

## **Noise Guidance**

### **Noise Complaints**

Noise complaints are the most common problem to which the Neighbourhood Enforcement Team responds. These can include loud music, parties, construction and demolition sites, intruder and vehicle alarms and noisy neighbours along with numerous other sources of noise. Every year the Department responds to several thousand noise nuisance allegations.

In handling the complaints, officers have to prioritise the incoming complaints based upon the information provided by the complainant. The highest priority is given to those residents who are considered the most vulnerable and who are unable to deal with the noise problem they are experiencing.

Priority is also given to those circumstances where large numbers of residents are affected and especially where the noise is ongoing. Higher priority is given to complainants who are subjected to persistent noise pollution rather than complainants who report problems of a one-off event. The team aims to make contact within 3 working days, either by telephone, e-mail, home visit or letter.

#### **Normal domestic activity**

The number of complaints received by the Neighbourhood Enforcement Team due to normal domestic activity is increasing. Normal domestic activity includes normal conversation, arguments, music and television on at a reasonable level, coughing, sneezing, bedsprings, footfall and creaking floorboards, the pull cord light switch commonly in bathrooms, plugs being pushed in and pulled out of sockets, taps running, the toilet being used and vacuum cleaning during the daytime as well as many other types of normal everyday noises. The reason why these noises can be heard is usually because of poor sound insulation between properties and the installation of laminate or wood flooring.

Please note, that in cases where you are experiencing problems due to normal domestic activity the Council will be unable to take legal action to prevent it from happening. However, we can approach your neighbour informally and ask them to be more aware of the problem and to try and take measures to reduce the amount of disturbance as much as possible i.e. removing shoes indoors and placing rugs in areas which are used regularly. However, if the neighbour does not take our advice unfortunately there is no further action that we can take to resolve your complaint.

### What we will do initially

After your complaint is logged, you will receive an initial letter, noise log sheet and information leaflet from the team. No letter will be sent to the alleged perpetrator at this time unless the investigating officer considers it appropriate, either because noise disturbance can be quickly verified or we have received fully completed log sheets showing a pattern of disturbance and we are sure that the address of the alleged perpetrator is correct. The letter sent to the person will make them aware of the allegation and that it is causing a disturbance. Sometimes this initial letter is enough to solve the problem. Please note, we do not divulge who has made the complaint.

### What can be done if the initial letter does not have the desired effect?

If the initial letter does not solve the problem, then you will have to help us in trying to solve the problems you are experiencing. This help involves:

- Keeping log sheets
- Discussing with the case officer the best approach
- Notifying us when the noise is taking place so a visit can be made
- Using the Late Night Noise Team as well as other agencies such as the Metropolitan Police, your Estate Manager (where you have one) and any other witness who might be considered truly independent.

We appreciate that completing logs can be tedious but accurate records of disturbance are vitally important, particularly if legal action is necessary to resolve the noise problem you are experiencing.

If legal action is required at a later stage, you will be able to use the log sheets when writing your statement for prosecution, as it will help remind you when incidents happened. These sheets represent a far more reliable source of evidence than just using your memory alone. When logs are completed, the information in them must be accurate and unexaggerated, as these will form part of your written evidence and you will need to sign them to verify their accuracy.

Where log sheets are not returned within 4 weeks then it will be assumed that the original request for the service was prompted by a temporary situation, which has since been resolved and the case will be closed - although reopening the case is easily done if the problem recurs.

### What further action will we take if the nuisance persists?

Case officers are able to investigate your complaint in a number of different ways.

- when you have returned the log sheets we look at the information you have provided to see if the pattern of the noise establishes a nuisance scenario warranting further investigation. The log sheets can be returned at any time you consider there is sufficient evidence to demonstrate the noise nuisance you are experiencing.
- If your complaint requires more urgent investigation then your case officer may decide they will not wait for completed log sheets and may well organise a visit to your premises to investigate further.

- If the noise occurs during normal office hours you should telephone your case officer to see if the officer is available to make a visit to assess the problem. Due to the large number of complaints being dealt with it is not always possible to make visits when you require but best efforts will be made to visit your premises when you call.

- If the noise complained of takes place outside of normal office hours then a visit can still be arranged. The officer will however need completed log sheets which show a definite pattern to the noise so as to be fairly confident that they will be able to witness the noise complained of.

- The Council operates a Late Night Noise Team. The Team operates on Friday and Saturday nights from 22.00 to 02.00. If the noise takes place at this time, please contact the emergency telephone operator on 020 8583 2222 and log your call. Your details will then get passed onto the officers on duty and they will try to call you back within an hour depending on the number of calls received. If the noise is ongoing, then a visit will be made to try and get the problem resolved on the night. Where there is a persistent problem a visit will have to be made to your premises first to witness the noise with the possibility of formal action being taken.

) If you know that other people are being disturbed by the noise, encourage them to contact the Council as this helps build the picture of what is happening and establish if a nuisance is occurring.

) Officers will use the evidence gathered – from yourself, from other complainants, from independent witnesses, from their own observations, - to decide if a statutory nuisance has occurred or is likely to occur. Once officers are satisfied that the noise is a statutory nuisance than an abatement notice will be served on the person or business making the noise requiring them to stop.

## What happens if a statutory noise nuisance is established and co-operation cannot be achieved?

Once the abatement notice is served, any breach of it is a criminal offence. This means that we need enough evidence to prove, beyond reasonable doubt, that the breach has occurred. We usually establish this through it being witnessed by a noise officer from the Council.

Sometimes this can be proved easily, but if it is a very minor breach, then a number of incidents may be needed to satisfy that the breach has occurred “beyond reasonable doubt”. Sometimes an intermittent, short-term noise can be difficult to witness so it is recommended that you keep using the log sheet as this can help establish when the noise occurs and can add to the evidence. Once a breach of the abatement notice is established, then it will, in most cases, lead to prosecution in the Magistrates<sup>1</sup> Court where our evidence needs to stand examination. We will include statements from the officers who have witnessed the nuisance and a statement from yourself when the case is prosecuted.

A court date can then be set and depending on the plea of the defendant you may have to be present at court to give evidence on the nuisance that you have been experiencing.

The possible fine if prosecuted is up to £5,000 in respect of domestic activities and £20,000 in respect of commercial activities.

## What happens if we cannot witness the noise being complained about?

In some cases, the investigating officer will be unable to witness the noise about which you are complaining especially where it is noise of short duration.

In these circumstances when 5 visits have failed to identify the noise problem, you will be advised to take your own action using the powers available to you under Section 82 of the Environmental Protection Act 1990. Your case officer can provide you with an information leaflet on how to take your own action.

If it is felt that the Council has met its statutory obligation to take all reasonably practicable steps to investigate your complaint, your case officer will notify you before closing the case.

### What to do if you are dissatisfied with the service provided?

Complaints are investigated in-line with the Council's Corporate Complaints, Comments and Compliments Policy. This is a 2 stage process. Stage 1 will be investigated and responded to by the Head of Service within 15 working days and stage 2 by the Director within 20 working days. Further details about the Corporate Complaints policy can be found at the following link:  
<https://www.hounslow.gov.uk/complaintspolicy>

You can write to the address below or email to  
[feedback@hounslow.gov.uk](mailto:feedback@hounslow.gov.uk)

Customer Relations  
London Borough of Hounslow  
Hounslow House  
7 Bath Road,  
Hounslow TW3 3EB

If stages 1 and 2 have been completed and you are still not satisfied with the service provided, you have the option to contact the Local Government & Social Care Ombudsman (LGSCO)

The Local Government and Social Care Ombudsman  
PO Box 4771  
Coventry  
CV4 0EH

Phone: 0300 061 0614  
Website: [www.lgo.org.uk](http://www.lgo.org.uk)

Community Enforcement and Regulatory Services, London Borough of Hounslow, Hounslow House, 7 Bath Road, London, TW3 3EB