

COMPLAINTS PROCEDURE

If a member of the public has been subjected to noise nuisance in the following circumstances, they may lodge a complaint with the Environmental Enforcement Section.

All complaints are logged on the Council's electronic Customer Relationship Management (CRM) system, assigned and managed.

TYPES OF NOISE

- **Noise from Construction Works**
- **Noise from plant operating at a commercial premises**
- **Music noise from a public house / nightclub**
- **Noise arising from outdoor events and concerts including fun fairs**
- **Noise from security alarms**
- **Noise from Quarries**
- **Retail Deliveries**
- **Waste Collection**
- **Mobile Units / Casual Traders**

NOTE: This list is not exhaustive. The Council's EHOs will advise you if your complaint falls under our remit.

Anonymous noise complaints will not be entertained as these are highly problematic to investigate and in the absence of an identified complainant it is very difficult to prove nuisance. It also leaves the system open to receiving spurious or vexatious complaints. Complainants will be informed that they may specify that their details be kept confidential. They will also be advised of the protection afforded to them in this regard under the Freedom of Information Act 2014 and the European Communities (Access to Information on the Environment) Regulations 2007 – 2014. The complainants will also be informed that such undertakings of confidentiality are conditional as in the event that the Council initiates legal proceedings, information relating to the case is subject to disclosure before the courts.

In order for the Council's EHOs to fully investigate a complaint, a certain level of co-operation will be required from the complainant; this may include some or all of the following;

- Complainant details (name, address, and contact details)
- The maintenance of noise log sheets (See appendix 1) which are to be filled in as and when the noise nuisance occurs.
- Access to the complainant's home for the purposes of monitoring. Monitoring may have to be carried out on more than one occasion.

All noise complaints will be acknowledged in writing or by email to the complainant within 5 days. This will give an opportunity to elicit further information if required and to provide a noise log if deemed appropriate. Acknowledgement letters will outline how the investigation of the noise complaint will proceed, including timelines where possible. Acknowledgements should always include:

- CRM reference number;
- Name of a contact person; and
- Contact details.

The Council's EHOs will endeavour to resolve the issues with regard to any noise complaint *within its remit*. It is imperative in all cases that the procedures established to determine nuisance are followed in accordance with law and best practice. These procedures may include observation, recording, inspections, noise monitoring, analysis, discussion and prosecution. A considerable expenditure of the EHOs and Council's time and resources may be involved in the resolution of noise nuisance issues. During the course of a complaints investigation, the use of noise meters may be required for monitoring purposes. These specialised devices need to be operated under certain conditions which may depend on time, weather, environmental or technical factors. The correct use and positioning of these meters will be decided upon by the installer of the device and/or the EHO.

Noise nuisance may occur at any time including out of normal office hours, weekend or holiday periods and monitoring may be required at these times. It should be borne in mind that the provision of service during such times is subject to the availability of equipment and resources at that time. We will endeavour to arrange monitoring at an early stage and this may include home installation of a D.A.T. (Digital Audio Tape) recording device. The determination of noise nuisance may not always be clear-cut. This is due, in part, to the subjective perception of what constitutes "*reasonable cause for annoyance*". The *complete elimination* of sources of noise nuisance which are the subject of complaint is generally not possible. In most cases, the reduction of noise to an acceptable level is considered reasonable and cases may be deemed to be resolved at this stage.

Noise pollution and nuisance complaints may be submitted to the Enforcement Section using the Environmental Complaints Form, or by contacting the Section directly at ph. (01) 204 7954, or by e-mailing wasteenforcement@dlrcoco.ie