4.1 Noise Control Policy and Procedure

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Noise Control Policy and Procedure

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Noise Control - Policy and Procedures

1. Introduction

Health Protection Services investigate complaints about noise from domestic, industrial, commercial and agriculture sources. In addition to these sources the Department is represented on the Bailiff's Entertainment Panel and comment on all events on the Island as appropriate e.g. Jersey Live.

Noise is defined as ‘unwanted sound’. Depending on the time of day, duration and type of noise an individual’s living space may be adversely affected. This can lead to stress, annoyance, loss of sleep and adversely affect the mental health of the person or people being affected by the unwanted sound.

2. The Law

Noise emitted from premises (including land) may be a statutory nuisance under the Statutory Nuisances (Jersey) Law 1999.

Types of noise which may be a nuisance:-

- Loud music/television for unreasonable periods of time
- DIY work - drilling, hammering, car repairs (particularly at odd hours)
- Dogs barking excessively
- Arguing with raised voices
- Car or house alarms sounding for unreasonable periods
- Musical instruments
- Parties with excessive noise

3. Noisy Neighbours

Noise from neighbours is a common source of nuisance. No house or flat is totally sound proof; everyone can expect some noise from their neighbours. It is interesting that the current trend to maximise occupancy is testing the bounds of reasonableness. The structural fabric of homes, building standards and construction techniques are being pushed to the limit.

Neighbour noise can be disturbing for the following reasons: -

- neighbours are behaving unreasonably;
- neighbours are behaving normally, but sound insulation in the home may not be good enough to cut out the sounds of every day living;
- the sensitivity of people with different types of noise varies; sounds that are enjoyable to some may annoy others.

4. Initial Action.

If an individual is being disturbed by noise from a neighbour the first step in resolving the problem is to advise the complainant to try the following actions:

- approach your neighbour and explain politely that you are being troubled by noise. It may be difficult, but often people are unaware that they are
causing a problem. Most will be helpful to do what they can to reduce the noise.

Note, some people could react angrily to a complaint;

- if the problem continues, start diaries recording date, time and source of the noise and, describe the effect it has on you. To help you do this the Health Protection Service will provide a typical diary sheet and information on completing the diary.

Write to your neighbour explaining the problem politely ask them to stop the noise nuisance; refer to any conversations that you may have had and what if anything they have agreed to do. Keep a record of any conversations you have or letters you write. If your neighbours are tenants, discuss your problem with their landlord (if they are private tenants, you may need to find out who the landlord is). If they are States Tenants, contact the local housing office. Most tenancies require tenants to occupy the property in a manner that does not cause nuisance to neighbours.

5. Alternatives to legal action.

Noise disputes are often resolved informally, legal action should be a last resort. Ending up in Court will inevitably sour the relationship between the parties concerned; as such the Department will always endeavour to assist in order to resolve disputes and maintain dialogue.

6. Mediation

Mediation can often help resolve some neighbour disputes. It is a step by step process in which an impartial mediator helps people in dispute to settle their differences quickly and confidentially. It does not seek to prove right or wrong but helps those involved to identify what they wanted to change. It is obviously preferable for neighbours to resolve differences through discussion in the first instance and mediation is available through the Community Mediation service provided by the Citizens Advice Bureau on Tel 08007 350249

7. Action taken by Health Protection

If a noise problem persists, Health Protection may be able to take formal action under statutory nuisance legislation. All complaints will be dealt with in accordance with the Services’ Inspecting for Improvement – a policy on engagement with the public over legislative compliance.

8. Investigation Procedure for Health Protection

Initially, the Department will write to the person causing the alleged nuisance saying that a complaint has been made. The letter will ask them to take any steps that may be necessary to reduce noise. At the same time the complainant will receive a letter containing a diary sheet to log any further occurrences of the noise allegedly causing nuisance. Where resources allow the complainant will
be visited to understand, first hand, the nature of the complaint. If the noise continues the diary sheet presumably would be returned to the Department. The investigating officer would then make arrangements to visit the complainant, preferably when the noise is occurring. If the noise occurs out of hours, specific arrangements may be made to witness the nuisance. The Department does not operate an out of hours noise service.

If investigations show that a statutory nuisance exists, or likely to occur or recur, the Department may serve a noise abatement notice. A Statutory Nuisance is defined as “Noise emitted from premises so as to be prejudicial to health or a nuisance”. There is no set level at which noise becomes a statutory nuisance. An assessment will take into account a number of factors, including the locality, time of day or night, frequency and duration of the noise.

A noise abatement notice is usually served on the person responsible for the nuisance, it will require that person to cease causing the noise nuisance. Failure to comply with a noise abatement notice can lead to a person being prosecuted and/or any equipment producing noise being seized.

The need to gather evidence, often out of hours and, presumption that the test of reasonableness is based on the ‘average person’ means that there will be occasions when the Department will not proceed with a case. The Department acknowledges the disappointment this may cause. The affected person(s) has the option to take a private action in seeking to resolve their dispute with their neighbour.

9. Construction Site Noise

A certain amount of noise is inherent in most type of construction and building operations. Notwithstanding this fact, construction site noise can be extremely intrusive and thus extremely disturbing. Especially when carried on out of hours.

As with noisy neighbours, the Department may choose to serve an abatement notice imposing restrictions aimed at minimising the impact of the work on individuals and the local community. These restrictions may include requirements regarding how construction works should be carried out, times they can take place and the control measures needed.

If construction noise is going to be audible outside the boundary of the site the Department will look to limit disturbance caused by applying the following restrictions:

- Monday to Friday noisy work between 0800 and 1800.
- Saturday noisy work limited between 0800 to 1300
- No work to be audible outside the site boundary on Sundays or Public Holidays.


Sometimes emergency works have to be carried out, for example, a burst water main. In such circumstances the normal daytime hours of operation would not apply. There will also be circumstances where safety considerations over ride
noise control measures, this is particularly pertinent for road works, large scale resurfacing works or major structural undertakings.

10. Intruder Alarms

Audible intruder alarms are widely used to protect property from unauthorised entry, especially on commercial buildings where they are often required by insurance companies. In the first instance sounding burglar alarms should be reported to the Police so that evidence of criminal activity can be investigated.

The Department and Police receive a number of complaints about alarm systems that sound for long periods of time. Over 90% of all sounding alarms are due to faults.

Alarm systems should have an automatic cut-off device fitted to stop the alarm sounding for more than 20 minutes. Most modern alarms have this device already fitted. Cut off devices can also be fitted to older existing systems. The Department can require the installation of cut-out devices if an alarm system gives rise to a Statutory Nuisance.

If an alarm system is reported and is causing a Statutory Noise Nuisance the Department will try to contact a key holder so that the problem can be resolved quickly with the minimum amount of fuss. Arrangements are in place to ensure that alarm owners provide the Police with the names, addresses and telephone numbers of at least 2 key holders who can operate and silence the alarm. The Department has an understanding with the Police to share this information. The Department does not have an out of hour’s service to deal with audible intruder alarms.

11. Alarms causing a Noise and Nuisance

If the Department is satisfied that an alarm is causing a Statutory Noise Nuisance and is unable to contact a key holder within a reasonable period of time to silence the alarm, formal action can be taken to abate the nuisance. An abatement notice requiring the alarm to be silenced would be served on the occupier by leaving it at o, affixing it to the premises. An electrical engineer will also be summoned to silence the alarm box.

The occupier will be responsible for reimbursing the Department of all costs reasonably incurred in abating the nuisance. (This can amount to several hundred pounds).

12. Car Alarms

Faults can develop with car alarms leading to the persistent sounding of the alarm, this can cause stress, disturbance and annoyance to local residents.

If a car alarm sounds for more than one hour, the action described for audible intruder alarms in paragraph 11 can be adopted for vehicles.
To minimise the risks of faults occurring car owners are recommended to have their alarms fitted by an approved installer, ensure that it is fitted with an automatic cut off which will silence it after it has been activated, check the alarm regularly and ensure any faults are repaired immediately.

13. Control of Noise from Pubs and Clubs

The main sources of noise that can give rise to nuisances are:

- music, singing and speech, both amplified and not, usually originating from inside buildings or, in summer months, outside buildings;
- rowdy behaviour;
- noise from cars, revving, door banging from the car park and access roads;
- delivery and collection of goods and services;
- operation of plant and machinery (eg air conditioning systems).

Planning and good management by the business can minimise the potential for noise nuisance and complaint.

14. Policing role and responsibility

The Health Protection Service works in partnership with the States of Jersey Police Licensing Unit to address any common areas of problems relating to noise from licensed premises. Both have powers to ensure compliance with statutory requirements to limit noise from within and outside of licensed premises. Where there is a dual statutory function the Services liaise to ensure that action is taken by the most appropriate agency to avoid duplication of action and use of resources.

The Police Service has the power to deal with issues that may be considered to be a breach of the peace. In practice this will deal with aspects of noise on the street which do not fall within the narrow definition of the Statutory Nuisance legislation.