

RFI Decision Notice

Reference No. FOI-1314-05-068

Date Request Received: 14-05-2013

Date of Decision: 14-06-2013

Request:

Q1. How many complaints from Residents (written or telephone calls) have been received/recorded about Noise Nuisance from Propane Gas Guns at East Lindsey District Council since the year 2000?

Q2. If so, how many Complaints did ELDC investigate, and how many Statutory Notices were issued if any?

Q3. Does East Lindsey District Council recognise The Human Rights Act, Article 8, 20th April 2004 which applies to every Member State

of the EU who signed up? "Established States have a positive obligation in terms of Article 8, to secure protection against non-state polluters, the above clearly affirmed the positive obligation of States to guarantee Article 8 against interference of private interests and individuals (e.g. the European Union ruled that Authorities were liable for failing to stop harassment by a neighbour who dumped cart loads of manure in front of the victims property).... The respect for private and family life in the home and correspondence, anyone who has suffered for long periods from noise disturbance..... is well aware that the effects of this on the nerves and ones physical and mental well-being are extremely unpleasant and harmful... noise as torture, acoustic saturation and noise as pollution, the recognition that noise maybe torture has made it easier to accept that acoustic events outside impacting within your own home can constitute a violation of Article 8..."

Q4. Does ELDC recognise the EU Parliament and Commission Act 2000/14/EC 8th May 2000 retrieved from Europa-Summaries-EU Legislation Environmental-Pollution... "Reduction of Noise from Equipment used Outdoors"? The Act was preceded by the Policy the "Reduction of Noise in the Environment".

Q5. Please can you tell me what steps East Lindsey District Council has taken towards reducing Noise in the Environment as Directed by the EU Commission, e.g noise from Propane Gas Guns?

Decision:

In accordance with Section 1(1)(a) of the Freedom of Information Act 2000, you are advised that East Lindsey District Council does hold information that falls within the description specified in your request.

To answer your specific questions:

1 + 2) Since 2008 we have had 248 complaints and investigations about gas guns. 0 Notices have been served. Information from prior to 2008 is no longer held by the Council.

3+4) East Lindsey District Council does not hold any recorded information relevant to these questions.

5) As above. The question specifically states as directed by the EU Commission - we have proactively taken action but not specifically in light of the Commission. The Environmental Protection Act is the primary legislation ELDC use to act on Gas Gun Complaints.

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Your right of appeal:

If you have any queries regarding this decision, please contact the Council's Information Governance Officer. Please remember to quote the reference number above in any future communications.

If you are unhappy with the service you have received in relation to your request and wish to make a complaint or request an internal review of our decision, you should write to:

Information Management
East Lindsey District Council
Tedder Hall
Manby Park
Louth
Lincolnshire
LN11 8UP

If you are not content with the outcome of your complaint you may apply directly to the Information Commissioner for a decision. Generally, the ICO cannot make a decision unless you have exhausted the Council's own complaints procedure. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

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