

# ***Environmental Health Complaints About***



Noise is a normal part of our daily lives and everyone from time to time will be subjected to it. People have a right to enjoy their homes and cannot expect to live in complete silence.

Neighbours need to show a certain amount of tolerance towards each other as lifestyles do differ, but they also need to be considerate and mindful of the noise they make and take reasonable steps to make sure they do not cause a nuisance to their neighbours.

Unfortunately, noise from road and air traffic is outside the scope of the Environmental Protection Act 1990 and cannot be dealt with by the Authority.

- Any complaints relating to general traffic noise on the highway - Staffordshire County Council.
- Noise from civilian aircraft – Civil Aviation Authority
- Noise from military aircraft – Ministry of Defence

## **Stereos, Radios and TV's**

Most people enjoy watching television or listening to music in their homes. However, noise from loud music or a television blaring out can be annoying and stressful for neighbours, especially as people's tastes differ. Whether the amplified noise is techno, rap or classical it can be just as annoying to a neighbour, if played loudly.

### **Follow these useful tips to reduce the amount of disturbance caused by TV's:**

- Step outside the room where the TV is and listen. Think about how easy it is to hear and whether the neighbours are likely to be able to hear it too.
- Often people don't realise how loud their TV is because they've grown used to it. Sometimes the volume is increased a little at a time but frequently throughout the night so you don't notice how loud it is.
- If you have difficulties with your hearing, it may mean that the TV has to be on very loud for you to hear it. This can be resolved through the use of special adaptation for the TV and a hearing aid.
- The use of surround-sound systems has meant that noise from TV's can be a lot louder. Free standing speakers should be positioned away from any adjoining walls.

## Follow these useful tips to reduce the amount of disturbance caused by stereos and radios:

- Loudspeakers – these should not be fixed to, or near to a wall that is shared with neighbouring properties. Also try to raise them off the floor, particularly if there are neighbours living below. Put the speakers on a stand or put thick carpet/underlay underneath the speaker to deaden the sound.
- Bass – be aware of the sound produced by the bass beat in the music being played and set the controls to a reasonable level.
- Volume – think of the neighbours and keep the volume at a reasonable level, especially if it's late at night or early in the morning. If it's likely to disturb neighbours, consider using headphones.

## Parties

We may all wish to have a party from time to time. Whether it's to celebrate a birthday or anniversary, whatever the occasion, a group of people can generate higher levels of noise than normal.

## Follow these useful tips to reduce the amount of disturbance if having a party/barbeque:

- **Plan Ahead** – Tell neighbours some time in advance that you are having a party. Let them know intended times of when you plan to start and finish and try to stick to these. This gives them chance to make other arrangements or alternatively you may wish to invite them along!
- **Speakers** – Try to position speakers where they are less likely to have impact on neighbours. (*Follow the advice earlier in this leaflet for reducing noise from Stereos, TV's and Radios*).
- **Check the Noise** – Try to stop the noise from spreading. If the party spreads outdoors, ensure any music outside is only heard on your own property – use the garden as a quiet 'chill out' area. Ask guests to leave quietly.
- **Barbecues/Marquees** – If having a barbecue party consider smoke nuisance as well as noise. If you have a marquee, remember the marquee material is very light and does not prevent noise escaping.
- **Children Playing** – Of course children play, it's only natural. However, ensure they do not cause excessive disturbance, especially by throwing/kicking balls against walls of neighbouring properties.

## Home Improvements / DIY

Everyone needs to carry out DIY within their home at some point and it is accepted that some noise from this type of activity is inevitable. As long as the improvements are not excessive and carried out at unreasonable times, this should not cause a nuisance.

### **Follow these useful tips to reduce the amount of disturbance caused to neighbours when doing DIY:**

- Let your neighbours know beforehand if you are doing any type of job that is more likely to cause disturbance, i.e. using power tools or working on adjoining walls.
- Don't leave equipment running, switch it off when not immediately required. Hired equipment such as mixers etc, are often more powerful, these require more care and consideration when in use.
- Carry out jobs that are more likely to cause disturbance during the day, keeping the evenings for painting and decorating.
- Complete work as quickly as possible – don't let it drag on for months.

## Other Domestic Appliances

Noise from any domestic appliance does have the potential to cause a nuisance if used excessively.

Below are some common appliances that can disturb neighbours and some useful tips for reducing the disturbance caused:

- ❖ Site fridges, freezers and washing machines away from adjoining walls and ensure they are placed on a solid floor or carpet to reduce vibration.
- ❖ Operate noisy equipment such as washing machines and hoovers during the day, not too early in the morning or late at night.
- ❖ If people live below you, fit a carpet and underlay to reduce noise disturbance.
- ❖ Close doors gently, do not slam them.
- ❖ When mowing the lawn and using garden power tools, make sure to carry out this activity at reasonable times – not too early in the morning or late at night.

## Cars

Noise from cars, including alarms, can be annoying for neighbours and if excessive can cause a nuisance.

**Follow these useful tips to reduce the amount of disturbance caused to neighbours:**

- Keep music down and windows closed
- Close doors quietly, especially at night.
- Don't over rev the engine.
- Use vehicle horns only in an emergency.
- If alarmed, make sure it has an automatic cut out device which complies with the law and ensure that it is checked regularly to make sure it is functioning properly.

## Industrial/Commercial Noise

A certain amount of noise from commercial/industrial premises is reasonable and to be expected. However, excessive noise can be a problem to nearby residents, especially if continuing through the night. Restrictions on times of operation may be in place through planning conditions and if breached can be enforced by the Planning Department.

It is not always possible for a site to reduce noise. However, they must take all reasonable steps to ensure that noise does not affect neighbouring properties. Examples of good practice include carrying out noisy activities in the daytime and ensuring windows and doors are kept closed when noisy work is being carried out inside the premise.

## Construction Sites

It's inevitable that some noise from construction/ demolition sites will be audible and to a certain extent should be expected. The work taking place is normally essential and in most cases, will only last for a short period of time. However, such operations are capable of causing annoyance and therefore a Code of Practice is in place to ensure that all reasonable steps are taken to minimise noise emitted from the site. This includes ensuring that all heavy work is done during the day, at reasonable times, not too early in the morning or late at night, and weekend working should only take place if essential.

Time limits for operation on construction sites may be imposed as a planning condition and if so, can be enforced by the Planning Department.

In some cases a Notice can be served prior to or during the works under the Control of Pollution Act 1974, which can control the way the works are carried out, the hours of operation and what plant/machinery can be used. This Notice is only implemented on large scale developments and is used at the discretion of the Authority. (For more details on what steps can be taken to control noise from construction sites please ask for an information sheet or visit our Website).

Sensitivity to noise can vary significantly between individuals. It can be difficult to determine whether the problem would be excessive enough to cause a nuisance or simply cause annoyance.

There has to be an unreasonable element to the activity causing the problem. If the noise is persistent and significantly interferes with the enjoyment of neighbouring properties this does have the potential to cause a nuisance.

### ***What is nuisance?***

There has to be an unreasonable element to the activity causing the problem, not just an annoyance.

A nuisance can be defined as an unreasonable interference with the use and enjoyment of someone else's property. This takes account of frequency, duration and intensity of the nuisance amongst other factors.

## ***What if I am affected by noise?***

### ***The friendly approach***

In most cases we advise that the informal approach is the best course of action in the first instance. This gives the person responsible for the noise time to take steps to address the issue. They may not be aware that a problem exists or to what extent it affects those nearby. By staying calm and taking on board both points of view, the problem can hopefully be resolved straight away.

### ***How do I complain?***

To investigate a complaint, we need the following information:

- the address to where the noise is coming from*
- the complainant's name and address (details are not disclosed in the initial stages of the complaint)*
- when and how the noise affects the complainant*
- any other relevant information would be useful*

## ***What to do if still suffering a nuisance?***

If the problem cannot be resolved informally an official complaint can be made. The Council has a duty to investigate complaints of this nature and we have a standard procedure for investigation to ensure that each complaint is treated fairly and with no bias. An investigation may last over 6 months while sufficient evidence is gathered, however, if a complaint is open for longer than this, we will keep all relevant parties informed.

Once an official complaint has been made the following procedure is followed:

### **1. Making contact**

Contact is made with the person(s) allegedly responsible for the noise, making them aware that we have received a complaint and advising them accordingly. A letter is sent to the complainant asking them to complete and return a diary sheet detailing when and how the noise affects them.

The problem is often resolved once the issue has been raised with the person responsible for the noise, however if the problem persists, we would then ask the complainant to return a completed diary sheet.

***We do **not** disclose details of the complainant during the initial stages of the complaint. However, during the investigation we may have to identify who is affected in order to resolve the situation. In some cases the complainant's address may be included on an enforcement notice or the complainant may need to appear in court to give evidence, though this is very rarely necessary.***

### **2. Assessment of completed diary sheet and recording the noise**

The returned diary sheet is evidence and essential for the investigation to demonstrate the frequency and duration the complainant is being affected. Recording equipment may be installed in the complainant's property to gain an indication of the problem and also to justify any out of hour's resources that may be required.

### 3. Witnessing the noise

If we think the noise is a potential problem, then we will arrange for officers to try and witness the nuisance in the complainant's home.

***It should be stressed that the person being affected by the noise must understand that they continue to play an active role throughout the investigation.***

### 4. Establishing a nuisance and taking formal action

If we witness the noise to be having a detrimental impact on neighbouring properties we will use the most appropriate legislation to take enforcement action. In the first instance, this would be an Abatement Notice under the Environmental Protection Act 1990 or where appropriate, a Community Protection Notice under The Anti Social Behaviour, Crime and Policing Act 2014.

Before a notice is served we may take a witness statement from the complainant(s). The statement is used to show how the noise affects them, how long it has been happening and details other important facts. A statement is a legal document and could be used as evidence in court, if needed.

### 5. Breach of notice

If the person responsible does not comply with the notice, then further evidence will be gathered. Once sufficient evidence has been collected, the case would then be referred to our Legal Team with a view to prosecution. The complainant may be required to appear in court to give evidence.

Failure to comply with a notice is an offence and any evidence gathered may be used to prosecute. This could result in a fine; under the Environmental Protection Act 1990 up to £5000 and a further £50 for each day the offence continues and £2500 under the Anti Social Behaviour, Crime and Policing Act 2014.

## ***Do we always take formal action?***

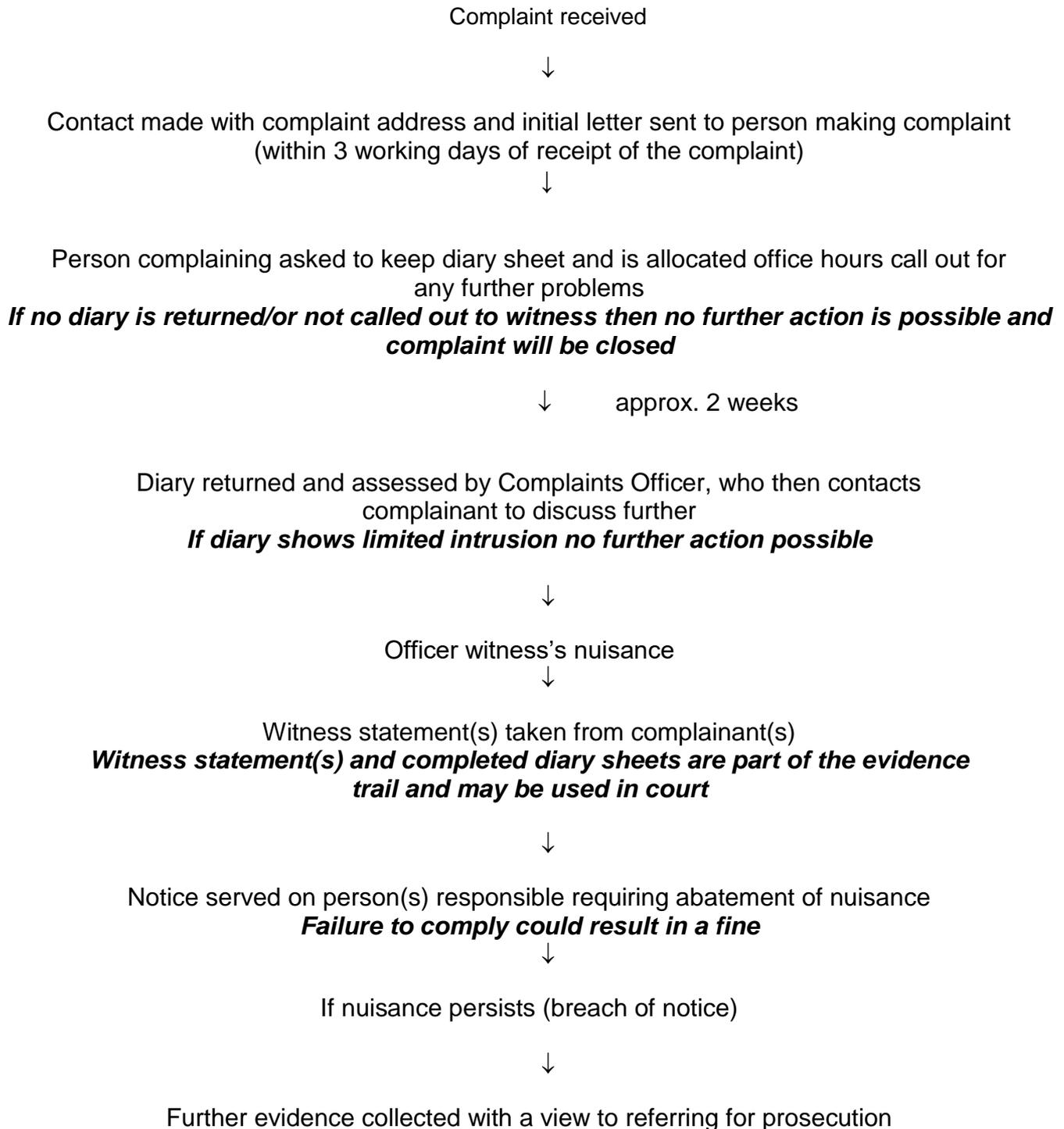
In some cases after careful consideration further action cannot be taken. The reasons for this may be due to lack of evidence, sensitivity, the fact that the problem only occurs occasionally, is hard to witness or because there is no unreasonable element to the complaint.

## ***Advice for complainant's – taking your own action***

As an alternative, the complainant may decide to take their own action under Section 82 of the Environmental Protection Act 1990, by complaining directly to the Magistrates Court. For further information on this please contact us directly or alternatively visit the Council's website (our contact details can be found at the end of this booklet).

**Complaints Procedure – Noise  
Environmental Protection Act 1990 (Statutory Nuisance)  
The Anti Social Behaviour, Crime and Policing Act 2014**

The flow diagram below shows the general procedure which is followed by the Environmental Health Department in the investigation of noise complaints:





## Contact Us

You can contact us:

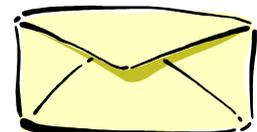
- By telephone: 01283 508524 or 01283 508578



- By email: [ehsupport@eaststaffsbc.gov.uk](mailto:ehsupport@eaststaffsbc.gov.uk)



- By post: Environmental Health  
East Staffordshire Borough Council  
Burton Town Hall  
King Edward Place  
Burton upon Trent  
Staffordshire  
DE14 2EB



- By calling in at ESBC Customer Service Centre, Market Place, Burton upon Trent

Visit our website at: [www.eaststaffsbc.gov.uk](http://www.eaststaffsbc.gov.uk)

*Environmental Health Pages:* <http://www.eaststaffsbc.gov.uk/environmental-health>