) Section 82**

As the complainant, you also have the option to take independent legal action under Section 82 of the Environmental Protection Act 1990. This allows individuals to pursue a noise nuisance complaint through the Magistrates' Court. Further details can be provided upon request.

**Court Proceedings**

If the issue must be resolved in court, your attendance is required.

**Agreement**

By signing below, I acknowledge that:

* I have read and understood the requirements outlined above.
* I agree to comply with reasonable requests made by the investigating officer.
* I understand that failure to adhere to these requirements may result in the closure of my case.

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Please provide the following information:

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Telephone: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Email: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Your address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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Source Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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Please return the completed document via email at noise@sthelens.gov.uk or via post to Environmental Health, St Helens Council, PO Box 512, St Helens, Merseyside WA10 9JX.

Yours faithfully,

Environmental Health

St Helens Council

PO Box 512, St Helens, Merseyside WA10 9JX

**Information and Tips About Noise**

* It is not acceptable to make unreasonable noise during the day. Noise can be considered to be a nuisance at any time of the day or night.
* There is no legal time frame relating to when noise is considered a problem, but there is a general understanding that noise occurring between the hours of 11 pm and 7 am could potentially be deemed unreasonable.

* When considering whether noise is unreasonable, many factors are considered, such as the time of day it happens, the volume of the noise, the frequency with which it occurs, the source/cause of the noise and the ability of the sound to be controlled.

* Noise due to day-to-day living activities, such as flushing toilets, washing machines, vacuum cleaners, children playing, and door and cupboard closing, cannot generally be considered a nuisance. To be a nuisance, noise must be causing substantial and unreasonable interference in your home on a regular basis.

* It is just as unreasonable to expect total silence in your home; a degree of tolerance is required.

**Useful Contact Numbers**

**Emergency Number**

999

**The Police Non-Emergency Number**

101

**St.Helens Council Contact Centre**

01744 676789 (8 am to 8 pm, Monday to Friday, and 10 am to 2 pm on Saturday).

Email: contactcentre@sthelens.gov.uk

**Torus Housing**

0800 678 1894 (regular working hours 8 am to 6 pm).

**Riverside Housing Association**

0845 111 0000 (24-hour Customer Service centre)

**Your Housing Group**

0345 345 0272

**Regenda First Housing Association**

0344 736 0066