

CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005

EXPLANATORY NOTES

THE ACT

Commentary on Sections

Part 7: Noise

Chapter 2: General

Noise from premises

Section 82 Noise offences: fixed penalty notices

214. **Section 82** makes various amendments to the provisions in the Noise Act 1996 relating to fixed penalties. The Noise Act 1996 previously permitted a local authority to deal with noise exceeding permitted levels from only dwellings at night-time. An authorised officer of a local authority can, under section 8 of the Act, give a person who he believes has committed an offence under the Act a fixed penalty notice, offering him the opportunity to discharge any liability to conviction for that offence by payment of a fixed penalty.
215. **Section 82(3)** introduces new sections 8A and 8B to the 1996 Act. Section 8A(2)(a) enables a local authority to set the level of the fixed penalty (in lieu of liability to conviction for an offence) in its area. The fixed penalty is set at £100 where no amount is specified by a local authority (which was the amount of the penalty under the previous regime). In either case, a local authority may treat a penalty as having been paid if a lesser amount is paid before the end of such (shorter) period as it may specify.
216. Sections 8A(4) and (5) give powers to the Secretary of State or the National Assembly for Wales (as appropriate) to make regulations governing the power of local authorities to set local fixed penalty rates (e.g. by specifying a range within which the amount must fall or limiting the extent and circumstances in respect of which a local authority may provide for reduced early payment).
217. Section 8B provides an authorised officer of a local authority with the power to require the name and address of a person if the officer proposes to give him a fixed penalty notice, and makes it an offence for that person either to fail to give that information or to give false or inaccurate information.
218. **Section 84** and Schedule 1 (discussed below) amend the Noise Act 1996 by extending its effect to certain licensed premises as well as dwellings. The new sections 8A and 8B will apply equally to fixed penalties given in respect of an alleged offence in relation to licensed premises but Schedule 1 amends section 8A to provide that where the alleged offence relates to licensed premises, the amount of the fixed penalty will be fixed at £500 (with no power for a local authority to set an alternative).