

# City of London

## Markets and Consumer Protection Department

### Noise Response Service Delivery Policy/Noise complaint policy

#### 1. Background and Introduction

The City of London provides a dedicated noise response service to investigate and resolve justifiable noise complaints, including a rapid response and an ‘out of hours’ service to deal with complaints requiring urgent action.

The service is delivered by the Pollution Team of the Markets and Consumer Protection Department. Each year the department receives over 2000 complaints or requests for service to deal with noise problems.

The ‘City of London Noise Strategy 2012 – 16’ outlines a range of policies and actions to address noise issues including the City’s service for responding to noise complaints and incidents. The service has evolved in response to changing demands, legislation, expectations and resources and therefore the Noise Strategy commits the service to reviewing, updating and consolidation of service delivery policies and procedures.

#### 2. Scope

There are a number of activities the Service engages in to minimise noise levels and disturbance due to noise<sup>1</sup> affecting residents and businesses. However noise can and does result in complaints despite proactive measures taken. This policy focuses on the Pollution Team responding to and investigating noise complaints.

Residents and businesses expect noise issues affecting them and referred to the City Corporation to be promptly resolved. A significant number of complaints are resolved through informal action and good-will. However if formal enforcement action is required, options to resolve problems may be constrained by legislation that can result in unmet expectations.

#### 3. Role / remit and scope of the service: Responding to and investigating Complaints

The Environmental Protection Act 1990 imposes a duty on the City of London to:

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<sup>1</sup> Refers to environmental, neighbour and neighbourhood noise, and excludes occupational noise exposure

- Inspect its area from time to time to detect any statutory nuisances which ought to be dealt with;
- Take such steps as are reasonably practicable to investigate a complaint of a statutory nuisance made by a person living in its area;
- Serve an abatement notice where the local authority is satisfied that a statutory nuisance exists or is likely to occur or recur within the City.

To meet this duty and contribute to the improvement of the health and wellbeing of City communities, the purpose of the noise complaint response service is to investigate complaints and prevent, stop or mitigate noise nuisance or unreasonable disturbance to City residents, businesses, workers or visitors, by making the most effective use of available resources and enforcement powers or duties.

The main noise sources of complaint are:

- Building construction and street works
- Leisure activities, particularly ‘people’ noise associated with licensed premises
- Noise from other Commercial premises activities e.g. deliveries, plant and equipment noise, alarms
- Neighbour noise (e.g. music / TV), alarms,
- Transport (e.g. road, aircraft, railways, sirens)

#### **4. Delivery Principles**

Wherever practicable, complainants will be encouraged to informally resolve noise problems affecting them informally before making a formal complaint to the City Noise Service. Similarly, known noise ‘sources’ will be encouraged and sometimes required to liaise with neighbours to minimise noise disturbance e.g. through Planning conditions to comply with the City of London Deconstruction and Construction Sites Code of Practice.

Informal remedies to resolve justified noise complaints can provide quicker and more acceptable solutions to noise problems than formal legal enforcement investigation and action; therefore informal solutions will be considered wherever practicable and sustainable.

The City Corporation has a statutory duty to inspect the City for statutory nuisances and serve nuisance notices where they exist. Therefore investigating complaints and taking enforcement action in respect of statutory nuisance will take priority.

Other law enforcement remedies to resolve complaints will be used where available and appropriate and in accordance with the Department’s Enforcement Policy. Remedies may also be sought through legislation enforced by other agencies or COL Departments, e.g. Planning, licensing or anti-social behaviour legislation.

There are some noise sources for which the service does not have statutory powers or duties to carry out formal investigations and take formal enforcement action in response to complaints e.g.:

- i. Civil or military aviation including helicopters,
- ii. Noise from motor vehicle traffic using public highways,
- iii. Noise from the operation of a statutory undertaking e.g. underground, railway.
- iv. Noise from emergency vehicle sirens
- v. Noise from people in the street or noise from loud speakers used as part of a political demonstration
- vi. Noise for which the City of London Corporation are responsible

However provided the complaint is justified<sup>2</sup> and there is a reasonable prospect of resolving it, then subject to other service demands, we will consider investigating and seeking to secure an improvement or prevent worsening of the problem where practicable to do so. Resources used will be guided by the extent of community impact and concern, prospect of achieving a sustainable solution.

When complaints concerning noise disturbance are made, the service will respond, investigate and resolve them in a timely fashion and according to priority.

It will also aim to achieve a sustainable solution to meet the expectations of the complainant and others who may be affected wherever practicable and reasonable to do so.

The City is a noisy place as a consequence of the intensity of activity and sometimes conflicting needs of its different communities. Therefore the service is required to take into account the locality, reasonableness and practicability of solutions in order to make balanced decisions on whether complaints are justified, and whether and what enforcement or other action should be taken.

## **5. Complaint Receipt**

Complaints can be made by Telephone, Email. Letter or by calling in person at City of London offices. Complaints about noise ‘happening now’ can be made by telephone ‘24/7’.

Complainants will be expected to provide sufficient information to assist with identifying the noise source, it’s nature and impact.

Complaint Response and Investigation

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<sup>2</sup> Likely to cause disturbance or annoyance but no enforcement remedy available or appropriate

The service aims to respond<sup>3</sup> to complaints and service requests within one working day, or within 45 minutes if the noise is ‘happening now’. Where there are conflicting demands complaints and service requests will be prioritised using the Prioritisation Guidelines in appendices.

The investigating officer may use a variety of investigation, monitoring and enforcement techniques in order to resolve cases involving noise complaints. Formal enforcement options may include the service of notices, seizure of equipment, works in default. It may also involve taking complementary action such as involving planning, social services, licensing departments or police e.g., where anti-social behaviour is associated with the complaint.

The service is unlikely to meet every complainant’s expectations. Complainant’s will be advised at the initial response and other key stages of an investigation what possible action can be taken or is proposed, as well as what action cannot be taken, to prevent or reduce the noise problem.

Complainants will be informed of the steps which will be taken to investigate their complaint and when they can next expect to receive feedback on progress.

Complainants and duty holders will be kept informed of key actions taken or intended to be taken e.g. writing to the person causing the problem or serving of a notice.

Many complaints are resolved quickly and informally. However some complaints may not be so easy to resolve and it may be necessary to obtain sufficient evidence, such as a City of London officer witnessing the noise, in order to take formal action.

Therefore complainants may be requested to:

- Keep records of the noise (dates, times, duration and effect);
- Report noise to the Noise Team when it occurs;
- Allow access for responding officers to premises in order to witness the noise or set up noise monitoring equipment; this may be at unsocial times, e.g. at night;
- If necessary, provide witness statements and be willing to provide evidence in court, (although court appearance is not often required).

## **6. Complaint Resolution**

The closure and resolution of a noise complaint may occur when the Investigating Officer has followed investigation through to its completion and resulting in one of the following:

- The noise complaint has been resolved (the noise or the recurrence of it has been prevented, stopped or reduced) through informal action e.g. email, telephone call or a warning letter;
- A statutory notice has been served and complied with or work carried out in default;

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<sup>3</sup> ‘Response’ means contact by telephone, email, letter, text or meeting.

- Where other formal enforcement action has been taken and the noise or it's recurrence has been prevented, stopped or reduced e.g. Service of notices to restrict construction site times of noisy operations;
- No statutory nuisance or other formally actionable noise has been identified by the investigation carried out and no informal resolution is likely;
- The matter has been referred to an external agency or another department;
- The investigation of the complaint or effective action is not reasonably practicable;
- The complainant withdraws their complaint;
- The complainant does not cooperate with reasonable and necessary requests to assist with investigating the complaint or is otherwise unreasonable in their behaviour.

The complainant(s) will be informed, usually in writing of the outcome of their complaint and if appropriate will be offered advice on taking their own action.

## **Appendix - Prioritisation Guidelines for responding to complaints**

Complaints will be dealt with in the chronological order in which they are received. The following considerations may however justify dealing with cases out of strict time sequence or deferring investigation of certain complaints until other higher priority complaints have been dealt with:

- Where the officers believe that an investigation is likely to result in witnessing a statutory nuisance or contravention of a statutory notice and that contravention is likely to lead to legal proceedings;
- Where noise is occurring 'now' including noise from street works or construction sites during City of London 'quiet hours'
- Where the noise occurs at night resulting in potential sleep disturbance,
- Where a noise incident is likely to affect a greater number of households or businesses (e.g. construction works, parties, alarms and incidents involving multiple complaints);
- Where early intervention can forestall the likely occurrence of a serious nuisance and/or safety hazard (e.g. to deal with a problem before it gets going);
- Where early intervention can improve the overall effectiveness of the service (eg to witness an alarm nuisance and serve notice, returning to the premises later for work in default/enforcement); and
- Where an officer has already made a commitment to a caller to visit, and another call is received which would normally receive higher priority, the officer may, at their discretion, deal with the arranged visit first.

There are circumstances when it may be appropriate to give a lower priority to certain types of complaint such as:

- Anonymous complainants;
- Where complaints are made outside office hours, complainants who are not willing to be contacted or be visited by noise service officers or who do not want any action to be taken 'on the night';
- Complainants who do not allow investigating officers access to their premises to assess whether noise constitutes a nuisance;
- Complaints where the investigating officer has insufficient information in order to carry out an investigation.