

What to do if you are affected by noise

Often the best approach to resolve a problem is to talk about your concerns to the person making the noise. Explain why you are being troubled by the noise and try to agree to a solution. This may sound like a daunting task but people can get very upset if they are contacted by us with no prior warning, especially if they did not know they were causing a problem.

By trying to resolve the problem informally you can help to avoid unpleasant legal action which can sour the relationship between you and your neighbour, and sometimes the problem can be resolved more quickly.

Start to keep a diary relating to the problem; you should detail any times you speak or write to the person causing the noise, you should also write the dates and times of when you are disturbed and the effect it has on you. This will provide the first level of evidence in any subsequent legal action that may be needed. Be careful to make records as the events happen, not sometime later and try not to exaggerate. For example:

Date	Time Nuisance Started	Time Nuisance Stopped	Description of Nuisance	Remarks (i.e. inconvenience caused)
01/09/00	10.00 pm	11.30 pm	Loud music	Could not hear television
02/09/00	12.05 am	01.30 am	Dog continuously barking	Woke me up - couldn't sleep until 2.30 am

Tell your neighbour every time a nuisance occurs. If the problem persists and the person causing the problem lives in a property owned by a Housing Association, you could contact the Housing Association to discuss your problem.

How do we investigate a noise complaint?

Depending upon the exact circumstances of a case, when we receive a complaint regarding persistent noise (we do not investigate 'one off' instances of noise disturbance) a letter is sent to the person affected by the noise enclosing a Witness Report form to keep a record of the problem. This must be returned within 28 days of being received and should contain detailed entries of the nuisance such as when it starts and stops. This will help us assess the situation and allow us to choose the best method of proceeding with an investigation.

At this stage we do not reveal who has made the complaint to the alleged offender, however if the case goes to Court the identity of the person who has complained will probably be revealed. We will also write to the person who is being complained about, making them aware a formal complaint has been received. This can, in a number of instances, resolve the issue.

During the investigation, the officers have to assess how unreasonable the noise is to the average person. Noise is very subjective, what may be causing one person extreme distress may hardly be noticed by someone else. We must, therefore, hear the noise for ourselves to decide whether or not a statutory nuisance, within the strict meaning of the law, exists. This might also include the use of Sound Monitoring Equipment being placed into your home to record the noise.

Some of the things which help us decide are:

- How loud is the noise?
- What times of the day/night does the noise occur?
- How long does the noise last for?
- What type of noise? (Some noises are more annoying than others).
- What is the nature of the area? e.g. rural / industrial estate / urban etc.

- What is the level of background noise?
- How sensitive to noise is the complainant, do they have tinnitus?, for example.

The success of our action will rely on the person who has complained assisting in gathering evidence by keeping the diary log forms, allowing access and carefully following instructions in respect of noise monitoring devices.

Legal action

If the officer witnesses the noise and is satisfied that it is a nuisance in legal terms they will serve a Noise Abatement Notice. If the noise continues to cause a statutory nuisance an offence is committed and may lead to the prosecution of the offender and / or seizure of any noise making equipment. Should a case go this far, evidence from the person who made the complaint will be very important and they may well be called to give evidence at a Court hearing.

How long will it take to investigate a noise nuisance?

Unfortunately not all cases are 'straightforward.' Sometimes it takes months to investigate all aspects of a noise problem in order to recommend the best solution. There may also be practical reasons as to why the investigation takes a long time, for example a company may have to be allowed a period of time to complete any suggested work e.g. - a commercial premises may have to have an acoustic enclosure designed before it can be fitted to a noisy refrigeration compressor. The officer who investigates the case will keep you updated of any developments regarding your complaint.

General information on dealing with noise can be obtained from:

The National Society for Clean Air and Environmental Protection (NSCA)

www.nasca.org.uk

The Noise Abatement Society

www.noiseabatementociety.com

Advice on sound insulation is available from:

Building Research Establishment

www.bre.co.uk

If you require more information, you should contact:

Environmental Protection

88-90 Pier Avenue

Clacton on Sea

CO15 1TN

environmental.services@tendringdc.gov.uk

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