

## Noise Nuisance Factsheet



This Factsheet relates to complaints about noise nuisance. It should be read together with our general information booklet about our service.

The Council is responsible for investigating complaints about noise nuisance from domestic or business premises within its area and taking appropriate enforcement action where it finds that a statutory nuisance exists. This is usually through the Council's Environmental Health Department. The Council has to work within the law, government guidance and its own policies and procedures.

If the source of the noise is a property rented from a Housing Association or Council, it is possible to approach the landlord organisation about noise nuisance from its tenants. Further information on this is available in another factsheet entitled "Anti-Social Behaviour".

### What the Ombudsman can do

The Ombudsman can look into complaints about the way in which the Council has dealt with noise nuisance complaints made to it. We can consider whether the Council has done something wrong in the way it has investigated your complaint about noise and, if so, whether this has led to additional problems for you. We can look into:

- failure to investigate a complaint of continuing noise nuisance and establish whether there was a noise problem;
- unreasonable delay in investigating a complaint of noise nuisance;
- failure to take enforcement action or measures to resolve the problem when it had identified that a statutory noise nuisance problem existed;
- not explaining the outcome of its investigation to you;
- failure to take account of all relevant information available or reaching its decision based on inaccurate, incomplete or irrelevant information.

### What the Ombudsman cannot do

The Ombudsman cannot:

- investigate complaints of noise nuisance (these can only be investigated by the Council);
- reach a decision on whether the noise you are complaining about is a nuisance in law;
- overrule the Council's decision about whether the noise is a nuisance in law and the enforcement action it has taken.

## Issues to bear in mind

If you are suffering from noise nuisance, you need to let the Council know as soon as possible giving details of the noise and the dates and times that it occurred. The Council cannot immediately intervene and stop the noise but needs to investigate to establish the nature of the problem. It may ask you to fill in a diary to record the details of the problem as part of its investigation.

## Further information

The Council may have further information about how it deals with noise complaints and/or a written enforcement policy available to you on its website. For advice on making complaints about noise nuisance, you should contact the Council's Environmental Health Department directly.

The Ombudsman is independent and impartial; he cannot order public bodies to do what he recommends – but, in practice, they almost always do.

Examples of cases that the Ombudsman has looked at can be found on our website. Please see [www.ombudsman-wales.org.uk](http://www.ombudsman-wales.org.uk)

**If you are unsure whether the Ombudsman would be able to look into your complaint, please contact us:**

- **phone** 0300 790 0203;
- **e-mail** [ask@ombudsman-wales.org.uk](mailto:ask@ombudsman-wales.org.uk);
- **visit the website at** [www.ombudsman-wales.org.uk](http://www.ombudsman-wales.org.uk);
- **follow us on Twitter:** @OmbudsmanWales;
- **write to:** The Public Services Ombudsman for Wales  
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