

Adur & Worthing Councils will investigate your complaint as fully as possible and will 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 is an urgent referral, within a working day.

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

We aim to resolve your complaint within two months. 'Resolved' means a decision has been made on the most appropriate action; for example, serving a Notice or taking no further action.

It is not always possible to bring your complaint to a conclusion that is satisfactory to you in all ways.

Public Health & Regulation
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A SHORT GUIDE TO NOISE



WHAT CAN YOU DO IF YOU ARE SUFFERING 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 caused by one of the following:

- music or amplified speech resulting from regular parties, loud hi-fi, TV or radio;
- noise from demolition or construction works;
- audible intruder alarms;
- car alarms;
- noise from commercial or industrial premises;
- DIY and car repairs;
- barking dogs.

Environmental Health Officers investigate noise complaints in accordance with the Environmental Protection Act 1990. Formal action can only be taken if the noise constitutes a statutory nuisance. If the noise of which you complain is not listed above, or is a one off or occasional event, it is not likely to be a statutory nuisance, therefore the Councils' unlikely to be able to use formal action to resolve the matter.

If the noise nuisance persists and your informal request has failed to resolve the matter, you can take your complaint to Adur & Worthing Councils Public Health & Regulation Team. Complaints can be made in writing, by telephone, e-mail or a personal visit. The following information will be required so that the matter can be investigated:

- Your name, address and contact telephone number;
- The name of the person causing the noise and/or address of the source of the problem;
- Details concerning the type of noise, the pattern and history of the problem.

Complaints are logged and passed to an Officer who may contact you for further information.

WHAT THE COUNCILS WILL DO

It is necessary for you to keep a log of noisy events, usually for a period of two weeks. Completed sheets should be returned to the Case Officer for analysis. Up to three visits will then be made in an attempt to witness the noise. Alternatively monitoring equipment may be left at your premises.

If, after witnessing the noise, the officer is satisfied that a statutory nuisance exists and informal action has not resolved the problem, an Abatement Notice will be served requiring the noise to cease or be reduced.

The offender may appeal against the notice (this may suspend the notice until the appeal is resolved). It will then be necessary for evidence supporting the case to be given in Court. If the Councils take formal action on your behalf you must be prepared to attend Court to give evidence supporting your complaint.

It is an offence not to comply with an Abatement Notice. If the conditions on the Notice are broken you must inform the Councils. Once an offence has been witnessed by an Authorised Officer the offender may be prosecuted at the Magistrates Court. Supporting evidence from yourself will be required (e.g. log sheets, written statement). If the case is proved, a substantial fine may be imposed.

If, after investigation, the officer is of the opinion that a Statutory Nuisance does not exist, you will be advised of this decision and the Councils will take no further action.

(Log sheets should be kept by you until such time that the problem is resolved either by the Councils or by your own actions).

If the Councils are unable to help, Civil Action can be taken under common law or you could take your complaint directly to the Magistrates Court (Section 82 Environmental Protection Act 1990). If you are considering taking your own action, you are advised to contact a solicitor. Please note this leaflet is not an authoritative interpretation of the law; it is a guide only.