



# Noise nuisance at home

**Environmental Health**

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**If you would like a copy of this document in large print, on tape or in Braille, please contact 01372 732000**

**If you require a translation in your language, please contact:**

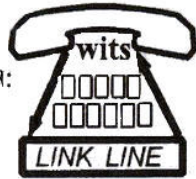
ਜੇਕਰ ਤੁਹਾਨੂੰ ਆਪਣੀ ਜ਼ਬਾਨ 'ਚ ਅਨੁਵਾਦ ਚਾਹੀਦਾ ਹੈ, ਤਾਂ ਕ੍ਰਿਪਾ ਕਰਕੇ ਰਾਬਤਾ ਕਰੋ:

જો તમને પોતાની ભાષામાં ભાષાંતર જોઈએ છે, તો મહેરબਾની કરીને સંપર્ક સાધો:

Se necessitar de uma tradução, contacte por favor:

যদি আপনার নিজের ভাষায় অনুবাদ চান তাহলে অনুগ্রহ করে যোগাযোগ করুন:

اگر آپ کو ترجمہ اپنی زبان میں چاہئے تو براہ کرم مہربانی رابطہ کریں۔



**01483 750548**

## Complaints about noisy children

The Department is unable to pursue complaints alleging noise nuisance caused by children playing as it does not fall within the jurisdiction of the Environmental Protection Act 1990.



## **The Environmental Health Officer does not consider the noise a nuisance, but I still want to take action, what do I do next?**

Sometimes it is very difficult to prove a nuisance because noise happens unexpectedly, or at irregular hours. It may be that the Environmental Health Officer has investigated and not been able to prove a nuisance but you are not happy with this, however, there is action that you can take. The law gives you the power to make a complaint to the Magistrates Court. You will then have to attend and present your case and answer questions. The Court will then decide what happens next and may issue an Order against the noisy individual.

## **Who do I contact if I want to complain at night or out of normal office hours?**

Epsom & Ewell Borough Council provides an out of hours noise service which can be accessed by dialling 01372 732000 and following the verbal instructions. Depending on the type of complaint, the service will either offer advice, refer the case to the daytime service or make a visit to try and witness the nuisance and stop the noise.

## **Complaints about vehicle noise**

Noise from vehicles on the highway is generally a matter for the Police. However, noise nuisance caused by vehicle broadcast systems, for example ice-cream van chimes, can be dealt with by the Council.

## **Complaints about aircraft noise**

Although the Local Authority may help in pursuing complaints in relation to aircraft noise, these should properly be directed to the Civil Aviation Authority at CAA House, 45 Kingsway, London WC2.

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## Environmental Protection Act 1990 - Neighbour Noise Problems

Every year we receive many complaints about noisy neighbours. If this is a problem you are experiencing the following guidance may be helpful to you. The majority of complaints we receive are caused by loud amplified music, television noise, a barking dog, DIY noise and audible intruder alarms.

### What can you do?

First, providing you feel safe in doing so, try and approach the person causing the noise and explain politely that you are being disturbed by the noise. Although you may find this difficult you may be surprised at just how many people respond positively to your request. Many people do not realise just how much their noise affects others. If this does not work, start keeping a diary or record of the noisy events, taking particular care to include the start and finish times, the duration, what the noise is and what effect the noise has on you. For example: unable to sit in my garden /living room, or unable to watch the television because of the noise.

### Action by the Council

If the problem continues, please contact Environmental Health Services. Normally we will send you nuisance logsheets to make a formal record of disturbing events. Once you have sent this to us (normally 10-14 days) we will evaluate what action we can take which may be for example, writing to your neighbour. Sometimes it is necessary to install noise monitoring equipment or make a visit to try and witness the problem. If, in the Officer's opinion, there is a nuisance, a Notice is served which will require the person causing the nuisance to stop and also advise them of the action they need to carry out to improve the situation. If the offender, without reasonable excuse, fails to comply with the Notice then he is guilty of an offence and can be prosecuted. Should the matter go to court the complainant will be required to attend and give evidence to support the case. Nearly all complaints are resolved informally without the need for legal action.

### What is the punishment for failure to comply with a Notice?

The Court has power to impose a fine of up to £5,000 for noise nuisance at a domestic premise. There is also a daily fine for each day on which the offence continues after conviction.

Industrial, trade or business premises can be fined up to £20,000 on conviction. Sound equipment can be seized and the equipment maybe destroyed by Court Order or returned to the owner in the future.

### Not all noise constitutes a nuisance

An Environmental Health Officer will not serve an Abatement Notice until he has sufficient evidence to substantiate the case. This evidence may include a witness statement from the complainant, a log sheet or record and his report on evidence from the visit made to the property. It may also include measurements taken with the sound level meter.

Once the Notice has been served the person upon whom it has been served will either comply, in which case the problem is solved, fail to comply or appeal. In the latter two circumstances the next stage is the Magistrates Court. At this stage the Environmental Health Officer will have to present his case in court and may well be subject to cross-examination. The complainants or witnesses will also normally be called. The Magistrates will then decide the next stage. The defendant has the ability to cross-examine any witnesses who present evidence in court.

It may be, however, that after the Environmental Health Officer has investigated, he decides that there is no 'nuisance' being caused. Whilst the noise might be irritating to you, it may not be judged to represent a 'statutory' noise nuisance, and no legal action will be taken. In reaching this decision the Environmental Health Officer will look at the reasonableness of the volume of the noise, the time of day, the frequency with which it occurs, the type of noise that it is and other factors like this. The Officer must also consider it from the viewpoint of the normal, average person. No allowance can be made for people on shifts or for people with particularly sensitive hearing.