



Environmental Health

A Guide to our Services

Noisy Neighbours

Noise from neighbours can be irritating, annoying or at worse, very disturbing.

This explains how Arun District Council's Environmental Health Service can help with problems of neighbour noise from domestic premises. It sets out what you can expect us to do on your behalf, and how your complaint will be dealt with. A separate leaflet deals with noise from other sources, including commercial and industrial premises and burglar alarms and other types of nuisance.

What kind of noise is unreasonable?

The legal controls on noisy neighbours are based on the law of nuisance. To be a nuisance, noise has to be unreasonable to an average person.

Factors such as the loudness and type of noise, how often it occurs and the time of day it takes place are taken into account in considering whether noise is unreasonable. The noise must be persistent. Something that occurs very rarely and/or is of short duration is unlikely to be a nuisance.

It is unrealistic to expect absolute quiet where we live, but nobody has the right to make as much noise as they like, at whatever time.

What can you do?

Many noise problems can be resolved by talking, politely and calmly, to the person responsible, as they may not be aware that their activities are disturbing you. This informal approach is preferable as it helps maintain good relations between neighbours.

If your neighbours don't take any notice, Arun District Council's Environmental Health Service may be able to help.

How to contact us

You can make a complaint either in person at Council offices, by telephone 01903 737826,

e-mail: pollution@arun.gov.uk, or write to us at:

Environmental Health
Arun District Council
Civic Centre
Maltravers Road
Littlehampton
West Sussex
BN17 5LF

You can also contact us through your local District Councillor.

Be sure to include:

- Your name and address and telephone number. Anonymous complaints will not normally be investigated.
- The address where the noise is coming from and a brief description of the noise, including when and how long it goes on and how it affects you.

What can we do?

Once we receive your complaint we will write to your neighbour telling them a complaint has been made and asking them to contact their neighbours to try to sort out the problem. We will also write to you to confirm we have done this. We try to do this within 2 working days although it may take up to 7 working days.

Although we won't say who made the complaint, your neighbour may well guess. But please remember that if we take legal action, you may be asked to give evidence in court.

If they don't take any notice and the disturbance continues, we can, if you wish, send a second letter to your neighbour warning them of the possible legal action and penalties for causing a noise nuisance.

Noise nuisance from neighbours is usually intermittent and unpredictable, often affecting only one household. This makes it very difficult for the Council to obtain suitable evidence to take formal action. Therefore, if the noise continues, but you are the only person who has complained to us, we will send you a leaflet which gives advice on how to take your own legal action under Section 82 of the Environmental Protection Act 1990.

However, if we have received complaints from other people, it is more likely that we can obtain evidence of nuisance. In this event we will ask you, and the other complainants, to keep a diary record, for 2 to 4 weeks showing when and how you are disturbed by the noise. Please keep accurate notes as they may eventually be required as evidence in Court. (See example below)

DATE	TIME	NATURE OF NOISE AND HOW YOU WERE AFFECTED
12/1/99	11.30pm - 1.45am	Loud music from 13 Decibel Avenue. The party wall was vibrating. Monotonous bass rhythm was clearly audible above the volume of my television set. When I went to bed, I was unable to sleep because of the noise.
19/1/99	10.45pm - 3.30am	Loud music and shouting from 13 Decibel Avenue. The music was louder than the volume of my television set. Mr Quiet of 10 Decibel Avenue, visited me at 11.15pm and heard the noise. When I asked Mr Loud of 13 Decibel Avenue if he would turn the music down, he became very abusive towards me.

Return your completed diary record to us. If it shows that the nuisance is widespread and that there is a good chance of successful formal action, we will start further investigations within 5 working days. An Officer will usually make up to three visits, at times when the noise is likely, to assess if it can be classed as a Statutory Nuisance. Normally, we need to witness the noise before we can take legal action, and we can make visits outside normal office hours, but automatic recording equipment may be used in some situations.

A same day response, where necessary outside office hours, may be made where there is significant noise disturbance in the neighbourhood.

If the Council is satisfied that there is a Nuisance and the noise is likely to continue in the future, we will serve a Notice, on the person(s) responsible, requiring the noise to stop or be reduced within a given time. That person may appeal against the Notice or may just ignore it. In either case, your evidence may be needed in the Magistrates' Court. If the nuisance continues, in breach of the terms of the Notice, further investigations will be necessary to provide evidence for prosecution. You should keep a diary record until the problem is resolved.

If we consider that a nuisance does not exist, we will tell you, and the Council will take no further action. However, you may still be able to take your own legal action.

It is our aim to resolve your complaint within three months. The majority of the complaints will be resolved within this time but some cases do take longer. The Officer handling your complaint will always let you know what is happening.

Are you happy with our response?

We cannot promise to bring your complaint to a conclusion which satisfies you in every way. However, we do promise to investigate the matters fully, as set above, and take action which is legally possible and appropriate. In 2000 we received over 600 complaints about domestic noise and the Council spent approximately £30,000 responding to these. We are keen to improve the service we offer and your views are essential in this. If you are not satisfied with our service we would like to know. You can either call or write to Paul Unsworth, Arun's Head of Environmental Health, or Roger Wood, Divisional Environmental Health Officer to set out any concerns you may have. These will be investigated and you will receive a response within 14 working days.

If you are still not satisfied, the Council's complaints system is available. Forms for making a formal complaint about our service are available from all Council receptions.

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