

order 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 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. The out of hours service is delivered by a contractor on the Council's behalf and in partnership with Arun and Worthing Councils.

If the Council is satisfied that there is a Statutory 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 Statutory 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 under Section 82 of the Environmental Protection Act 1990.

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.

## 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 as set above, and take action which is legally possible and appropriate. Each year we receive about 600 complaints about domestic noise and the Council spends approximately £70,000 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 Arun's Head of Environmental Health 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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Environmental Health

## A guide to our service Noisy Neighbours



- What is a noise nuisance?
- How to make a complaint
- How we can help

### For more information contact us

Environmental Health Services  
01903 737755



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Email: [environmentalhealth@arun.gov.uk](mailto:environmentalhealth@arun.gov.uk) 04.12.08 (v.2) H



The Government Standard



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



This leaflet 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.

### 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 and interfere with the use of their property.

Factors such as the loudness, type of noise, how often and for how long 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 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.

West Sussex Mediation Service offer free, confidential and independent assistance with neighbour problems. They can be contacted on **01403 258900** or for more information visit **[www.westsussexmediation.org.uk](http://www.westsussexmediation.org.uk)**.

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

### How to make a complaint

You can make a complaint either using the 'Report it' form on-line at **[www.arun.gov.uk](http://www.arun.gov.uk)**, by e-mail: **[environmentalhealth@arun.gov.uk](mailto:environmentalhealth@arun.gov.uk)** by telephone **01903 737755** or by writing to us at:

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

or in person at the Council offices.

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 take all practicable steps to control the noise. 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 be

aware 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, you will need to keep a diary record for a representative period, usually around 3 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 table).

Date	Time	Nature of Noise and how you were affected
12/1/11	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.
19/1/11	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.

If you return your completed diary record to us, and they show that the noise is persistent and that there is a good chance of successful formal action, we will send a second letter to your neighbour warning them of the possible legal action and penalties for causing a noise nuisance. If the noise continues despite the further letter, tell us and we can investigate further. An officer will usually make up to three visits to witness the noise from within your property, at a time when the noise is likely, in