

## Working for you

### What we do about your noise complaint

We will take your complaint and investigate but you must remember that your complaint will not be resolved over night; investigations can take several weeks or months.

Contact will be made either by letter or a phone call to the person you allege to be responsible for causing the noise. This contact will advise them of the complaint and attempt a quick informal resolution to any problems that may exist.

**PLEASE NOTE:** your name and address will **NOT** be disclosed to the person complained of; occasionally the person guesses who has complained and may approach you on the subject. Also, if the council decides to prosecute, you may need to appear in court as a witness, but you will be asked this if it comes to that.

A letter will be sent to you acknowledging receipt of your complaint and including a log sheet. You will be asked to keep a record of the noise disturbance for 14 consecutive days after which time the completed log sheet should be returned. There are three reasons for this:

1. To help us assess whether the noise is likely to amount to a statutory nuisance
2. To indicate the times when an officer is more likely to witness the noise
3. With your consent the log sheet may be used in evidence should formal action prove necessary.

If the completed log sheet is not returned within 28 days it will be assumed that the matter has been resolved to your satisfaction and no further action will be taken.

Upon receipt of your completed log sheet the Officer dealing with the complaint will attempt to witness the noise either by visiting your property at a time the noise usually occurs or by installing the Council's automatic noise monitoring equipment within your home. This equipment is switched on by you when the noise is occurring.

If the Officer is satisfied that a statutory nuisance exists, a Noise Abatement Notice will be served upon the person(s) causing the problem. Failure to comply with the Notice within the time specified is a criminal offence and may result in formal action in a Magistrates Court. Persons found guilty are liable to a fine up to £5000 for a domestic property and up to £20,000 for an industrial/commercial property.

There are some occasions where the Council is unable to take formal action, either because the noise occurs intermittently or a statutory nuisance cannot be substantiated. If the Council decides that formal action cannot be taken you will be advised accordingly.

## **Taking your own action**

In some cases we may not be able to take formal action, as we have either been unable to witness the noise or do not consider it to be a statutory nuisance. If you wish to pursue your noise complaint there are two alternative options:

1. Taking action yourself in a Magistrate Court under section 82 of the Environmental Protection Act 1990. You will need to contact your local court to ask how to proceed but it is a good idea to write to the person causing the noise saying that unless the noise is stopped by a certain date you will be complaining to the Magistrates Court. Make sure any letter is dated and signed and ensure you keep an accurate copy for your records. This may be enough to solve the problem or at least get it properly considered.
2. Taking action yourself for a 'private nuisance', which involves your local County Court. This is a method that is best adopted after consulting a Solicitor and relies on you proving on the balance of probabilities that your right to reasonable enjoyment of your property has seriously been affected.

Prior to taking any action you are advised to consult a Solicitor. Remember that opposing arguments raised by the defense will have to be faced in Court. It is often found that relations between neighbors are strained and that the noise complaint is part of a greater and sometimes complicated dispute. You must be certain of the grounds of your complaint and be sure you are not overreacting to a situation, which many people would find acceptable.

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