

* direct witness statements;

The head of a noisy household gets an AS BO for ignoring repeated official warnings and threatening complaining neighbours and council officers

Issue

In March 2004, neighbours of a house in Lowestoft were subjected to frequent and persistent loud music, resulting in 17 complaints over the course of a month. The perpetrator, who was a housing association tenant, had intimidated, threatened and verbally abused her neighbours, council officers and visitors.

Approach

A noise abatement notice was served on the perpetrator by environmental health officers under section 80 of the Environmental Protection Act 1990. Audio equipment was confiscated following breach of the noise abatement notice. During the confiscation, the perpetrator verbally abused the council officers.

After seven warning letters, two abatement notices and the confiscation of more than £1,000 of musical equipment, the council was still receiving complaints.

Failure to comply with an abatement notice without reasonable excuse is an offence, and the noisy neighbour was taken to court. The council consulted Suffolk Police and the housing association and proposed terms for an order on conviction that achieved much more than the original abatement notice was capable of.

The magistrates granted the council's application for an order on conviction with the following prohibitions:

- * not to play loud music that could be heard outside her dwelling; and
- not to verbally (or otherwise) abuse: employees or agents of the council; neighbours; or visitors to the neighbourhood.

Outcome

The order on conviction had several advantages over the noise abatement notice as an enforcement tool. It was easier to enforce as the evidence of experts such as environmental health officers to prove statutory noise nuisance would not be required. The order on conviction reduced the test of compliance to a simple (nonexpert) factual observation of 'audibility' beyond the confines of the defendant's dwelling - a simple matter of observable fact that, say, a police officer could witness.