

## Factsheet 44: Environmental Protection



**Preston**  
City Council

### Seizure of noise making equipment

If you have a copy of this factsheet then it is likely that you have been served with a noise abatement notice by the Council. A noise abatement notice is a legal order telling you to control the amount of noise coming from your property. This factsheet tells you what the council will do if you continue to create a noise nuisance.

#### **Powers of Environmental Health Department**

If you ignore the notice and continue to make excessive noise the Council may apply for a Warrant at the Magistrates' Court. Environmental Health then has the power to enter your property and take away noise making equipment. If the Warrant is granted, the seizure will take place as soon as possible. You may also be prosecuted and fined.

#### **Which law allows the council to do this?**

Environmental Protection Act 1990, Section 81 (3) – gives the Council power to take steps to stop a noise nuisance occurring. Noise Act 1996, Section 10 (7) – gives the Council powers to take away noise making equipment.

#### **How much notice do I get if items are to be taken from my property?**

No notice is given prior to a seizure.

#### **Examples of items that may be taken away during a seizure:**

- Stereos
- Computers
- Television(s)
- Musical Instruments
- DVDs
- Compressors
- Speakers
- Games consoles
- DVD players/recorders
- CDs
- Radios
- DIY equipment

#### **What happens during a seizure?**

Officers from the Council's Environmental Health section and the Police will arrive at your property. A locksmith may be on hand to break in if required.

Environmental Health may take any equipment they feel has been used to cause a noise nuisance.

If nobody is home the seizure will still take place. The locks may be changed and the property will be left as secure as it was before entry. Information will be left explaining how and where you can get the keys to your property.

#### **How long do we keep the seized items for?**

Environmental Health will keep the items for 28 days. During this time you must contact Environmental Health if you want to claim them back.

Environmental Health

Produced by PCC Environmental Health Department

[www.preston.gov.uk/environmentalhealth](http://www.preston.gov.uk/environmentalhealth)

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Even if you pay the costs for the items straight away, you will not get them back until the 28 days has ended.



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If the items are not claimed within the 28 days, they are kept for a further 6 months, before being disposed of. The equipment can be claimed during this time.

### **Can I get the items back?**

You must apply for the return of the items taken. Information regarding the return of your items will be left at the time of the seizure.

You must be prepared to show evidence that the items are yours, and pay any costs incurred. If we decide to prosecute you may not get your equipment back at all.

### **What will it cost me?**

You must pay back any costs incurred by the Council. These costs may vary according to how long the seizure may take. The costs may include officer time, locksmith, the Warrant, vehicle hire and storage. The costs may be as much as a few hundred pounds and more than your items are worth.

### **What happens next?**

If you continue to cause a noise nuisance and officers from the Council witness the problem again, then further items may be taken from you. Equipment can be taken away as many times as needed to stop the noise.

The Council may also prosecute you for the offence in the Magistrates' Court. If this is done the Magistrate has the power to forfeit your equipment, and you will not get your items back. You may also receive a fine and have to pay court costs.

### **Contacting us**

If you would like more information you can contact us by:

**Writing to:** Environmental Health Department, Town Hall, Lancaster Road, Preston PR1 2RL

**Phoning:** 01772 906907

**Emailing:** [info@preston.gov.uk](mailto:info@preston.gov.uk)

**Environmental Health**