



# **NOISE MANAGEMENT POLICY**

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### **INTRODUCTION**

Noise is often described as "unwanted sound". Thus some people can find some sound acceptable and some will find it irritating. There is no doubt that noise affects our quality of life. There is also evidence that high levels of noise affect health, interfere with sleep and increase stress.

West Lancashire Borough Council has a duty to investigate noise complaints. Additionally it has a role in preventing them through, for example, the planning and licensing processes.

The aim of this policy is to set out in clear, unambiguous terms how the service is to be scoped, organised and delivered.

## **NOISE**

Environmental Protection U.K. state that -

" In its widest sense, neighbourhood noise might be defined as any unwanted sound in the vicinity of the home or its locality. That definition might embrace industrial noise, noise from transport, as well as noise from domestic premises, which is the biggest source of Noise Nuisance and complaints."

During 2004/05 there were 286,872 separate complaints about noise made to environmental health departments in England and Wales; this figure breaks down into 206,086 relating to noise from domestic premises; 7,522 from industrial premises; 35,784 from commercial and leisure premises; 11,305 complaints about vehicles, machinery, equipment in streets; 14,461 concerning miscellaneous sources and 11,714 about construction and demolition noise (Chartered Institute of Environmental Health annual survey into local authority noise enforcement action).

Exposure to loud noise can lead to temporary or permanent hearing damage. There are controls in place to prevent hearing damage at work. Night clubs and concerts can cause temporary hearing problems, with 'ringing ears' quoted as a common symptom. However, repeated exposure during even a person's leisure time, can lead to permanent problems.

In addition to auditory effects of noise, there can also be non-auditory effects. These include:-

- Speech interference – environmental noise can make speech and understanding difficult. It can also 'mask' important sounds such as alarms, telephone calls etc.
- Annoyance – where noise intrudes into someone's thoughts, moods or activities, it can generate feeling of irritation, resentment and displeasure.
- Sleep disturbance – A good night's sleep is known to be one of the key requirements for good physiological and psychological functioning in healthy individuals. Sleep disturbance can affect a person's mood the next day, as well as their performance. Noise can make it difficult to fall asleep, can awaken people or even affect how well people sleep.
- Performance by school children – Studies have shown that noise can affect the thinking patterns of children.
- Mental health – Whilst it is not believed to be a cause of mental illness, noise can increase anxiety, emotional stress, nervous complaints and mood changes.

## THE BOROUGH OF WEST LANCASHIRE

West Lancashire is the most southerly of the Local Authorities within Lancashire. It has a population of 108,500 (National Census 2001) and covers an area of over 34,000 hectares, a large proportion of which is good and versatile agricultural land. The Borough has a market town: Ormskirk with mainly rural parishes and villages to the north, (there are 19 Parish Councils and one Parish Meeting), and the former New Town of Skelmersdale to the east. A map of the Borough is given as Appendix 1.

West Lancashire is an attractive area and has a good road and rail network. The Borough benefits from social, retail and leisure links with the nearby urban areas of Liverpool, Southport, Preston and Wigan. These factors have led Ormskirk and other parts of the Borough becoming popular areas to live for commuters.

The Borough is diverse in nature. There are relatively high levels of multiple deprivation in parts of Skelmersdale/Up Holland with the four wards of Birch Green, Digmaor, Moorside and Tanhouse each containing one or more Super Output Areas ranked as amongst the top 10% most deprived nationally. Conversely, part of Parbold ward is ranked amongst one of the least deprived areas in England.

Due to their construction some parts of the general housing stock in Skelmersdale can give rise to complaints in relation to domestic noise as a result of slamming doors, loud footsteps, arguments and every day use of domestic appliances.

During the year 1st April 2009 to 31st March 2010 600 noise complaints were received by West Lancashire Borough Council's Environmental Protection Team. This number can be broken down as follows:-

Neighbour Noise	343
Barking Dogs	176
Industry and Commerce	56
Other Noise	<u>25</u>
Total	<u>600</u>

The complaints relating to neighbour noise included issues such as music, TV. noise, parties, DIY etc.

'Industry and commerce' relates to complaints concerning pubs etc., as well as industrial sites.

The final category of 'other noise' includes issues such as transport noise and bird scarers (a common summer problem).

## **SERVICE IDENTIFICATION**

The Environmental Protection Section sits within the Community Services Division of the Council. This Division has five main work areas:-

- Environmental Protection
- Community Safety
- Public Protection and Licensing
- Leisure, Culture & The Arts
- Commercial Safety

Within the Environmental Protection Section the work generally covers two broad areas, pollution and public health. Noise comes under the pollution category.

### Noise Team

There are five members of staff who can routinely deal with noise issues. A Technical Assistant and a Scientific Officer deal with the initial responses to complaints. Where necessary the complaints are dealt with by one of the three Senior Environmental Health Officers. Additionally, the Environmental Protection and Community Safety Manager will become involved in some complaints. Currently two members of the team hold additional acoustics qualifications.

Most of the work undertaken in relation to noise is included in the Divisions ISO9000:2001 Quality System. Much of the work is therefore covered by procedures which detail the approach to be taken by officers. This system therefore provides for a consistent response and approach from officers.

As part of the quality system, the Section Manager validates 10% of complaints each month. This entails reviewing the complaint and ensuring it was responded to in the correct time frame and (where appropriate) the relevant work procedure was followed.

Every year each member of the team receives an annual development appraisal where training needs and personal development are discussed. In addition to any training needs identified, staff will generally be given several opportunities to attend 'technical and updating' courses throughout each year.

Officers are therefore regularly trained and their work and performance is observed throughout the year. The standards and consistency should therefore be maintained throughout the year.

## **SCOPE OF THE SERVICE**

With respect to noise, the aim of the Section is to reduce the levels of noise that individuals are exposed to.

The Section will respond to complaints about noise emanating from premises. This can be a domestic or commercial property but can equally be an area of land. For most types of complaint officers will attempt to establish whether or not a 'Noise Nuisance' exists. The general definition of a Noise Nuisance is "noise which interferes with the use or comfort of a person's property". Thus officers will try to establish how a noise affects someone in their property. The factors we will take account of include:-

- Volume of noise
- Time of occurrence
- Duration of occurrence
- Regularity of occurrence
- Presence of particular "annoying" factors such as low frequency sounds or banging/clanging sounds.

As the establishment of a Nuisance depends on how a noise affects a person in a property the section does not deal with anonymous complaints. If no details are given to us regarding the property that is affected, no assessment can be made as to whether a nuisance exists.

The types of complaints the section deals with include:-

- Barking dogs
- Loud music
- TV. noise
- D.I.Y.
- Parties
- Intruder alarms

Additionally, complaints will be received regarding commercial premises such as licensed premises, factories and construction sites.

The legislation the Section can use (see page 10) does not allow action to be taken against traffic noise, aircraft noise and most activities in the street.

In addition to dealing with complaints, officers also aim to reduce noise exposure to individuals by being involved in both the planning process and the licensing process.

Each week the list of new planning applications is reviewed and if it is thought that there could be an environmental impact (including noise) the application is inspected and, where necessary, comments provided with a view to ensuring new developments do not increase, or are not affected by, existing noise levels.

Following the introduction of the Licensing Act 2003, the Section has a greater opportunity to be involved in noise from licensed premises across the Borough. These have conditions attached to their licenses, which are aimed at reducing the noise which can 'escape' from the premises. The Section also seeks to restrict opening hours, as appropriate, to minimise the impact of customer/patron noise on nearby residents.

The licenses of existing premises can be reviewed and conditions altered or removed. Alterations to licenses or licenses for new premises are examined and when appropriate conditions utilised to control noise.

The Section does not operate an out of hours noise immediate response service. Where complaints are received concerning issues which occur out of normal office hours, officers will either utilise monitoring equipment or arrange to make visits at appropriate times (which can include night-times, early mornings and weekends – but by appointment only). Complaints received out of hours will normally be dealt with by officers on the next working day.

The only exceptions to this relates to complaints concerning intruder alarms which will be responded to if they are received up to midnight and when noise from a domestic party has a significant effect on a neighbourhood.

For issues arising out of normal hours complainants can leave a message for the Section by ringing 01695 577177 and following the instructions given by the helpful answer phone message.

## **COMPLAINTS**

Complaints can be made to the service via the following means:-

By telephone – 01695 577177

Via email – [healthadmin@westlancs.gov.uk](mailto:healthadmin@westlancs.gov.uk)

Via the Councils website – [www.westlancs.gov.uk](http://www.westlancs.gov.uk)

In writing to – The Environmental Protection Section, Community Services, Robert Hodge Centre, Stanley Depot, Stanley Way, Skelmersdale, West Lancashire, WN8 8EE.

Additionally, residents can if they feel it is necessary, complain to their local Councillor or MP. Their details will be available on the Council's website. ([www.westlancs.gov.uk](http://www.westlancs.gov.uk)).

When making a complaint residents should provide the Section with the following details:-

- Your name
- Your address
- A contact phone number
- (if appropriate an email address)
- What type of noise you are affected by
- Where the problem is arising
- When you are affected

### **Complaints about the Service**

If residents are not satisfied with the service received from the Section there is a Customer Complaints Procedure. Details of this are available from the Councils Website.

## SERVICE STANDARDS

The service standards for Environmental Protection are contained within a leaflet first published in 2007. The leaflet can be viewed [here](#).

In summary the Section aims to respond to customers complaints with 3 days, in the case of noise complaints. Customers will be provided with information concerning our procedures (see later) and how officers will deal with the complaint.

## **COMMON AREAS OF COMPLAINT AND PROCEDURES USED**

During the year 1st April 2009 to 31st March 2010 we received nearly 600 noise complaints. Some sources of complaint are far more common than others and most are dealt with in a similar manner. To ensure adequate use of available resources, visits are not made initially to the vast majority of complaints. Letters are sent to the person making the complaint and the alleged noise maker. Complainants are asked to complete log sheets, indicating how and when they are affected by the noise. The letter to the alleged noise maker advises them that a complaint has been received and encourages them to contact us to discuss the matter.

For complaints concerning commercial premises, visits are generally made to the premises in question to discuss the matter fully.

### **Domestic Noise**

During the year from 1st April 2009 to 31st March 2010 we received over 500 complaints about domestic noise. This number includes complaints about barking dog's, music, TV's, parties and DIY.

Our general procedures for dealing with domestic noise are included at Appendix G

### **Commercial Noise/Entertainment Noise**

During the year 1st April 2009 to 31st March 2010 the Section received over 50 complaints of this nature. These complaints would include noise from factories and licensed premises.

Complainants are asked to log how and when they are affected by the noise. Normally, a visit will be made to the premises complained of. Where necessary, monitoring equipment will be used to witness a problem or an officer visit will be made to assess the noise.

### **Planning**

During the year 1st April 2009 to 31st March 2010 the Section reviewed over 220 planning applications with respect to possible noise issues.

Every effort is made to ensure that a new commercial development does not affect residents, although where some disturbance is inevitable, its effects will be minimised.

In addition every effort is made to ensure that new residential property is not affected by an existing noise source, such as a busy road or factory.

### **Construction Noise**

Most construction noise is of a non-permanent nature. However, it is recognised that construction noise can be extremely loud. The Section will look to restrict the hours of working for construction sites. In addition the Section can restrict the types of machinery used on site.

## **LEGISLATION**

The main piece of legislation that the Section utilises is the Environmental Protection Act 1990 Section 79(1)(g) defines that "noise emitted from premises so as to be prejudicial to health or a nuisance" constitutes a statutory Noise Nuisance.

Section 80(1) of the Act states that "where a local authority is satisfied that a statutory nuisance exists, or is likely to occur or recur, in the area of the authority, the local authority shall serve a notice ("an abatement notice") imposing all or any of the following requirements:-

- a) requiring the abatement of the Nuisance or prohibiting or restricting its occurrence or recurrence;
- b) requiring the execution of such works, and the taking of such other steps, as may be necessary for any of those purposes;

and the notice shall specify the time or times within which the requirements of the notice are to be complied with."

Thus where an Officer is satisfied that a statutory Nuisance exists an Abatement Notice will be served. If the Abatement Notice is not complied with a file will be produced for the Council's Legal Services to initiate a prosecution.

In addition the Council has the power to seize noise making equipment, although, in West Lancashire, the use of this power has not been necessary, yet.

West Lancashire Borough Council has obtained Criminal Anti Social Behaviour Orders following prosecutions. These have made the commission of a Noise Nuisance an arrestable offence.

### **Control Of Pollution Act 1974**

Section 60 of the Control of Pollution Act allows local authorities to specify noise emission standards in relation to an existing or proposed construction site.

Additionally, Section 61 allows the local authorities to issue a consent (with conditions) in relation to a construction site.

### **Clean Neighbourhoods and Environment Act 2005**

This legislation allows officers to take action when an intruder alarm has given reasonable grounds for annoyance to neighbouring properties. Officers can silence alarms externally without a warrant from a magistrate and recover the costs of doing so.

## **RESOLUTION**

The Section aim to resolve every complaint to the satisfaction of the complainant.

The Section will consider a complaint resolved if:-

- Information is received that the noise has reduced to a satisfactory level.
- Officers are satisfied that a Noise Nuisance no longer exists.
- A complainant fails to return diary sheets to us, or
- A completed diary sheet indicates a pattern of noise which could not be a Noise Nuisance.
- Three incidences where an officer visits but is unable to establish a Noise Nuisance, have occurred.
- Three incidences where monitoring equipment has been installed but do not demonstrate a Noise Nuisance exists or is likely to, have occurred.
- A combination of three officer visits/monitoring equipment installations have occurred which do not demonstrate that a Noise Nuisance exists or is likely to.
- No further action is possible by an Officer in relation to the circumstances of that complaint.
- A business can demonstrate that they are taking the best practicable means to control or minimise the noise.

## **THE REGULATION OF INVESTIGATORY POWERS ACT 1984**

This Act requires that some elements of surveillance require written authorisation.

West Lancashire Borough Council informs alleged noise makers that monitoring may take place and therefore any surveillance it undertakes is not covert and is not covered by the Act.

In addition the joint DEFRA and Chartered Institute of Environmental Health publication "Neighbourhood Noise Policies and Practice for Local Authorities – A Management Guide", dismisses the need for authorisations for routine noise monitoring.

## **ENFORCEMENT POLICY**

The Environmental Health function of the Community Services Division has an enforcement policy which is available on request. In addition the Council has a Corporate Enforcement Policy. These policies conform with the Governments Enforcement Concordat.

Essentially the documents detail when and how enforcement action will be taken and follows some key principles in relation to consistency, transparency, targeting and proportionality.

## **INTERNAL STAKEHOLDERS**

We frequently liaise with the Planning and Licensing Sections (as discussed above). In addition there is also liaison with the Multi-Agency Problem Solving (MAPS) team and the Council's Housing Division. Complaints can be both referred to and received from these other sections. This is to jointly tackle an issue, or to refer to a more appropriate stakeholder.

Our monitoring equipment is also used to support action by these other two sections. (MAP's and Housing).

## **EXTERNAL STAKEHOLDER ISSUES**

Each month 10% of complainants are contacted and asked several questions in relation to the service they have received. Responses are reviewed and where necessary jobs are re-opened, further contact is made or procedures are altered. The form used can be found at Appendix H.

The form also asks if the service was provided in an appropriate manner with respect of their gender, ethnicity or circumstances.

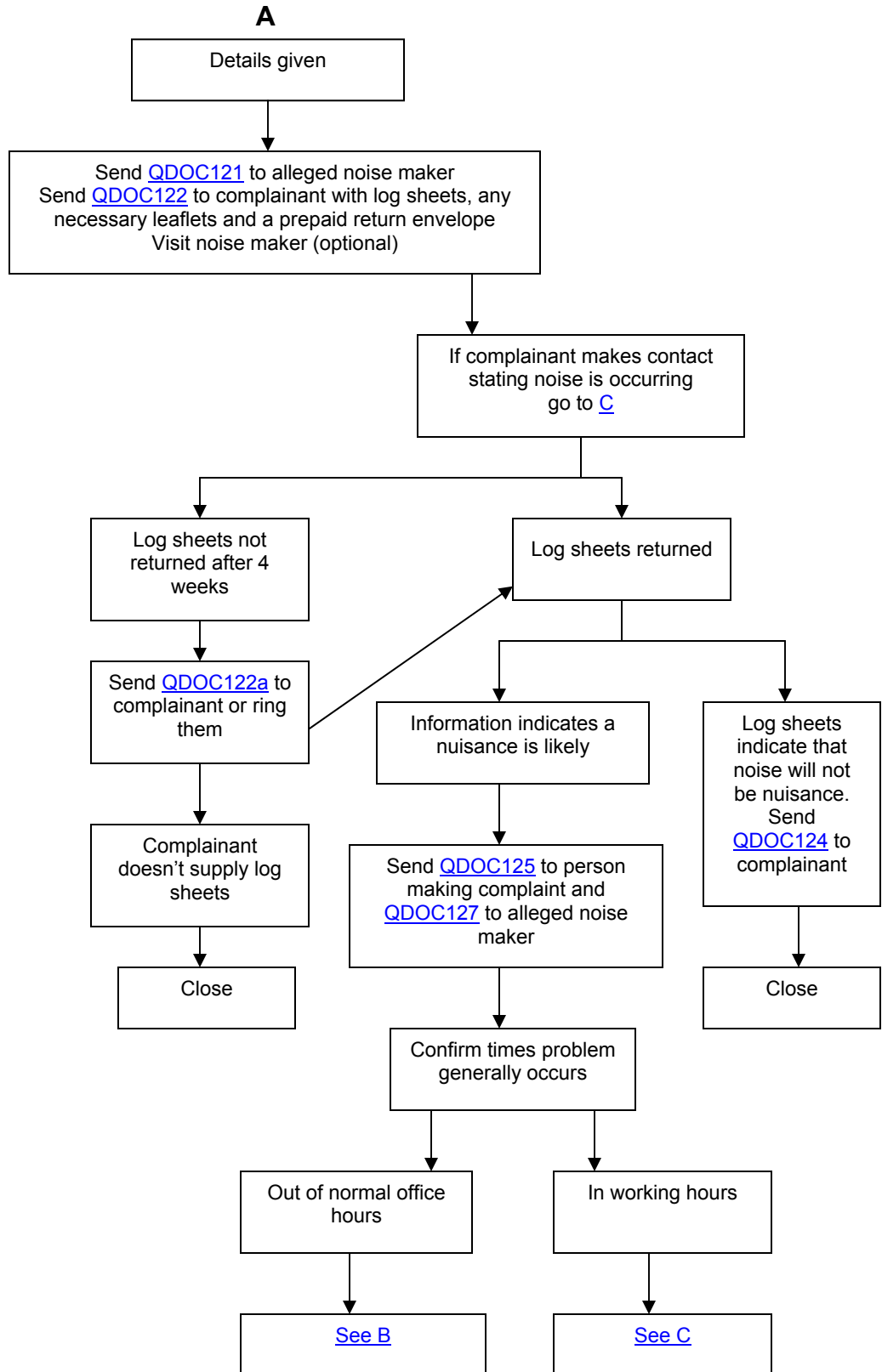
Important documents are sent with a form which (in numerous languages) advises the recipient to seek a translation if necessary, as the document should not be ignored.

Council documents are also available in different languages if appropriate.

**Map detailing key locations in the West Lancashire Borough**



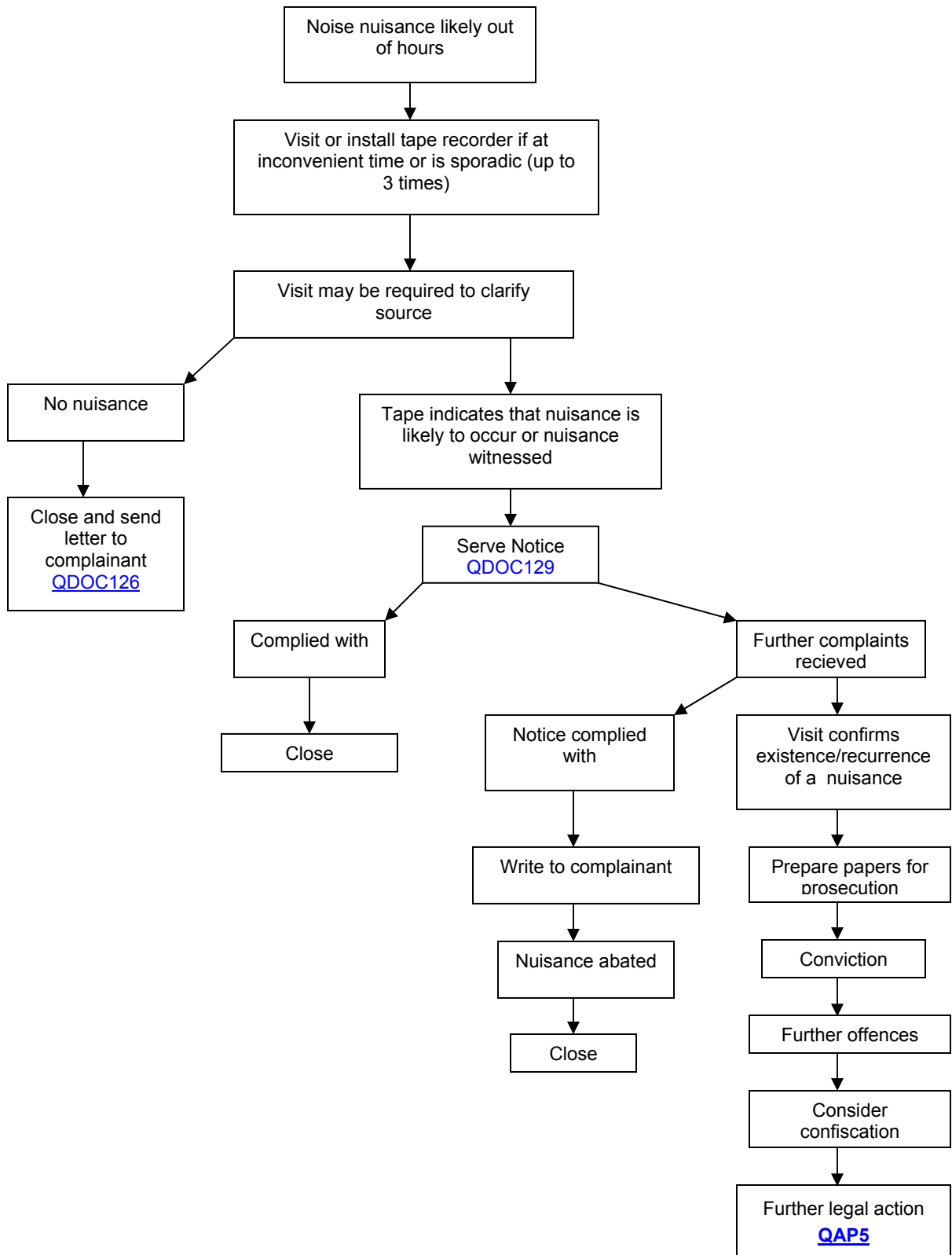
NOISE COMPLAINT RECEIVED – PRIVATE HOUSE



# NOISE COMPLAINT – OUT OF HOURS



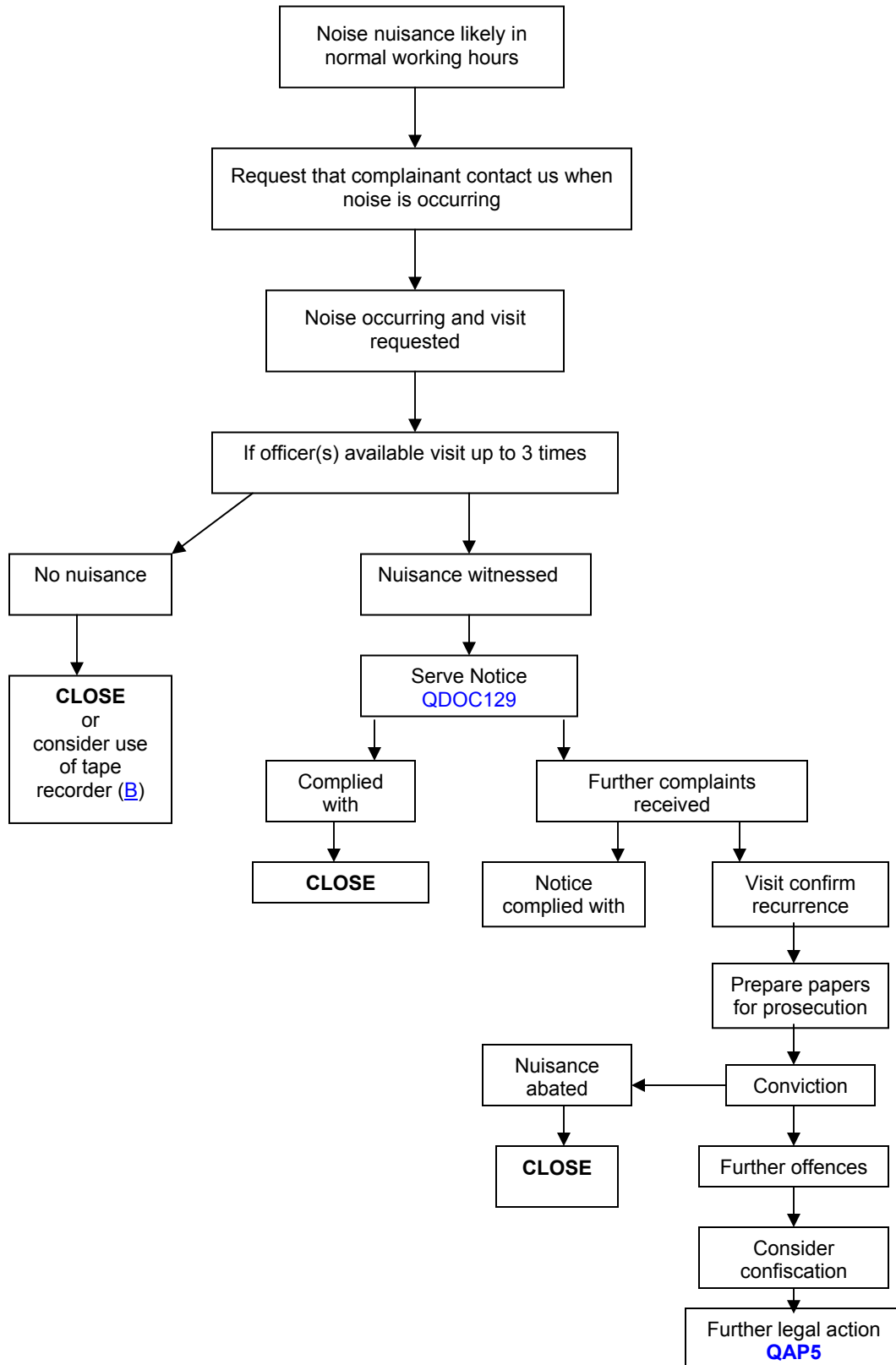
## B



# NOISE COMPLAINT – WORKING HOURS



## C



01695 585126  
@westlancsdc.gov.uk

QDOC121/Rev1

Dear

**ENVIRONMENTAL PROTECTION ACT 1990**

I have received a complaint about \_\_\_\_\_ alleged to be coming from your home and disturbing people living in your neighbourhood.

I have a duty to investigate this type of complaint, and I would like to ask for your co-operation to ensure that you do not cause disturbance to neighbours. It would be helpful if you would contact me at this office to discuss this particular matter.

If complaints continue, further investigations may be carried out over the next three months. These investigations may take the form of officer visits or the use of a tape recorder and if these reveal that a statutory noise nuisance is occurring, I would have to consider taking further action.

Please be advised that you should mention the contents of this letter to all other residents of the property and even visitors. You may be liable for the actions of other people in your property.

Yours

01695 585126  
@westlancsdc.gov.uk

QDOC122/Rev2

Dear Sir/Madam

**ENVIRONMENTAL PROTECTION ACT 1990**

I have received your complaint about . I have written to the person you complained about and have suggested they contact me to discuss the matter. I have also asked for their co-operation to ensure that they do not cause a disturbance to neighbours.

I enclose diary sheets which it would be helpful if you could fill in on each occasion you are disturbed by the noise. Please include details of the time the noise started and stopped and how it affected you. When you have sufficient entries to demonstrate a pattern of occurrence of the noise, please return the diary sheets to this office so I can decide if your complaint requires further investigation.

If you are disturbed by the noise between 9am and 5pm, Monday to Thursday or 9am and 4.45pm Friday, please telephone this office. If available an officer will call to your home as soon as possible to witness the noise occurring.

If I have not heard from you within one month from the date of this letter. I will conclude you are no longer being disturbed and I will close my file.

I enclose a leaflet which explains about noise nuisance and how it may be possible for you to take your own private action where appropriate.

Yours sincerely







**WEST LANCASHIRE BOROUGH COUNCIL  
CUSTOMER SATISFACTION SURVEY**

**YOU RECENTLY CONTACTED COMMUNITY SERVICES WITH A REQUEST  
FOR SERVICE/COMPLAINT IN CONNECTION WITH**

Name & Address \_\_\_\_\_  
(If you choose not to include this information we would still value your comments)

Please note that we are serious about wanting to improve our services to/for you and would encourage you to let us know if you feel we are, in any way, at fault and/or you have any suggestions on how we might improve. Please also note, however, that in order for us to concentrate on dealing with matters that cause our customers to respond in such a way, all survey forms not returned to us completed will be classified as "Satisfied Customers". We would, therefore, be grateful if you could spare some time to complete the following form and return it in the pre-paid envelope provided. All information is treated as confidential.

- 1. What is your opinion of our initial response to your request for service? *(Tick one box)*

Very Good	√ <input type="checkbox"/>	Poor	<input type="checkbox"/>
Good	<input type="checkbox"/>	Very Poor	<input type="checkbox"/>
Satisfactory	<input type="checkbox"/>		
  
- 2. Did we resolve the issue satisfactorily? *(Tick one box)*

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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- 3. What was your overall impression of the Officer who dealt with your request for service/complaint? *(You may tick more than one box)*

Helpful	<input type="checkbox"/>	Unhelpful	<input type="checkbox"/>
Polite	<input type="checkbox"/>	Impolite	<input type="checkbox"/>
Efficient	<input type="checkbox"/>	Inefficient	<input type="checkbox"/>
  
- 4. What is your opinion of the overall standard of service? *(Tick one box)*

Very Good	<input type="checkbox"/>	Poor	<input type="checkbox"/>
Good	<input type="checkbox"/>	Very Poor	<input type="checkbox"/>
Satisfactory	<input type="checkbox"/>		
  
- 5. Would you like us to contact you again regarding this service/complaint? *(Tick one box)*  
*If YES, please include your Name & Address above)*

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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Please write any further comments you have regarding the service we provided below, including any suggestions as to how we could improve the service.


Thank you for spending time to complete this form – all responses and comments made will be considered. We can provide this document upon request on audio tape, in large print, in Braille and in other languages. Telephone 01695 577177 or visit our website [www.westlancs.gov.uk](http://www.westlancs.gov.uk)