

# Advisory note on the investigation of domestic noise complaints



## Who will investigate my noise complaint?

- Environmental Health Section will investigate all noise complaints where the noise is coming from premises including any external areas such as gardens. Environmental Health also has powers to deal with noise in the street if this is being caused by vehicle, machinery or equipment.
- Civic Enforcement will investigate complaints with regard to noise in the street from loud shouting, people congregating etc.
- Complaints relating to council houses will be investigated by the Council's Housing Section.

For cases where Environmental Health is unable to take action, you will be advised if your complaint is referred to another section of the Council or if you need to contact an external organisation.

## How will my noise complaint be investigated?

The investigating officer aims to contact you **within two working days** to discuss with you your complaint and advise what action is to be taken. This usually involves the investigating officer contacting the person complained of and asking them to take steps to limit any unreasonable noise levels.

Hopefully this approach will resolve the problem. If this is not the case you will be asked to complete and return **noise disturbance diary sheets which will be provided by the investigating officer**. This record is normally kept over 2 to 4 weeks and will be used as evidence if legal action is taken.

The noise disturbance diary sheets will be assessed by the investigating officer for evidence of a **potential statutory noise nuisance and/or anti-social behaviour**. If this is the case further evidence maybe collected by officers visiting and witnessing the noise and/or the use of noise monitoring equipment.

## **Why does Environmental Health require the completion of noise disturbance diary sheets?**

Environmental Health hopes that the noise complaint will be resolved after initial contact with person complained of, however, if this is not the case it is important that you as the complainant provide the investigating officer with evidence of how the noise is affecting the use and enjoyment of your property and /or affecting your quality of life.

Noise disturbance diary sheets are the first stage of the investigating officer's assessment of whether or not there exists a potential statutory nuisance or noise which could result in action being taken under anti-social behaviour legislation. Subsequent investigation including officer visits and installation of noise monitoring equipment is to collect independent evidence to substantiate the evidence contained within the noise disturbance diary sheets.

Environmental Health acknowledge that the completion of noise disturbance diary sheets can take time and effort when you may feel frustrated and want an immediate solution to the noise problems that you are experiencing. Time and effort taken now to complete noise disturbance diary sheets will enable the investigating officer to bring about a quicker resolution of the investigation into your complaint.

## **What is the next stage?**

On receipt of noise disturbance diary sheets the investigating officer will assess the information contained within and decide whether or not there is evidence of a potential statutory noise nuisance/evidence of anti-social behaviour. You will be informed of the outcome of this assessment and whether your noise complaint is to be investigated further.

Further investigation may involve the use of noise monitoring equipment and/or officers visiting to witness the noise. The investigating officer will notify the person complained of if a potential noise nuisance/evidence of anti-social behaviour exists and is required by law to inform them that as part of the ongoing investigation noise monitoring maybe undertaken. The person complained of is not informed of the dates the noise monitoring equipment is installed but is advised that noise from their property maybe monitored.

## **What legal action can be taken?**

If a statutory noise nuisance exists a **Noise Abatement Notice** will be served on the person(s) responsible for causing the problem. It is an offence not to comply with the requirements of a Noise Abatement Notice.

A **Community Protection Notice** can be served if the noise is persistent or continuing and having detrimental effect on the quality of life of those in the locality and the conduct is unreasonable.

**You can take your own action** under Section 82 of the Environmental Protection Act 1990 in the Magistrates Court or civil action in the County Court if you can prove your health, comfort or convenience is affected by the noise and you may obtain an injunction to stop the noise or be able to claim damages from the person responsible.

## **Will my details be kept confidential?**

Complainant details will be kept confidential. However if the Council decides to take legal action for non-compliance with an abatement notice or the abatement notice is appealed your name may have to be released to the defence and you may be required to appear in Court as a witness.

Your name would not be disclosed without your permission but you will need to be aware that legal action is unlikely to be successful without the use of your evidence.