

**Q. *Who has made the complaint against me?***

R. We have a policy of confidentiality and don't disclose details of who has complained. This may seem unfair, but we believe that if we didn't have this policy some people, particularly those who are vulnerable, would be frightened or discouraged from reporting genuine problems. We never take formal action on the basis of anonymous complaints alone and will always carry out an independent investigation to establish whether complaints are justified or not.

**Q. *How will the Council investigate the complaint made against me?***

R. Just by letting people know that a complaint has been made usually leads to an improvement and there is no need for us to be involved further. However, in a small number of cases, when the problem cannot be resolved informally, we will have to investigate the complaint more thoroughly. We will usually try to talk to both parties to find out more detail about the problem and we will encourage people to resolve their differences if possible.

If the problem can't be resolved informally we will try and establish whether the complaint is justified and if there has been any breach of the law which may require formal action being taken. We do this by gathering evidence about the problem. Our own officers are trained and authorised to investigate complaints on behalf of the Council and they will try and witness the problem independently and may obtain statements from people who are affected by, or witness the problem. Officers may also use noise monitoring equipment to record noise which people complain is coming from their neighbour's property.

We do not take sides and we make our decisions independently on the basis of evidence that we gather during the investigation.

**Q. *How long will the investigations take?***

R. If a complaint cannot be resolved informally then we would try to decide whether the complaint justifies taking formal action or not as soon as possible, but exactly how long this takes would depend on how easy the problem was to witness and what resources we had available. If our investigations were still ongoing after three months from letting you know about the initial complaint then we would usually contact you again to let you know that our investigations were still ongoing.

If you didn't hear from us you could assume that that complaint had been closed, either because it had been resolved informally or there was insufficient evidence to justify the complaint. However, we couldn't rule out having to contact you again in the future if further complaints were made because the Council has a legal duty to investigate such complaints.

**Q. *How do I know whether noise from my property is too loud?***

R. There are no defined noise levels to say when noise is too loud as this will depend on a number of factors, including the time of day/night when the noise happens, how often it happens, how long it goes on for and whether anything about the noise makes it particularly annoying (e.g. sudden bangs, screeching noises, low frequency bass noise etc). The test that we apply is whether the noise coming from a property is "unreasonable". A simple way of finding out if the noise is too loud is to try and have a normal conversation in the room where the noise is on (for example in the room where music is being played), if you need to raise your voice to be heard then it is likely to be too loud. But you should take extra care late at night because even low level noise, particularly music with a high bass content, can easily travel through walls and be a problem to neighbours.

**Q. *I don't think I'm causing a problem – what should I do?***

R. You can let us know why you don't think you're causing a problem by using the "Right to Reply" form or by sending an e-mail or giving us a call. Even if you don't contact us we don't assume that you are causing a problem and we will always investigate and verify any complaint that is made before considering further action.

**Q. *I would prefer to resolve any problems with my neighbour informally – how do I do this?***

R. This will depend on the type of relationship you have with your neighbours. If you are usually on good terms, you might want to ask if they have been bothered by noise from your home recently. Listen carefully to what your neighbour might have to say and try not to get too defensive if you don't like what you hear. Be prepared to act on what is said, but don't agree to do something if you don't believe it is necessary or you can't stick to it.

**Q. *What formal action can be taken by the Council?***

R. Officers from the Council are authorised to enforce laws\* to control noise and neighbour nuisance. There are a number of actions that officers can take, but we do try and deal with problems informally if possible. If formal action is required we would first serve a legal notice, called an "Abatement Notice" or "Warning Notice" to let you know that noise from your property has been assessed as causing a nuisance to neighbours. If the Notice is ignored and problems continue, then officers can take further legal action, including: removing noise making equipment, such as hi-fi's, tv's, musical instruments etc. from your property; issuing you with a Fixed Penalty Notice for £100 (for night-time noise offences only); or prosecuting you in the Magistrates' Court for not complying with the Notice and facing an unlimited fine. For serious cases we can also ask the Court for an Anti-Social Behaviour Order, which carries with even higher penalties, such as imprisonment, if not complied with. Tenants could also be at risk of action being taken by their Landlord for a breach of tenancy conditions and can possibly lead to being evicted from their home for causing nuisance to neighbours (NB: this action would be taken by the Landlord and not the Council).

\*Relevant Noise and Nuisance Law:

- Environmental Protection Act 1990 (Part 3) – Statutory Nuisance
- Noise Act 1996
- Control of Pollution Act 1974
- Clean Neighbourhoods & Environment Act 2005

**Q. *Where can I get further advice from?***

R. Visit our web-site to find out further information: [www.wakefield.gov.uk](http://www.wakefield.gov.uk) – search for "noise". In addition you can always seek advice from the Citizens Advice Bureau or a solicitor.

Other useful Web-sites:

DEFRA – The Government Department with responsibility for noise. [www.defra.gov.uk/environment/quality/noise/](http://www.defra.gov.uk/environment/quality/noise/)

Noise Abatement Society [www.noiseabatementociety.com/](http://www.noiseabatementociety.com/)

Environmental Protection UK [www.environmental-protection.org.uk/noise/](http://www.environmental-protection.org.uk/noise/)

UK Noise Association [www.ukna.org.uk](http://www.ukna.org.uk)

UK Mediation [www.ukmediation.net.uk](http://www.ukmediation.net.uk)

Noise Net [www.noisenet.org](http://www.noisenet.org)

The Dogs Trust [www.dogstrust.org.uk](http://www.dogstrust.org.uk)

Association of Pet Behaviour Counsellors [www.apbc.org.uk/](http://www.apbc.org.uk/)