

Example of Noise Nuisance Complaint made against Ms N & young son in a 2 bed first floor flat
Complainants – Mr & Mrs B in a ground floor flat

Date	Action
Summer 06	Complaints received regarding noise nuisance
12/09/06	Referral to mediation
27/09/06	Face to face mediation meeting – agreement reached
04/12/06	Diary sheets received identifying banging
05/12/06	Interview with Ms N alleged perpetrator (Ms N), denied all knowledge of noise stated that council were harassing her
06/01/07	Witnessing team called out – noise witnessed by team member
09/01/07	Interview with Ms N – witness statement read out, stated that it was a 'one-off', advised of possible legal action
08/03/07	Letter sent to Ms N suggesting mediation again
12/03/07	Re-referral to mediation
02/04/07	Mediation closed case due to no response
25/06/07	2 call outs 2 nights running
26/06/07	Appointment made for Ms N for the 09/07/07 – cancelled by tenant unable to attend
27/06/07	Witnessing team called out – witnessed noise for approx 1 hour
02/07/07	Diary sheets received
July 07	Case referred to PSH (Private Sector Housing)
15/07/07	Call out – 23.00 – 23.10 – noise witnessed, child running around
16/07/07	Call out – 22.40 – 23.05 – noise witnessed, child running around
16/07/07	Further appointment made for Ms N for 24/07/07
17/07/07	Called out – noise witnessed for 25 minutes
17/07/07	Legal department consulted
18/07/07	Letter from Legal sent to Ms N
24/07/07	Ms N interviewed, counter allegations of noise nuisance (banging on ceiling). Diary sheets issued. Telephone call to complainant – admits banging on ceiling, agreed not to do this again. Decision to proceed with Notice of Seeking Possession and Noise Abatement Notice reached. Call out made again that evening. Referral made to tenancy sustainment.
31/07/07	Initial warning letter sent to Ms N
02/08/07	Call out – 21.35 – 22.05 – noise witnessed
06/08/07	Call out – 18.47 complaint of loud music – 19.00 call returned advised that noise had ceased and domestic noise not really a problem. Offer of visit refused.
06/08/07	Telephone call made – PSH procedure explained
09/08/07	Call out – 20.10 – 20.45 same noise witnessed – bumps and thumps but not deemed a statutory nuisance
10/08/07	Case referred to PSH for monitoring – second set of log

Appendix 3

	sheets received.
10/08/07	Call centre contacted 19.21 – call back 19.30 on site 20.00. 20.25 – witnessed 2 minutes of music, 20.40 – 3 loud thumps, 20.55 adult voice (10 seconds) – not considered a statutory nuisance
13/08/07	Call centre contacted 20.10 – on site 20.30 until 21.35 witnessed noise but not considered a statutory nuisance
16/08/07	Call centre contacted 21.50, call returned 22.00 on site at 22.15. Left site at 23.15 – no noise or nuisance witnessed
19/08/07	Witness statement received identifying statutory noise
20/08/07	Call centre contacted 19.25, on site 19.55 until 21.05 noise witnessed throughout visit – enough to make light fitting shake and sounds of furniture being dragged along the floor
22/08/07	Referral made to parenting programme with her consent
22/08/07	Family Adolescent Support Team (FAST) involved
22/08/07	Referral made to – Dudley Positive Parenting Programme
23/08/07	Call centre contacted again at 18.30. Identified that NAN not legally suitable tool.
26/08/07	Call centre contacted 19.15, on site 19.50 left 21.10 noise witnessed.
29/08/07	Witness statement received noise of child running across floor, heavy thuds not made by child – statutory nuisance.
30/08/07	Call centre contacted – on site 20.15 left at 21.10 mostly quiet, complainant states loud bumps for 15 minutes before call made but now all quiet.
31/08/07	Decision made to serve NAN based on witness statement that some noise made by adult
04/09/07	NAN served
05/09/07	Diary sheets received from complainant cover dates 05/08/07 – 27/08/07
05/09/07	Call centre contacted 21.30, call returned 21.35, on site 21.55 – no nuisance witnessed
06/09/07	Call centre contacted 18.45, call returned 19.00 - advised noise between 18.30 and 18.45 – no visit required as all quiet now. Call centre contacted again at 20.45, returned 21.00, on site 21.15 – no nuisance witnessed
07/09/07	Call centre contacted 18.30, on site 18.50, left site 19.35, noise witnessed whole time on site, a further call at 20.02 child running around
08/09/07	Call centre contacted 20.02, arrived on site 21.05 – 45 minutes of loud running steps by child, sounds like jumping off furniture, windows vibrating
09/09/07	Call centre contacted 21.05, arrived on site 21.35, left 22.20, noise witnessed of child running across floor, loud TV
12/09/07	Witness statement received, child playing, 8 – 9 heavy thuds, so heavy that ceiling vibrated and light fitting shook. Noise appeared to be deliberate, statutory nuisance

Appendix 3

12/09/07	Interview with Ms N states that she is frightened when neighbour hammers on door
13/09/07	Housing manager called out arrived at 11.35 am, child running around until 12 noon
14/09/07	Call centre contacted 18.50 returned called 19.00 – stated that noise had been ongoing all day. 12 noon noise was witnessed by an officer
18/09/07	Call logged
24/09/07	Email received from complainant stating that situation affecting his health
25/09/07	Case conference held. Agreement made to take case to delegation
26.09.07	Call centre advised that loud music was heard coming from Ms N's property until 23.00 last night and 7.00 this morning.
29/09/07	Call centre contacted 21.45 – advised of loud bumps and bangs – not child
01/10/07	Move for Ms N discussed with Wolverhampton Homes, not enough points to be moved.
01/10/07	Preparation of delegation report started
07/10/07	Call centre contacted 22.00 – loud bumps and bangs for the last hour, child jumping up and down.
13/10/07	Nightly calls still being received by out of hours
05/11/07	Email received from Legal Services stating that over a 4 week period 30 visits made to the property with 2 being described as statutory nuisance. Caution about proceeding as incidents involve a 2 and a half year old child and actions of a 2 and a half year old do not constitute a statutory nuisance. Unlikely that the court would take action against her.
24/11/07	Letter received from paediatrician stating that Ms N's child has behavioural problems.
14/12/07	Report to delegation heard and approved
28/12/07	Information released to tenant
02/01/08	Home visit done by Lettings Officer and Housing Officer advising of offer, viewing took place the same day.
14/01/08	Ms N moves into new property
	Ombudsman enquiry found that we had no case to answer and that we had acted reasonably and in good time given the complexities of the case.