

<b>Title of Report:</b>  <b>Outcome of Legal Proceedings: Non Compliance with an abatement notice served under the Clean Neighbourhoods and Environment Act (NI) 2011 – Noise Nuisance</b>	<b>Officer Presenting: Director of Health and Community</b>  <b>Author: Head of Health and Community Wellbeing</b>
--	--

## **1 Purpose of Report/Recommendations**

- 1.1 To advise members of the outcome of legal proceedings in relation to non-compliance of a local business with an abatement notice served under the Clean Neighbourhoods and Environment Act 2011.

## **2 Background**

- 2.1 Following investigation into complaints about noise from a gym impacting on adjacent business offices, an abatement notice in respect of statutory noise nuisance was served on the proprietor of the gym in October 2017.
- 2.2 Prior to the service of the notice, informal attempts were made by officers to resolve the complaint.
- 2.3 Following the service of the notice and as a result of investigations into further complaints about noise from the gym impacting on the adjacent business offices, Environmental Health officers were satisfied that the notice had not been complied with.

## **3 Key Issues**

- 3.1 The proprietor of the gym appeared before the local Magistrate's Court on 17<sup>th</sup> January 2019 and pleaded guilty to not complying with the abatement notice. Following representations from the Council and the defendant's solicitor, the magistrate issued the defendant with a conditional discharge.

## **4 Financial, Equality, Legal, HR, Improvement and other Implications**

- 4.1 None

## **5 Recommendations**

- 5.1 Members note the outcome of the above prosecution non-compliance with an abatement notice served under the Clean Neighbourhoods and Environment Act 2011.

### **Background Papers**

None