

ARE YOU BEING DISTURBED BY NOISE?
IS IT WORTH THE TROUBLE?

In the long term– YES. If you are able to demonstrate that despite having adopted a reasonable approach from the outset, you have a genuine cause for concern, then a solution can be reached. Please contact the Council early in the complaint. The quicker the Council are involved the quicker they may be able to resolve the problem.

Most people take measures to reduce their noise levels when they are made aware of the problem. It is only in extreme cases that the Council need to take the formal action outlined above.

Alternatively, you can make a direct approach to the Magistrates Court if you feel that you are a victim of a noise nuisance. You can take this course of action if the Council do not obtain sufficient evidence to proceed. If the Court are satisfied that a nuisance exists or likely to be repeated the Court can make an order direct, compelling the person responsible to reduce or stop the nuisance or carry out works to avoid it in the future.

Simply call in at the Magistrates office during normal office hours and discuss the noise problem with an officer of the Court. They will be able to explain the procedure and course of action open to you and evidence needed to support your case.

ARE YOU BEING DISTURBED BY NOISE?
CONTACT INFORMATION

Tendring District Council
Pollution and Environment
Environmental Services
Council Offices
Thorpe Road
Weeley
Essex
CO16 9AJ

Tel- (01255) 686767
Fax- (01255) 686404
Email–

environmental.services@tendringdc.gov.uk

The Magistrates Court serving the area is:

Colchester Magistrates Court
Town Hall
High Street
Colchester
01206 743123

BENGALI

যদি আপনার এই নথিটি বাংলা ভাষায় প্রয়োজন হয়, তাহলে www.Tendringdc.gov.uk এর মাধ্যমে অনুবাদ করে দেওয়ার জন্য অনুরোধ করা যেতে পারে।

CHINESE

如果你需要这份文件的简体中文翻译, 可以通过www.Tendringdc.gov.uk订购。

GUJERATI

જો આ દસ્તાવેજ તમને ગુજરાતીમાં જોઈતું હોય તો www.Tendringdc.gov.uk થી એનું ભાષાંતર ખરીદી શકાય છે.

HINDI

यदि आप इस दस्तावेज को हिन्दी में चाहते हैं, तो www.Tendringdc.gov.uk के माध्यम से अनुवाद का आर्डर दिया जा सकता है।

POLISH

Jeśli potrzebujesz ten dokument w J. Polskim, tłumaczenie może być zlecone na stronie www.Tendringdc.gov.uk

TURKISH

Eğer bu dokümanı Türkçe olarak istiyorsanız, çeviri www.Tendringdc.gov.uk yolu ile düzenlenebilir.

URDU

اگر آپ کو اس دستاویز کی ضرورت اردو میں ہے تو www.Tendringdc.gov.uk کے ذریعہ اس کے ترجمہ کی فرمائش کی جا سکتی ہے

Tendring
District Council



Are you being disturbed
by noise?



ARE YOU BEING DISTURBED BY NOISE? INTRODUCTION

Most of us have experienced a noise problem at one time or another, whether it be from a commercial or industrial premises, or the house next door.

Often noise problems are resolved simply by a polite but nevertheless frank approach to the person responsible for the noise, asking for their co-operation.

It must be said that good neighbourly relations will often involve a degree of "live and let live". The occasional noisy part, loud hi-fi or barking dog has to be taken in our stride.

On the other hand there can be persistent disturbances which by their very nature, timing and duration cause real inconvenience and anxiety. In these circumstances, no matter how much you have discussed the matter with the person concerned, the noise continues. This noise may amount to a 'Statutory Nuisance' (a serious prolonged noise problem) and you may need to contact the Environmental Services department of the Council to investigate.

The term 'Statutory Nuisance' is legally not defined. There is an extensive body of case law. Each different case has to be decided upon its merits, what may be a nuisance in one area may not be in another. The assessment has to take into account the circumstances which would be tolerated by an ordinary reasonable person.

ARE YOU BEING DISTURBED BY NOISE? WHAT CAN YOU DO ?

- 1** Discuss the noise problem with the person responsible for it and make them aware of your concerns
- 2** Speak to other neighbours affected and get them to support your claim if possible.
- 3** Keep detailed and accurate records of the noise incidents on the diary sheets sent to you by the Council. You can download these from our website;
<http://www.tendringdc.gov.uk/TendringDC/Environment/Pollution/witnessrepform.htm>
- 4** Be prepared to make a formal statement and to attend court to support the Council if required.
- 5** Be patient. The Council will try to resolve the complaint as quickly as possible, however in some cases there can be a delay particularly if the noise is intermittent.



ARE YOU BEING DISTURBED BY NOISE? WHAT THE COUNCIL CAN DO

An officer will contact you either by telephone or letter within 3 working days.

An officer may visit the person responsible for the noise to advise them of the complaint and remedial action needed to prevent further noise nuisance.

If a visit to the person responsible is not made, we may write to the person responsible for the noise explaining the problem. In many cases this is sufficient to solve the matter.

IF THE NOISE CONTINUES WE MAY

Install sound level monitoring equipment in your premises to obtain evidence to support the complaint

Carry out personal visits to your home.

IF THE NOISE IS A STATUTORY NUISANCE

The Council can serve a legal document called an Abatement Notice, requiring the noise to be kept within acceptable levels.

Prosecute if evidence shows that the Abatement Notice has been breached. Currently the fines are up to £5,000 (£20,000 on commercial premises.)

Seize noise making equipment when a Statutory Nuisance has occurred un breach of the abatement notice.