

## ● Anti Social Behaviour Noise!

Inverclyde Council has adopted Section 43 to 47 (the “noise control provisions”) of the Anti Social Behaviour etc. (Scotland) Act 2004. This means that the noise control powers provided in the Act now apply across Inverclyde

The effect of these noise controls makes it unlawful to emit excessive noise from a “relevant property” (e.g. a dwelling or any land associated with a dwelling, a garden, garage, shed, common stair, back court, yard etc), not just at night but at any time, 24 hours a day.

The noise levels that are permitted during the day and night are dependent on the time of day the noise occurs.

The time periods and corresponding permitted noise levels are:-

**Daytime – 07:00 to 19:00 – LA<sub>eq</sub> 41dB (A)**

**Evening – 19:00 to 23:00 – LA<sub>eq</sub> 37 dB (A)**

**Night time – 23:00 to 07:00 – LA<sub>eq</sub> 31dB (A)**

The Council has set up an ‘Out of Hours’ Service to allow complaints of anti social behaviour noise to be investigated on a 24 hour basis. The types of complaint that are investigated by this Service include; excessive noise from a hi-fi or television, prolonged noisy DIY activity and barking dogs.

When noise complaints are received by Environmental Health, they are assessed in terms of ASB Noise and complaints that are considered to be appropriate are given access to the ‘Out of Hours’ Service.

This allows the people who are affected by anti social behaviour noise to call out Officers when the noise is happening so that the noise can be witnessed and noise levels can be measured to see if they are above the permitted level for the time of day.

Council Officers have the power to issue a Warning Notice to any person responsible for exceeding the permitted noise levels.

Where the noise continues after a Warning Notice has been issued, Council Officers and Police Officers have the power to issue a Fixed Penalty of £100, which must be paid within 28 days.

Non-payment of fixed penalty will result in a report to the Procurator Fiscal and, if found guilty, the fine can be raised to £1000

In addition to the powers described above, the Act also gives Council Officers more effective powers to enter premises and seize equipment used to commit a noise offence. Equipment that can be seized includes hi-fis, mixer desks, TVs, PC’s, DIY equipment, musical instruments, CD’s, minidisks and tapes. These powers may also allow seizure of barking dogs.

For further information please contact Safer Communities on 01475 714200.