

# DEALING WITH NOISE

If the officer is unable to obtain sufficient evidence to support and confirm your complaint and is unable to take further action you will be advised accordingly. This will not prevent you from taking your own action under Section 82 of the Environmental Protection Act 1990.

If the noise is witnessed by an officer and is considered to be a **statutory nuisance**, a legal notice will be served on the person responsible for the noise, or the owner or occupier of the premises. This will require them to stop the nuisance. If, despite the notice, the excessive noise continues and is again witnessed by the officer dealing with the complaint, the council will take the offending person to court. In preparing for the court case the officer dealing with your complaint will ask you to provide a witness statement. In the event of legal proceedings taking place you may also be required to attend the Magistrates Court as a witness.

This procedure is designed to it be fair to everyone concerned but can take time, and is dependant on the officer witnessing nuisance whilst it the is happening.

## What you can do to help

- The following are some practical ways in which domestic noise disturbance may be prevented or reduced:
- Warn your neighbours if you intend to hold a party, or are carrying out any noisy D.I.Y activity.

- Remember that housebound neighbours can be more sensitive to noise.
- Check with neighbours whether your dog barks when left alone. For advice contact your nearest Dog Training Club or the Council's Dog Warden Service (tel: 01273 471600).
- Try using headphones or a personal stereo if listening to loud music.
- Remember, neighbours are more sensitive to noise in the evening, at night and early in the morning.
- Try to do D.I.Y or vehicle maintenance jobs in a garage, and keep noisier activities to reasonable hours with breaks in between longer periods of working.
- Intruder alarms can activate accidentally. Make sure your alarm is registered with the local authority, and notify the police of keyholders.
- Finally, turning up the volume is not the answer if you are hearing impaired, contact your Doctor, Social Services or Environmental Health Department (tel: 01273 471600) for advice.

## What do you do if you are troubled by unwanted sound?

We live in an increasingly noisy environment and people therefore appreciate peace in their own home. Whilst there are legal powers to control unreasonable noise, many situations can be resolved informally. This leaflet will help you to judge whether or not the noise you experience can be dealt with by the Council and which procedures should be followed to deal with the problem.

### General neighbourhood noise

Some types of noise cannot be formally dealt with by the Council. These include noise from cars or motorbikes revving up on a highway, noise from people walking past your house late at night or congregating on street corners, and noise which does not amount to a nuisance.

The Council will deal with any noise which amounts to a statutory nuisance.

The Environmental Protection Act 1990 places a duty on the Council to investigate all complaints about noise which fall within the categories outlined below, because they may amount to a statutory nuisance.

- Music from Hi-Fis, TV & radios
- Noise from home D.I.Y. and car repairing etc
- Noise from demolition or construction works

- Audible intruder alarms on buildings
- Car alarms
- Noise from commercial or industrial premises

### What is unlikely to be a statutory nuisance?

- 'One-off' parties
- Neighbours arguing
- Lawnmowers used during the day
- Babies crying
- Dogs barking occasionally

### What you should do if you are bothered by noise

- The first and often the best means is to politely inform the person responsible that the noise is causing you a problem and ask them to reduce it. (Knocking on walls or shouting 'Shut up' over a fence often irritates others and rarely, if ever, solves the problem.)
- If your informal approach fails contact the Environmental Health Department (tel: 01273 471600) with the following information so your complaint can be fully investigated
  - (a) Your name, address and telephone number
  - (b) Name and address of the premises where the noise is coming from

- (c) The type of noise concerned and details as to its regularity and level of disturbance it has caused you, and how it affects you
- (d) Any other details which you feel are appropriate to the complaint.

### What happens once your complaint is made?

Your complaint is recorded and then passed on to the officer who deals with your area. At this stage the officer will contact you by telephone or make a personal visit, to obtain more details about your complaint and to get an idea of the location in which the problem is occurring.

In cases other than complaints about noise from alarms, a letter may also be sent to you to advise you that the matter is being dealt with. We may ask you to keep a log of the noise, forms to help you do this are available from this department. A letter may also be sent to the person(s) you have complained about advising them that a complaint has been received and what the nature of the complaint is. In many cases this is enough to stop the noise problem. **If after 14 days the noise problem has not stopped**, you should telephone the officer dealing with your complaint and let him know that the noise is continuing. On viewing your log of the noise the officer can assess the frequency of the problem and make a decision on the best times to visit. He/she may well need to visit you on several occasions with a view to witnessing the noise at first hand.