



Shared Regulatory Services

Noise Policy 2024



Shared
Regulatory
Services

Gwasanaethau
Rheoliadol
a Rennir



Noise Policy 2024

This document is available in Welsh / Mae'r ddogfen hon ar gael yn Gymraeg

1. Introduction

- 1.1 The Shared Regulatory Service (SRS) administers the pollution control service on behalf of Bridgend County Borough Council, City of Cardiff Council and the Vale of Glamorgan Council.
- 1.2 The primary aim of the SRS noise service is to safeguard public health and quality of life, in particular through the prevention and abatement of statutory nuisances. This requires the integrated management of noise issues within its control, whether in a preventative capacity or by reactively addressing any nuisances that arise.
- 1.3 This Policy sets out the approach of SRS when investigating noise complaints and the appropriate use of relevant legislation. It aims to set out our approach to preventing unreasonable noise occurring; how we will deal with situations that do occur; and how we will work with internal and external partners to tackle noise issues. **Please note that there are some differences, across the 3 Authorities, in relation to the level of service provided out of hours which are documented within the policy.**
- 1.4 In adopting this policy, the SRS intends to apply legal powers consistently and fairly whatever the circumstances. Decisions will not be influenced by the gender, disability, language, ethnicity, religion, political beliefs or sexual preference of the subject and service users.
- 1.5 SRS wants to ensure our information is accessible. This policy has been published in English and Welsh on our website www.srs.wales and in hard copy. We are also able to provide the document in alternative formats including audio tape, large print and in community languages. We have access to interpreter services where required. Requests for copies in other formats or other languages should be addressed to: -

Shared Regulatory Services,
Vale of Glamorgan Council,
Civic Offices,
Holton Road,
Barry,
CF63 4RU

Email: enquiries@srs.wales

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2. What is this policy for?

2.1 The purpose of this document is to set out the SRS noise policy when investigating noise complaints and the use of relevant legislation. It aims to :-

- Set standards that SRS is committed to meet in respect of the investigation of noise complaints.
- Set target response times for various categories of noise complaints.
- Provide a transparent framework so that members of the public and local business know what level of service they can expect.
- To liaise with South Wales Police, Community Safety Teams, Housing Associations, Council Housing Teams, Natural Resources Wales (NRW) and other partners and establish suitable systems of communication, interaction, and mutual assistance.
- To ensure consistent enforcement that is proportionate, transparent, and objective, in line with the Shared Regulatory Services overarching Enforcement Policy.
- To maximise the use of available resources.

3. What is noise?

3.1 This section will outline the types of noise we are able to investigate and those that we are unable to deal with and provide information in relation to the definition of a Statutory Nuisance.

3.2 The definition of noise nuisance is ***an unreasonable and significant emission of noise that causes significant and unreasonable interference with the use and enjoyment of your premises.***

3.3 Noise complaints that **we can** investigate include:-

- Loud music
- Persistent dog barking / animal noise
- Property/car alarms
- Noise from commercial properties
- Musical instruments
- DIY at unreasonable times

3.4 Noise complaints **we cannot** investigate include:-

- Transport related – road / rail / air

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- Children crying/playing
- Everyday living noises e.g., footfall, occasional shouting, banging, door slamming, the normal use of household appliances
- Noise in the street – people shouting, vehicle engines revving, noisy exhausts
- DIY at reasonable hours

Please note the types of complaints listed above are not exhaustive.

3.5 Statutory nuisance

3.5.1 A statutory noise nuisance is defined by the Environmental Protection Act 1990, however within the UK there is no absolute right to silence within your home. Therefore, although you may be unhappy with the level of noise you are exposed to, if it does not amount to a statutory nuisance you may have to endure it.

To ensure we can help you the noise must be **substantial, and unreasonable**.

3.5.2 Numerous other factors are taken into account when determining nuisance. No individual factor will be considered in isolation but will be considered in combination in making the determination.

- **Location:** If you live in an area that has a high number of restaurants it may be reasonable to expect some low-level noise from extraction equipment. Likewise, if you live next to a pub it may also be reasonable to expect occasional minor impact from music, to hear some voices, witness the inconvenience of deliveries and/or suffer minor interference from the use of gardens. Living by a shop or adjoining an industrial area is likely to generate noise which is different to that experienced in a domestic neighbourhood as plant and delivery noise may periodically be heard. People who have domestic neighbours should also expect to hear them. Perhaps they keep different hours, work shifts, carry out DIY, own pets, have young children or argue a lot. Wherever you live and whoever your neighbour is you will have to tolerate hearing them from time to time.
- **Impact:** how the noise affects you in your home.
- **Intensity:** how loud the sound seems
- **Duration and frequency of the noise:** how long the noise is audible for, and how often does it occur? For example, “one-off” parties that are reasonably managed and controlled but still audible are unlikely to be a nuisance.
- **Time of day/night:** For example, undertaking DIY activities, lawn mowing and vacuuming are all very reasonable activities if carried out during a sensible hour, doing so late at night or in the early morning is however likely to cause problems for neighbours. Audible noise at night-time is more likely to impact on hours of sleep.

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- **Sensitivity of the complainant:** statutory nuisance must be considered in the context of an average person, in a reasonable state of good health and having a normal pattern of everyday activity. Statutory nuisance cannot be used to make people do more than might reasonably be expected of them because someone else may be more sensitive than the average person, for example if a night-shift worker trying to sleep during the day.
- **Public benefit:** something might cause an inconvenience, but because it is essential to the wider public benefit it may be considered not to be a nuisance – for example temporary road works, harvesting of crops, sirens on emergency vehicles etc. Although best practice should be followed to minimise disturbance.
- **Best practicable means:** only applicable to some types of statutory nuisance which occur on business premises; if a company is doing all they reasonably can to prevent or counteract the effect of a nuisance then they will have a defence against any statutory nuisance action.
- **Social Acceptance:** Certain activities such as children playing or crying are socially accepted commonplace and unavoidable. The impact of children is therefore unlikely to be classified as a nuisance. It is understood that children, and/or adults, using foul language, whilst not necessarily a noise issue, may be socially unacceptable and distressing. In such cases, and/or in cases where concerns are raised in respect to child/adult protection issues other agencies may be informed.

3.6. Anonymous complaints

We do not investigate anonymous complaints. Details of all complainants are kept in strict confidence unless otherwise agreed. Only during legal proceedings would these details be released, and the complainant’s agreement to this position is normally secured at a relatively early stage during the investigation.

4. Service Standards

4.1 This section defines the agreed standards of service for the investigation of all noise related service requests. They are not written as a rigid plan for the Service to adhere to but as a guide to the level of investigation that can be expected.

- To fulfil the duties imposed on the Service by current legislation in relation to noise control, a commitment has been made to meet the following standards.
- To ensure that effective arrangements are in place to receive, record and screen service requests for action during normal working office hours.

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- To aim to respond to the following categories of noise complaints within the allocated times depending on resources available:

Domestic within 5 working days.

Commercial/Industrial within 3 working days

Alarms within 1 day

- To ensure where necessary that effective arrangements are made to carry out monitoring out of normal working office hours.
- Where complaints of noise are referred as a result of the screening process, a suitably qualified officer is available to take appropriate action.
- Where it is necessary to serve a statutory notice, we will aim to serve the notice within 10 working days of the noise being witnessed and/or being established to have amounted to a statutory nuisance.
- To ensure effective arrangements are in place to progress the investigation and/or monitor, where appropriate, noise complaints outside normal working hours.

5. Appointment and authorisation of officers

- 5.1 **Skills, competencies, and experience of regulatory officers:** Effective management and delivery of noise control services requires a sufficient number of staff with suitable qualifications in noise control and enforcement. The Service will ensure that all authorised officers are equipped with the appropriate level of skills, competencies, and experience commensurate with their role and responsibilities and the support necessary to undertake their job effectively and efficiently. Continuing Professional Development (CPD), qualifications, training and development will be undertaken by officers, as appropriate.

6. Monitoring equipment

- 6.1 All sound level meters, and equipment used for monitoring are calibrated to appropriate standards. Field calibrations are carried out before and after each test and the results are recorded.

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7. Our approach to the prevention and investigation of noise issues

7.1 This section outlines how we undertake both proactive and reactive measures to respond to noise issues.

7.2 Prevention

Our aim is to prevent noise disturbance at the point of planning applications or premises licence applications. This is an important area of noise control work as the decisions made by the Council's Planning and Licensing Committees may prevent the need for noise nuisance action.

Where possible we will seek to resolve concerns with applicants. If this is not possible, we will seek to mitigate/reduce the noise impact by recommending the imposition of conditions to any planning consent or raising a representation in respect of a premises licence. Officers may be required to present evidence at relevant hearings or reviews.

7.3 Investigating Complaints

The investigating officer has discretion in the manner of the investigation, as over prescriptive measures may prevent officers from using their professional judgement to their best effect in resolving challenging cases in rapidly changing circumstances. However, in general one or more of the following courses of action will be taken.

- We will aim to contact the complainant within the appropriate response time, to obtain details of the complaint.
- Where site visits are necessary to witness the noise being complained of, they will be made by investigating officers at times the alleged noise is likely to occur. The visits will be of suitable duration at times of days/nights when the probability of witnessing the noise is greatest. If after carrying out 3 visits the investigating officer has not witnessed noise amounting to a statutory nuisance, they will use their professional judgement to determine whether further visits are necessary or whether alternative methods of monitoring such as noise monitoring equipment should be utilised.
- For domestic noise service requests and in cases where the noise is unpredictable, noise monitoring and recording equipment may be left at the complainant's home in order to give them the opportunity of recording the noise at the time of its occurrence. The complainant may, at the discretion of the investigating officer, have the monitoring equipment installed on a total of 2 occasions of not more than 7 days each. Should further requests be made for the monitoring equipment, the investigating officer will use their professional judgement as to whether this is appropriate.

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- For service requests relating to dog barking or other animal noises, the most appropriate method of monitoring will be determined by the case officer, and this may be a mixture of adhoc visits, planned surveys and the installation of the monitoring equipment where we are able to pinpoint the location of the dog that is barking. Where planned noise monitoring surveys are planned and undertaken these should be for a maximum duration of 5 hours in total. The visits will be made at appropriate times of day when the alleged noise is likely to occur. Should requests be made for further monitoring surveys, the investigating officer will use their professional judgement as to whether this is appropriate.

7.4 Roles of the complainant and case officer

Noise complaint investigation, by its very nature, can be complex and will often take time to investigate, particularly where the noise is occurring intermittently. Gathering evidence and witnessing the noise complained about are an integral part of the investigation, both the complainant and the case officer have specific roles:

- **The complainant**

Complainants will be expected to give their full name and address details, as well as telephone number and or email address. We cannot investigate anonymous complaints. All information provided will be stored in accordance with current data protection regulations. Due to the legal nature of noise investigation, it is not possible to investigate without knowing who is affected.

They will also be expected to provide the details of the complaint and the address of the premises at which the noise nuisance is alleged to exist. A description of the noise, when and for how long it occurs, and the way in which it affects them and anything they have done to try to resolve the problem must also be given.

Residents are advised to try to discuss the issue with their neighbour and try to resolve the issue informally. However, if this is not successful and the complainant seeks support from the Shared Regulatory Service, we ask all complainants to complete noise diary sheets to log each incident that causes disturbance and how it affects them in their home. Not providing this information will delay the progression of an investigation and it will lead to the case file being closed if this information is not provided.

An investigation will likely involve visits to the complainants' property to enable officers to witness the noise complained of and/or install noise monitoring equipment. Complainants who refuse these measures may prevent their complaint being progressed further and the case being closed.

Nuisance needs to be assessed from a habitable room such as living room or bedroom, and where it is appropriate in a garden (this may not be considered

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reasonable during the winter, at night etc, when the garden would not usually be used). Nuisance cannot be assessed from a non-habitable room such as kitchens (unless a kitchen with a combined dining/living area) or bathrooms.

- **The case officer**

Upon receipt of completed record sheets the case officer will determine whether there is enough valid evidence/written information to progress the investigation. As part of our investigations the case officer will contact the alleged offender causing the noise issue or in some cases visit the neighbour allegedly causing the problem. If the case officer cannot resolve the issue informally noise monitoring will be carried out; this will be either an officer carrying out monitoring from within the complainants' property and/or providing the complainant with noise monitoring equipment.

When the noise monitoring has ceased, the case officer will determine whether the noise is deemed to be a 'statutory noise nuisance' and what the next course of action will be. This could include, issuing a formal Notice, and when there is a breach of a notice it could include Simple caution/prosecution, seizure of equipment, or in the case of licensed premises the application for a Premises Licence Review . The case officer will keep the complainant updated throughout the duration of the investigation. Whilst this approach will be followed in the majority of cases, the Shared Regulatory Services reserves the right to vary its actions where appropriate. For example, if a noise source is constant rather than intermittent it might be possible to make an assessment of nuisance with only one visit.

7.5 Out of hours service

7.5.1 This service may be made available to complainants under certain circumstances.

- Domestic, industrial, commercial or construction noise complaints where a notice has been served and it is alleged that the requirements of the notice are not being complied with and the case officer is satisfied that the complaint warrants being placed on the out of hours planned list.
- Domestic, industrial, or commercial noise complaints where attempts to establish a statutory nuisance by the use of planned site visits have not been successful and the case officer is satisfied that the complaint warrants being placed on the out of hours planned list.
- Audible intruder alarms that have been sounding continuously for more than 20 minutes or intermittently for more than one hour and are likely to give persons living or working within the vicinity of the premises reasonable cause for annoyance.
- Noise from other types of property alarms or vehicle alarms that are causing unreasonable disturbance to the use of enjoyment of a person's property and are therefore giving rise to a statutory nuisance.
- ***For Bridgend, alarms will only be attended Out of Hours on Fridays and Saturdays***

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- ***For Cardiff, alarms are attended Out of Hours 7 days a week but only up until 10:00 pm.***
- ***There is no reactive Out of Hours service in the Vale of Glamorgan***

7.5.2 In relation to the investigation of ongoing noise complainants, the complainant will be given access to the service for a period of 4 weeks. If a statutory nuisance has not been witnessed within the 4-week period then the complainant will be advised that they will no longer have access to the service, unless on discussion with a Manager, the case officer determines that a further period is appropriate.

7.5.3 If a duty officer attends site on 3 occasions following notification from the complainant that a nuisance is occurring, and a nuisance is not witnessed on any of these occasions, then the complainant will be advised that they will no longer have access to the service, unless on discussion with a Manager, the case officer determines that further visits are appropriate.

7.5.4 The duty officer will aim to contact the complainant within 1 hour of being notified of the complaint by the contact centre. If the officer deems that it is necessary to undertake a site visit, the visit will be made as soon as it is reasonably practicable to do so. Response times can be up to 2 hours. The response times for contacting the complainant and carrying out a visit may not always be met during busy periods.

7.5.5 If the duty officer perceives there to be a risk to their personal safety, the officer will be entitled to refuse to attend the situation.

7.5.6 First time noise complaints or complainants who have not been placed on the out of hour's emergency service list (apart from those detailed above), will not be dealt with under this out of hours service. Any person who contacts the emergency service number in these circumstances will either be informed to contact the Service the following working day or details of the complaint will be taken at the time and forwarded to the Service.

7.6 Cardiff Night-Time Noise Service

7.6.1 SRS delivers a night-time noise service on behalf of Cardiff Council for Cardiff residents on a Friday and Saturday night. The service operates from 7pm and usually ends at 3am, although the service may finish earlier or later depending on the demands on the service on the night.

7.6.2 The main aim of the service is to gather evidence on the night for new and existing complaints. In some instances, we may be able to stop the noise on the night, but this may be dependent on factors such as available police assistance. Where it is not possible to stop the noise on the night follow-up action may be required during normal office hours.

7.6.3 In most cases night-time noise officers will aim to contact complainants within 1 hour, but this may not always be possible during busy periods.

7.6.4 During busy periods, service requests will be prioritised, with existing cases where a formal notice has been served being the highest priority. New complaints will be a

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lower priority, unless there are multiple complaints made by separate complainants about the same address.

7.6.5 If officers are unable to make contact with the person making the complaint by phone on the night, they are unlikely to take further action.

7.7 Enforcement Action

7.7.1 Enforcement action will be taken in accordance with the Shared Regulatory Service Compliance and Enforcement Policy.

7.7.2 We will always strive to meet the highest standards in undertaking enforcement action. The following service standards will be applied:

- Officers will clearly identify themselves and carry the appropriate ID cards.
- Officers will be professional, courteous, and helpful in their conduct, during work on enforcement issues and will work with individuals, groups, and businesses to promote compliance.
- Officers will provide assistance where appropriate and advice will be given to assist in compliance before formal action is instigated, except in those circumstances where the breach of legislation is sufficiently serious to warrant formal action.
- Fairness in appropriate cases – adequate opportunity will be given to rectify the non-compliance before formal proceedings are commenced.
- Matters relating to enforcement will be dealt with promptly.

8. Resolution of service requests

8.1 A service request will be deemed to have been resolved when the procedures adopted in this noise policy have been followed through to completion. When the officer has carried out their investigation within the parameters of this policy, if sufficient evidence has not been obtained to warrant further action the complaint will be closed.

8.2 Closure of service requests

8.2.1 If, following the investigation of a service request, a nuisance has not been substantiated the case will be closed. We recognise that the closure of a case is significant to the complainant and will handle it in a consistent and sensitive manner. In all cases, we will communicate the decision to the complainant whether verbally or in writing that we intend to close the investigation.

8.2.2 We will not contact the complainant in the following situations:

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- The complaint is withdrawn.
- Diary sheets are not completed and returned within the timescales as requested.
- Informal action has been taken and the nuisance has abated for 4 weeks.

8.2.3 The closure and resolution of a noise complaint may occur when the investigating officer has followed the investigation through to its completion, resulting in one of the following;

- The noise complaint has been resolved (the noise has been prevented, stopped, or reduced) through informal action e.g., email, telephone call or warning letter.
- A notice has been served and complied with or work has been carried out in default.
- Where other formal enforcement action has been taken and the noise or its recurrence has been prevented, stopped, or reduced e.g., service of notices to restrict construction site times of noisy operations.
- The noise complained of does not fall within the jurisdiction of SRS.
- 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 complainant does not cooperate with reasonable and necessary requests to assist with investigating the complaint such as completing a noise diary or is otherwise unreasonable in their behaviour.

8.3 Taking your own action

If adequate evidence has not been obtained, SRS will not investigate the matter further. You will then have the 2 options to consider. Further information on both options is detailed on our website

1. Section 82 Environmental Protection Act 1990 Section 82 of the Environmental Protection Act 1990 makes provision for private individuals to take their own action in the Magistrates Court.
2. Civil Action - An alternative to Section 82 is taking civil action for nuisance at common law by seeking either an injunction to restrain the defendant from continuing the nuisance or damages for loss.

Complainants will be provided with information in relation to these provisions if appropriate.

[Common Law Nuisance and Statutory Nuisance \(srs.wales\)](#)

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8.4 Closure of case due to unacceptable behaviour of complainants

Unacceptable behaviour means acting in a way that is unreasonable, regardless of the level of someone's stress, frustration, or anger. It may involve acts, words or physical gestures that could cause another person distress or discomfort.

Aggressive or abusive behaviour is behaviour or language (written or spoken) that could cause our staff to feel afraid, threatened or abused. This includes threatening emails, telephone calls, meetings, and comments on social media or elsewhere.

Unacceptable behaviour towards staff will not be tolerated and is likely to result in the service being withdrawn.

8.5 Further investigations

SRS will not investigate the same complaint unless circumstances have changed significantly. The case file will not be re-opened, or the complaint re-investigated until either 6 months has passed (from when the case has closed) or there has been a significant change in the circumstances, either with the frequency, intensity, or duration of the noise issue

9. Partnership working

9.1 This section outlines how we work with other departments and agencies. Officers from the Shared Regulatory Service work in close partnership with other teams within the Council for example, Housing Services, Planning Services, Licensing and Community Safety Partnership, as well as external agencies, to proactively investigate and manage unreasonable noise. We aim to work in partnership with other departments and where appropriate other agencies, to ensure an effective response to all complaints and consultations. This will allow other law enforcement remedies to be used by other departments and agencies where available and appropriate e.g., planning enforcement, licensing, or anti-social behaviour legislation.

We make referrals to appropriate support services, with the complainant's consent, which may include a mediation service.

We liaise with South Wales Police and establish suitable systems of communication, interaction, and mutual assistance with regard to noise impacting on local communities.

The service liaises with the following external agencies. As a partner of the Community Safety Partnership, information is shared in accordance with the relevant data sharing protocols.

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9.2 Working with South Wales Police

Liaison with the Police is primarily undertaken in the following circumstances:

- To request assistance in the execution of a warrant for forced entry into a premises
- To request assistance with seizing noise equipment
- To seek advice and request assistance for anti-social behaviour, public disorder, and safety issues
- To share information in relation to incidents of noise that the police have attended.
- To liaise closely in relation to noise problems from licensed premises
- To participate in meetings of the Community Safety Partnership and Responsible Authorities.
- Where there are concerns for officers' health and safety.

9.3 Working with registered social landlords

Whilst legislation is available to abate a statutory noise nuisance, Housing Associations may also determine whether enforcement of the tenancy agreement is appropriate. Close links have therefore been made to ensure an effective resolution to such problems. Liaison is therefore primarily undertaken in the following circumstances:

- To notify the relevant housing association of any complaints received in respect of their tenants.
- To notify the relevant housing association of any legal action being initiated against its tenants.
- To forward copies of any Abatement Notices served on their tenants.
- To facilitate a joint approach to problems of noise caused by tenants whenever possible.
- To exchange information regarding the anti-social behaviour of any tenants at the Community Safety Partnership Meetings.

9.4 Working with Natural Resources Wales (NRW)

Regulation of noise for certain industrial activities that are permitted under the Environmental Permitting (England and Wales) Regulations 2016 (as amended) is achieved through conditions placed on the permit. Effective liaison is undertaken during the consultation process to ensure that relevant, adequate, and appropriate conditions are imposed on the permit for noise control. The Shared Regulatory Service can still serve statutory nuisance abatement notices on permitted installations.

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10. Review and monitoring

- 10.1 This Policy has regard to current legislation, centrally issued guidance and best working practice at the time of preparation. This Policy will be reviewed every five years or in line with changes in relevant legislation, changes in centrally issued guidance or when working practices identifies working areas for procedural improvement.
- 10.2 Quarterly output reports are produced detailing the number of noise complaints dealt with and the Services performance in line within set performance indicators which form part of our Business Plan. Customer satisfaction surveys are carried out periodically when necessary. Any comments received are reviewed and are acted upon, if applicable, to continue to improve the service.

11. What if you're not happy with our service?

- 11.1 We aim to provide an efficient and fair enforcement service incorporating a culture of accountability and transparency we will endeavour to continually improve our noise complaint service through monitoring and review. However, in the event that a person or business is not satisfied with the actions of the Shared Regulatory Service there is a formal complaints procedure for registering complaints.

Details of the complaint procedure can be found:

[We are listening and learning \(valeofglamorgan.gov.uk\)](https://www.valeofglamorgan.gov.uk)

Please note: The complaints process cannot be used as a substitution for formal legal appeal. In cases where the Council has initiated legal proceedings, a complaint can be made, but it will not stop any impending legal action.

Making a complaint does not replace the statutory rights of appeal or the right to make representation. Nor does it allow extra time to comply with any notice or order.

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