

WHAT IS THE PROBLEM?

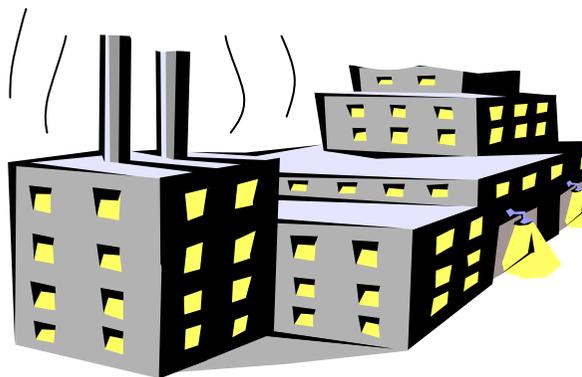
Noise from business premises can be a cause of serious disturbance if it is not adequately controlled.

Each year the Council receives complaints about noise from a variety of business premises including public houses, nightclubs, commercial kitchens, factories, leisure facilities and building sites.

If you are being disturbed by noise it is usually best to contact someone at the premises. Explain that you are being disturbed and ask that the person responsible for the premises (eg site manager) be informed of your complaint.

You may find this difficult, but often the people responsible are unaware of causing a problem and will be glad to do what they can to rectify the situation.

Most noise disputes are resolved informally, with legal action being a last resort.



INFORMING THE COUNCIL

The Environmental Protection Act 1990 includes provisions for dealing with Statutory Nuisances. Noise from business premises may be a Statutory Nuisance and complaints can therefore be investigated by the Council.

If a noise problem persists, contact Environmental Protection at Torridge District Council. We will send you a complaint form to be completed and returned. The complainant's identity will not be disclosed without prior agreement, but if enforcement action is taken the complainant may be called as a witness in court.

When we receive the completed complaint form an Officer of the Council will normally write to the business to make them aware of the problem and give them a chance to rectify it. Noise from some business premises may already be subject to control by the Council or other regulators. For example, entertainment premises often have license conditions relating to noise control.

HOW WE INVESTIGATE

If our letter fails to resolve the problem you will be asked to make a record of any recurrences. An Officer will then arrange monitoring to gather evidence of the noise. The aim is to monitor at times when the noise is most likely to occur.

Officers must give careful consideration to the evidence gathered, weighing-up a number of relevant factors before deciding whether a Statutory Nuisance exists. This decision may require more than one visit and will take

account of the type of noise, how loud it is, how often it is heard, its duration and at what times it occurs.

During this stage of the investigation it may be possible to secure a remedy informally, without recourse to any legal action.

Should the Officer conclude that there is sufficient evidence of Statutory Nuisance the Council will normally serve an Abatement Notice requiring the person to stop causing the nuisance. Failure to comply with an Abatement Notice is a criminal offence and offenders may be prosecuted accordingly.

If the Officer concludes that there is insufficient evidence of a noise nuisance, you will be informed of this and advised of any further action you can take.

If a noise nuisance is not witnessed after three visits we will normally advise you that, unless circumstances change, no further action will be taken by the Council.



TAKING YOUR OWN LEGAL ACTION

Should there be insufficient evidence of statutory nuisance for the Authority to act, you might consider taking legal action yourself. This can be done under Section 82 of the Environmental Protection Act 1990.

This can be relatively straightforward and need not cost much. You do not need to employ a solicitor but it is advisable to obtain some legal advice before embarking on this course of action.

If you can convince the Court that your complaint is justified, it may require the offender to abate the nuisance.

Should you fail to prove your case you may have to pay at least some of the defendant's expenses in coming to Court.

PLEASE NOTE

Anonymous complaints will not normally be investigated.

The Council does not operate a noise call-out service. Out-of-hours monitoring visits are undertaken by prior arrangement.

CONTACTS

Please address letters to:

**Environmental Protection
Torridge District Council
Riverbank House, Bank End,
Bideford
Devon, EX39 2QG**

Telephone:
01237 428700

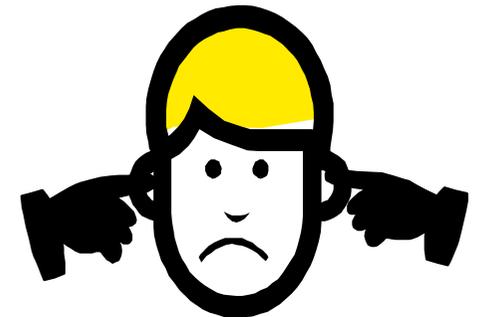
E-Mail
environmental.protection@torridge.gov.uk

**If you require any assistance in
understanding this leaflet, please ring
01237 428700**

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NOISE FROM BUSINESS PREMISES



NOISE COMPLAINTS

ENVIRONMENTAL HEALTH AND
PUBLIC PROTECTION