



London Borough  
of Hounslow

# Guidance in respect of noise



# Noise Complaints

Noise complaints are the most common problem to which the Pollution Control Team responds. These can include noisy stereos, parties, construction and demolition sites, intruder and vehicle alarms and noisy machines 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. To help us respond quickly to complaints received the team has a performance target to contact a minimum of 92% of complainants within 3 working days, either by telephone, e-mail, home visit or letter.

## What we will do initially

After having logged your complaint you will receive an initial letter, noise log sheet and information leaflet from the Pollution 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. We do not divulge who has made the complaint but the perpetrator may make an educated guess. It may seem an obvious point but we can only send a letter to the perpetrator if their correct address is provided to us.

## 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:

- The keeping of log sheets;
- Discussing with the case officer the best approach;
- Notifying us when the noise is taking place so a visit can be made;
- If visits are unsuccessful allowing the installation of noise monitoring equipment;
- Using the Late Night Noise Team as well as other agencies such as the Metropolitan Police/Estate Managers and any other witness who might be considered truly independent.

It is appreciated 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.

The log sheets will be used by yourself if legal action is required when writing your statement for prosecution, as it will help remind you when incidents happened. Logs represent a far more reliable source of evidence than using purely 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 service was prompted by a temporary situation, such as a minor neighbourly dispute which has since been resolved and the case will be closed (although reopening the case is easily done if the problem recurs).

## Normal domestic activity

The number of complaints received by the Pollution Control 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, footfalls 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/wood flooring.

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. In this instance the only course of action open to us is to 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 can be taken to resolve your complaint.

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

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

- If and 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 logs sheets can be returned at any time you consider there is sufficient evidence to demonstrate the noise nuisance you feel 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 monitor the noise.
- If after attempting to visit your premises to hear the noise and after a number of unsuccessful attempts it may be worthwhile installing noise monitoring equipment. The advantage of noise monitoring equipment is that you are able to switch the machine on and off when the noise is taking place to try and capture a sample of the noise.
- The disadvantage of this equipment is that although it does record the noise it does not provide evidence as to where the noise is actually coming from. The Courts must be 100% sure before convicting that the right person is before them and will not necessarily accept a noise recording as good evidence. Usually the equipment will be installed for a period of a week.
- 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 04.00. 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.

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

An abatement notice will be served on the person or business making the noise requiring them to stop.

- If a breach of the abatement notice is witnessed then it will, in most cases, lead to prosecution in the Magistrates<sup>1</sup> Court. This will include statements from the officers who have witnessed the nuisance and a statement from yourself.
- A court date can then be set and depending on the plea of the defendant you may well 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 noise of short duration. In these circumstances when 3 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?

The person you ask to investigate your complaint about the service will do their best to sort out the problem as quickly as possible. You should consider talking to your case officer straightaway. They may well be able to resolve the problem immediately. If you are not satisfied with the response from your case officer or feel that it is inappropriate to contact your case officer you should contact the Head of Service either in writing, by telephone or by making a mutually convenient appointment.

The Head of Service can be contacted on telephone number **020 8583 5183** or in writing as follows:-

Head of Pollution Control,  
Environment Department  
London Borough of Hounslow,  
Pavilion CF, Civic Centre,  
Lampton Road, Hounslow, TW3 4DN.

You can expect a full written response to your complaint within 10 working days from the Head of Service. Alternatively you can contact the Customer Services by letter at the above address, by email at

**[environmentcomplaints@hounslow.gov.uk](mailto:environmentcomplaints@hounslow.gov.uk)**

## What if the Head of Service cannot resolve the issue?

If you feel that we have not dealt properly with your complaint please do not hesitate to contact the Customer Services by letter at the above address, by email at: **[environmentcomplaints@hounslow.gov.uk](mailto:environmentcomplaints@hounslow.gov.uk)** You can expect a reply within 10 working days.

## What if the Departmental resolution is unsuccessful?

If you are still not satisfied that your complaint has been considered properly or you feel that the decision is unfair then you can request that your complaint is looked at again by an independent panel of three Councillors. You have the right to attend and address the Panel. The Department will be required to explain its actions and their reasons for the decisions they have made on your complaint. The Panel's decision is final and they can overrule the Department's decision as long as it is legal to do so.

To request a Review please contact the Customer Services Team by e-mail at: **[environmentcomplaints@hounslow.gov.uk](mailto:environmentcomplaints@hounslow.gov.uk)** or in writing within 7 days of receiving the reply to your Stage 2 complaint. You will be sent further details about the Stage 3 Review process and how to make your appeal. Further information about Stage 3 of the complaints process is available on our website under the link "Council and Democracy".

### What if you are still unhappy with the Council's response?

If you are still dissatisfied after the Council's Independent Panel has responded to your complaint you may wish to contact the Local Government Ombudsman who can investigate cases of injustice and maladministration within a Council.

The address of the Local Government Ombudsman is:-

10th Floor, Millbank Tower, Millbank, London SW1P 49P

**Pollution Control Team**

Environment Department  
London Borough of Hounslow  
Civic Centre, Lampton Road  
Hounslow TW3 4DN.  
Email: [pollution@hounslow.gov.uk](mailto:pollution@hounslow.gov.uk)

**[www.hounslow.gov.uk](http://www.hounslow.gov.uk)**