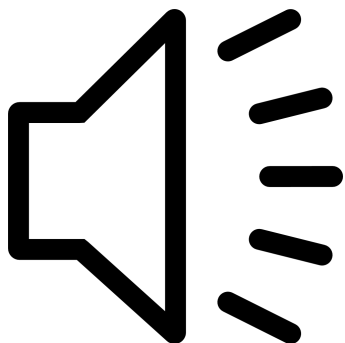


# A short guide to noise



## What can you do if you are suffering from a noise problem?

Often a direct, informal approach to the person responsible for the noise is all that is needed to solve the problem. It is not unusual for them to be unaware that they are disturbing other people.

However, it may be unwise to make your complaint in the heat of the moment when you are tired, frustrated or angry; the situation could get out of hand. It is better to wait until later when the matter can be calmly discussed.

## Can the councils help?

The councils may be able to help if the noise is excessive and caused by one of the following:

- music or amplified speech resulting from regular parties, loud music or TV
- noise from demolition or construction works
- audible house alarms
- car alarms
- noise from commercial or industrial premises
- DIY and car repairs (but not on the street)
- barking dogs

If the noise is not listed above, or is a one off or very occasional event, it is not likely to be actionable by the councils.

The councils investigate noise complaints in accordance with the Environmental Protection Act 1990 and Anti-social Behaviour, Crime & Policing Act 2014.

Formal action can only be taken if the noise constitutes a statutory nuisance or is causing severe, persistent community annoyance.

If the noise persists and your informal request has failed to resolve the matter, you can take your complaint to Adur & Worthing Councils.

The following information will be required so that the matter can be investigated:

- your name, address and contact details (telephone number, email address)
- the name of the person causing the noise and/or address of the source of the problem
- details of the type of noise, the pattern of noise and history of the problem
- details of how you have tried to resolve the issue

## What will the councils do?

You will normally be asked to keep a diary of noisy events covering a period of at least two weeks. A longer period may be

necessary depending on the frequency of the disturbance. Completed diaries should then be returned to the case officer for investigation.

Where we believe the diary suggests a noise nuisance or severe community annoyance is likely, we will attempt to contact the person making the noise in an attempt to resolve the problem informally. If this fails and the noise continues, we will investigate further to corroborate your complaint. This could include leaving you with noise monitoring equipment. Alternatively up to three visits may be made in an attempt to witness the noise.

If, after witnessing the noise, the officer is satisfied that a statutory nuisance or severe community annoyance exists, a notice will be served requiring the noise to cease or be reduced.

The recipient may appeal against the notice (this may suspend it until the appeal is resolved). It will then be necessary for evidence supporting the case to be given in court.

It is an offence not to comply with a notice. If the conditions of the notice are broken you must inform us so alleged breaches can be investigated and where necessary actioned to prevent further nuisance.

If the officer is of the opinion that a statutory nuisance or community annoyance does not exist, you will be advised of this decision and the councils will take no further action.

Alternatively, you could take civil action under common law or take your complaint directly to the Magistrates Court (Section 82, Environmental Protection Act 1990).

If you are considering taking your own action, you should contact a legal representative to assist you.

Please note this leaflet is not an authoritative interpretation of the law; it is only a guide.

## **The councils' service standards**

Adur & Worthing Councils will investigate your complaint as fully as possible and take the most appropriate course of action, given the legislative restrictions and circumstances of each case.

We aim to respond to your initial complaint within five working days and if the matter relates to an alarm, within one working day.

We aim to witness recurrent out-of-hours problems by installing monitoring equipment or pre-planned visits.

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