

## Noise - Investigation

Depending upon the exact circumstances of a case, when the Environmental Protection Section receives a complaint regarding noise, a letter is sent to the person affected by the noise enclosing a diary sheet to keep a record of the problem. We will also contact the person allegedly causing the problem to make them aware of the complaint against them and detail any relevant legislation. At this stage we do not tell them who has made the complaint, however if the case goes to Court the identity of the person who has complained will probably be revealed.

The diary is an important aid to the investigation and should detail dates and times when the noise is heard and the effect it has. This will help us assess the situation and allow us to choose the best method of proceeding with an investigation.

During the investigation, the Officers have to assess how unreasonable the noise is to the average person. Noise is very subjective, what may be causing one person extreme distress may hardly be noticed by someone else. We must, therefore, hear the noise for ourselves to decide whether or not a statutory nuisance, within the strict meaning of the law exists. Some of the things which help us decide are:

- How loud is the noise?
- What times of the day/night does the noise occur?
- How long does the noise last for?
- What type of noise? Some noises are more annoying than others.
- What is the nature of the area? e.g. rural / industrial estate / urban etc.
- What is the level of background noise?
- How sensitive to noise is the service requester, do they have tinnitus, for example?

We may set up equipment in the home of the person who has complained to record the noise or we may visit to hear the noise first hand.

The success of the council's action will rely on the person who has complained assisting in gathering evidence by keeping the diary log forms, allowing access and carefully following instructions in respect of noise monitoring devices.

## **Legal action**

If the officer witnesses the noise and is satisfied that it is a nuisance in legal terms they will serve a noise abatement notice. If the noise continues to cause a statutory nuisance an offence is committed and may lead to the prosecution of the offender and / or seizure of any noise making equipment. Should a case go this far, evidence from the person who made the complaint will be very important and they may well be called to give evidence at a Court hearing.

## **How long will it take to investigate a noise nuisance?**

Unfortunately not all cases are 'simple.' Sometimes it takes months to investigate all aspects of a noise problem in order to recommend the best solution. There may also be practical reasons as to the why the investigation takes a long time, for example a company may have to be allowed a period of time to complete any suggested work eg - a factory may have to have a silencer specially designed before it can be fitted. The officer who investigates the case will keep you updated of any developments regarding the complaint.