

**ST ALBANS CITY AND DISTRICT COUNCIL
LEGAL, DEMOCRATIC & REGULATORY SERVICES**

**GUIDANCE ON HOW YOUR COMPLAINT ABOUT
DOMESTIC NOISE WILL BE INVESTIGATED**

Introduction

These notes are provided to inform you how your complaint about domestic noise will be dealt with. Unfortunately solving such a complaint often takes time, and it can be weeks or sometimes many months before it is finally resolved. Discussing the matter with your neighbour before involving the Council can often successfully resolve a problem. We find that neighbours often do not appreciate they are being a nuisance and will alter their behaviour accordingly. Once the Council are involved any good-will that there may have been between neighbours will often be lost. It is often best, therefore, to discuss the problem with your neighbour as soon as the noise becomes a problem.

Alternatively you could contact "Mediation St Albans" on 01442 243402 who help to solve neighbourhood disputes (see separate leaflet).

How we will deal with your complaint

Step 1 - your initial complaint

On receipt of your initial complaint we will send you a record sheet (sometimes called a diary sheet) for you to write down over a 14 day period, the date, time, duration and type of noise that you find a nuisance. Guidance on how to fill out the sheets is included. A shorter period than 14 days will be acceptable if the noise is particularly frequent and repetitive.

An initial visit is not made for the following reasons:

- (1) Record sheets are needed to show that the noise is a recurring problem and has been ongoing for a period of time.
- (2) There are often problems with counter complaints from the person complained about. A written record by the complainant helps to provide evidence.
- (3) There is insufficient Council officer time to investigate complaints at the initial stage.

If the complaint is about a Council tenant you should discuss the matter with the Housing Management Officer. The Housing Department have tenancy conditions which are enforced by the Housing Officer where there is evidence to substantiate a serious breach of the Council's tenancy conditions. They also have more detailed information about the tenants. This department will normally deal with noise complaints about music and barking dogs and the Housing Department will normally deal with noise complaints about general household noise such as shouting, loud talking, walking about, noisy children, playing football etc.

Step 2 - when you return the record sheet

On receipt of the record sheet an Officer will assess the seriousness of your complaint. The Officer may visit you to discuss the complaint and assess whether there is a structural defect which may be contributing to the problem or if your neighbour is behaving in an unreasonable manner.

We will write to the person making the noise to arrange an appointment to visit and discuss the problem with them. This is where record sheets are particularly useful as they can be used to demonstrate frequency, duration and the effect of the noise on yourself. Counter allegations may sometimes be made which the Officer will need to consider.

Please note that although your details are confidential at this stage, it will often become evident who the complainant is e.g. music through a party wall in a semi-detached property will normally affect the neighbour in the other semi. We will write and inform you what action we have taken and also write to the person you have complained about. At this stage the problem is often resolved but if this is not successful you will need to go to the next stage.

Step 3 - if the noise continues

If the informal action taken so far has been unsuccessful it is necessary to go onto the next stage which involves the gathering of evidence which the Officer considers will justify the service of an Abatement Notice under Section 80 of the Environmental Protection Act 1990. By serving an Abatement Notice the Council can require that the noise nuisance is abated or reduced according to the circumstances.

You must continue to keep record sheets to provide a continuous log of the noise problem. The Officer may arrange to install Noise Monitoring Equipment which you can switch on to record the noise. The recording is analysed by the Council to assess the extent of the nuisance.

The Council runs a weekend Noise Patrol which operates on Friday/ Saturday night from 20.00-01.00; Saturday/ Sunday night 20.00-02.00 and Sunday night from 20.00-midnight. Once you have reached stage 3 you may call the standby number on 01727 811155 when an Officer will visit to assess the nuisance.

If sufficient evidence can be obtained the Officer will then serve an Abatement Notice. After service of the notice it is possible that the case will go to Court as detailed in Step 4. Should the case go to Court it is likely that your name and address will be revealed to the person making the noise. You may also be asked to appear in Court as a witness.

Step 4 - if the noise is still a problem

Once an "Abatement Notice" has been served there are 3 possible outcomes:

- (1) The person will comply with the notice and the nuisance will be abated.
- (2) The person may appeal against the notice to the Magistrates Court. In this case it will be necessary for the Council to prove to the Court that the notice was justified.
- (3) The person may ignore the notice.

In the event that (3) applies it will be necessary for the Officer to make further visits to witness the noise and confirm that the nuisance is taking place and the notice is being contravened.

Other Considerations

At any stage you may be advised that there is insufficient evidence to justify the service of a statutory notice. This may be where the noise is intermittent, irregular or unpredictable in occurrence. We will try to make at least 3 visits at the time the noise is likely to be a nuisance to assess the problem first hand. The standard of evidence required to serve a statutory notice is demanding and although the noise may be annoying to you it may not be classed as a statutory nuisance. If this happens you may take action yourself by asking the Court to serve a Summons under Section 82 of the Environmental Protection Act 1990. A separate guidance sheet is available should this option be suggested.

It is often the case that the noise will stop for a while and then start up again. Such intermittent complaints are difficult to resolve and can seem to go on for a long time. It is very important that you continue to fill in record sheets until the matter is completed as this provides valuable evidence for further action. Please phone and ask for additional sheets if you need them.

Our Response Times

We will deal with all complaints according to the following criteria. Please note these are maximum times and we will try to ensure a quicker response time:

- § From receipt of complaint to our initial letter being sent - 3 working days.
- § From receipt of record sheets to first contact being made with yourself and the person making the noise - 3 working days.
- § For complaints made to our Out of Hours Noise Patrol - 1 hour.

Issued by: The Head of Legal, Democratic & Regulatory Services, St Albans City and District Council, Civic Centre, St Peters Street, St Albans, Herts AL1 3JE

EXAMPLE

**ST ALBANS CITY AND DISTRICT COUNCIL
ENVIRONMENT AND HEALTH**

OFFICER REF: _____

RECORD OF NOISE COMPLAINTS

Complainant's name and address: Mr A N Other, 26 Lindford Drive, St Albans, Herts

Tel. No.: Home: 01727-123456 Work: 0208 123456

Address complained of: 24 Lindford Drive, St Albans, Herts

Occupier's name (if known): Not known Council Tenant: Yes/No

Date	Time noise Starts	Time Noise Ends	Indication of loudness 1-5 1 is just audible 5 is very loud	Full description of noise
2/2/2004	22.03	23.45	4	I was sitting in my lounge watching TV when my neighbour started playing his stereo. The noise was clearly audible above the volume of my TV and very annoying.
3/1/2004	22.48	01.10	2	Went to bed in front bedroom and could hear the neighbour's stereo from his bedroom in mine. Although this was not loud, it was of sufficient volume to stop me going to sleep.
4/1/2004				I was out all evening until 00.00.
5/1/2004				All quiet.
6/1/2004	20.04	23.45	1	Again in my lounge reading when the neighbour started playing his stereo. The volume started fairly quietly, but then increased during the evening.
			3	Very annoying and difficult to concentrate.

I certify that this is a true record of my observations during the period.

signature: A.N.Other

Date: 10/1/2004

If necessary I am/~~we~~ are prepared to submit a statement of evidence and appear at a Court hearing YES/~~NO~~

RETURN THIS FORM TO:

THE LEGAL, DEMOCRATIC & REGULATORY SERVICES DEPARTMENT, ST ALBANS CITY AND DISTRICT COUNCIL, CIVIC CENTRE, ST PETERS STREET, ST ALBANS, HERTS AL1 3JE

