

## Noise and Nuisance - Level of Service

### Introduction

Successful action against anyone causing noise, smoke or smell problems depends on Council Officers having good information from which they can make a convincing judgement on the impact of the problem on residents.

Getting this usually requires the help of the affected residents. They may have to let officers into their homes at night, keep their own records of how they are disturbed or enlist the support of their neighbours.

If a problem has to be settled through the Court, residents might even need to attend and give their own evidence.

The following describes the different levels of service the Council can offer depending on the assistance residents are prepared to give.

This applies to parties, building work, noisy neighbours, air conditioning or other plant noise, smoke and smells and noise directly from licensed premises but not from individuals causing problems in the street by being disorderly.

### Level 1 – First Time Complaint

#### Resident's responsibility

- ✓ Complainant contact details including telephone and address.
- ✓ Accurate information on the problem e.g. what type of noise/smell etc.
- ✓ Accurate information on the location of the problem i.e. the address.
- ✓ If it is a car alarm - vehicle type, registration number and location.

#### Council responsibility

- ✓ Make an initial assessment, give the name of an officer contact and tell complainant of proposed course of action.
- ✓ Usually visit complainant if the problem is occurring at the time of the call.
- ✓ Usually visit the perpetrator and attempt to stop or minimise the problem.
- ✓ Ensure the problem is investigated the next day if not concluded or if investigation was not possible for any reason.

### Level 2 – Repeat Complaints

**Resident's responsibility**

- ✓ Continue to give accurate and timely information on the problem.
- ✓ Maintain a diary of events that shows the times and dates of each occurrence.
- ✓ Allow an officer into a resident's home to witness the problem and obtain evidence.

**Council responsibility**

- ✓ Respond to complaints, visiting whenever it will secure additional evidence.
- ✓ Liaise with other relevant Council departments and agencies.
- ✓ Warn perpetrator and try to persuade perpetrator to cease problem activity.
- ✓ Serve necessary legal notice assuming the evidence supports it.  
Serve appropriate legal notice assuming the evidence supports it.
- ✓ Advise resident of progress in case and timescales for next steps.

**Level 3 – Long Term Situations****Resident's responsibility**

- ✓ To continue to keep records of the problem.
- ✓ To continue to provide necessary opportunities for officers to gather evidence.
- ✓ To be prepared to provide a statement and attend court if necessary.

**Council responsibility**

- ✓ To give residents a full and honest explanation in writing of action the Council can take (whether formal, informal or no further action can be taken).
- ✓ To prepare evidence and proceed to court if notice is being contravened.
- ✓ To guide residents on how to pursue their own action if the Council is unable to act.

**Helping us to help you – co-operation of the residents**

Achieving a successful conclusion nearly always requires the assistance and cooperation of residents whether that's allowing officers to visit at night time and weekends or keeping records of the problem.

Where a resident chooses not to cooperate the Council may decide that it cannot act effectively and withdraw from the case leaving the resident with advice on how to pursue their own remedy.

**Our Commitment to Proactive Work**

The Council would always want to prevent noise and other similar problems rather than spend time and effort resolving them after they have become a significant nuisance. For this purpose the Noise and Nuisance Team will work with a range of stakeholders to prevent commonly foreseeable problems within our remit.

As a Responsible Authority under the Licensing Act 2003 we are notified of all applications for new premises licences and variations to existing licences. Where we judge the proposed change will not promote the relevant Licensing Objectives (prevention of public nuisance) then we will make a representation to the Licensing Committee on the residents' behalf which may result in conditions or refusal of the application.

The Noise and Nuisance Team will work in partnership with many agencies inside and outside of the Council to secure better city life for its residents. This includes the TMO, Registered Housing Providers, Private Sector Housing Team, Police, Safer Neighbourhoods Team, Planning Department and Licensing Team particularly. The Noise and Nuisance Team will actively work with developers and contractors prior to and during large construction projects to agree methods of work and compliance with best practice to minimise disturbance to residents.