



NOISE COMPLAINT PROCEDURE

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1. Introduction

This leaflet is designed to let you know how the procedure for investigating noise complaints works within Carmarthenshire. The information may assist you, whether you are a complainant or someone alleged to be causing a noise disturbance.

Carmarthenshire County Council's Public Protection Division receives about 900 noise complaints every year. Most noise complaints concern noise from the behaviour of neighbours, in particular from the failure to control barking dogs, loud music, DIY, etc. We also receive many complaints about industrial and commercial premises, including wind farms and public entertainment venues. However, a sound being audible in your home does not automatically make it a nuisance.

We cannot investigate noisy children playing or crying or people's day to day living noise such as walking about in their homes, entering and leaving the premises, flushing the toilet or arguments unless it can be clearly established that the noise is excessive or there is malicious intent.

There are other types of noise that we cannot investigate although they may affect certain people. For example, noise from the public highway could be dealt with by the council's highways department and "people" noise in the street is a public disorder issue which should be dealt with by the police who may be contacted on the non-emergency telephone number 101 (or 999 in an emergency).

Noise can cause both stress and sleep disturbance and in extreme circumstances can contribute to health problems. Many complaints are part of a more general neighbour dispute, however the scope of our investigation will relate purely to noise.

For there to be a Statutory Noise Nuisance it must have a significant effect on you and the use or enjoyment of your property. It must therefore be more than just an annoyance or irritation. A Statutory Nuisance needs to occur for some length of time, or with some frequency. "One-off" occurrences are much less likely to be regarded as Statutory Nuisances. The judgment as to whether a Statutory Nuisance exists must have regard to what most people consider to be reasonable, i.e. the standards of "the Average Reasonable Person". We cannot expect a higher standard because of any undue sensitivity of the complainant.

Under certain circumstances, there are also powers contained within the Antisocial Behaviour, Crime and Policing Act 2014 that can be used to deal with noise complaints.

These powers are intended to deal with ongoing problems of nuisance which have a negative effect on a community's quality of life.

Where appropriate and safe to do so, complainants are advised to speak to their neighbours themselves first, because the noise might be occurring without their knowledge. This contact could avoid the problem escalating into a neighbour dispute, by involving the Council and the legal process.

Complaints are recorded and investigated in accordance with a procedure designed to ensure that complaints are dealt with consistently, appropriately and fairly, whilst protecting the human rights of both the complainant and those alleged to be causing a problem.

2. Stages in investigating a noise complaint

There are up to five possible stages to Carmarthenshire County Council's noise investigation procedure:

- (i) Initial Enquiry
- (ii) Noise Log
- (iii) Information/Evidence Gathering
- (iv) Assessment of Evidence
- (v) Enforcement

Each of these stages is described in turn in the following pages

(i) Initial Enquiry

When someone first contacts Carmarthenshire County Council with a complaint about noise, the complainant's details and the nature of the complaint are taken by our Contact Centre and recorded on our computer database. Alternatively, you may wish to log your complaint via the "Noise App" (see section ii).

It is our aim that within 5 working days this information pack is sent to the complainant.

Where noise is of a limited duration but the effects are severe, i.e. car alarms or burglar alarms, it is our aim to respond within 1 working day, usually by visiting the person making the complaint.

With anonymous complaints, we are significantly limited in the service we provide; therefore, it is encouraged that full contact details are provided.

(ii) Noise Logging

Please record information on the attached noise log or by submitting audio records via the Noise App. Further information regarding the use of the Noise App can be found on the leaflet enclosed with this information pack.

Noise logging should describe the noise being complained of and how it affects you. It also helps to target resources to best effect by highlighting possible trends on the occurrence of the complaint and will be used as a basis for further investigation. It will be used as evidence in the event of any legal proceedings being taken by the authority.

-Noise logging should be completed over a 7-day period (14-day period for noise from pubs, clubs etc), however, if you do not feel this time period is representative of the noise experienced then we would advise that you contact the investigating officer for further advice. Completed noise logs should be returned to the Environmental Health and Licensing Section, Town Hall, Iscennen Road, Ammanford, Carmarthenshire SA18 3BE or via E-mail to publicprotection@carmarthenshire.gov.uk within 21 days of the complainant receiving the noise log.

If we do not hear from you within 21 days or the information provided during the noise logging period does not indicate the presence of a potential Noise Nuisance, no further action will be taken by the council with respect to your complaint.

(iii) Information/Evidence Gathering

Upon receipt of sufficient information following the logging period which indicates the presence of a potential Noise Nuisance we will devise a monitoring programme based on the information you have provided.

Noise logging by the complainant will not replace the need for officers to carry out his/her own noise monitoring. The monitoring programme may involve pro-active visits and/or the installation of noise-monitoring equipment.

A letter may be sent to the person(s) being complained of, advising them that a complaint has been received and that officers will be undertaking an investigation. We will **not** inform the person(s) being complained of, the dates of any noise measuring exercise(s).

Even though Environmental Health and Licensing will not provide your details at this stage, it is important to understand that in some situations the source of the complaint may assume who has made the complaint. For example, if you live in a semi-detached property it may be obvious who has complained about the noise. We will not confirm whether or not they are correct.

Noise monitoring can consist of officers undertaking visits to your home/locality and making a subjective assessment of the noise being complained about and/or installing noise monitoring equipment within your home. When available, the noise monitoring equipment will be left at your property, for a suitable period of time (typically three to four days) at the discretion of the investigating officer. It is important to note that equipment is normally located inside a dwelling, therefore a suitable electrical power point will be necessary. Your co-operation will be required at this stage to record the noise by pressing a button when the noise occurs.

Officers will provide advice and guidance at the time of setting up equipment. It is important that any advice or instruction given by the officer is adhered to, so that any evidence collected is not jeopardised or corrupted. Please be aware that if the evidence is used by the authority in any formal action then we would require a witness statement from the person operating the equipment to authenticate the evidence. To confirm that you understand the advice provided to you during the installation of the noise monitoring equipment we will ask you to sign and date a declaration form.

Officers will usually undertake a maximum of three visits (this includes monitoring periods) to substantiate your complaint. If a Noise Nuisance has not been established, then the complaint will be ended.

(iv) Assessment of Evidence

On the return of the equipment the collected data will be analysed. The time involved in this stage of the investigation can vary, depending on the complexity of the complaint. It is necessary on occasions to analyse a significant amount of data, which can take some time.

(v) Enforcement

On conclusion of the investigation, a decision is made as to whether the evidence collected confirms the presence of a Noise Nuisance or not. In cases where the evidence does not support the existence of a noise nuisance, the investigation of the complaint is ended and both parties will be informed.

Individuals who still feel that a statutory nuisance exists can take their own action under Section 82 of the Environmental Protection Act 1990, and investigating officers can advise you of this procedure upon request.

Where a Statutory Noise Nuisance exists, an Abatement Notice(s) shall be served. A reasonable time will be given to comply with the terms of the notice. If further complaints are received which suggest that the notice is not being complied with, investigations will take place to confirm whether an offence has occurred. At this stage, we will then make an informed decision on how best to proceed, which may result in formal action.

In circumstances where Anti-Social Behaviour is confirmed, the appropriate action will be taken under the Anti-Social Behaviour, Crime and Policing Act 2014.

Where formal proceedings take place in a Magistrates court, the final decision would lie with the Courts. If the person on whom the Notice is served appeals the Notice, then the Magistrates Court again determines the outcome.

In order to achieve a successful appeal/prosecution, you will have to attend court and give evidence to support the case presented by the local authority.