

Complaint received, registered and allocated to investigating officer

Investigating officer actions complaint using their discretion: ¹

- Contacts complainant to gather further information and/or sends letter and diary
- May contact alleged source to advise of the complaint if there is sufficient detailed information

Diary received

No diary received from complainant within 4 weeks of sending:

- **Case closed**
- **No update to complainant** ²

Diary indicates complaint is unlikely to be statutory nuisance: ³

- Complainant advised
- **Case closed**

Diary indicates the possibility of a statutory nuisance, further action considered, such as:

Initial assessment/monitoring undertaken to confirm complaint

Contact alleged source to advise of the complaint and concerns

If no nuisance indicated after initial monitoring/assessment either: ⁴

- Arrange further assessment, or
- **Case closed**

If nuisance indicated after initial monitoring/assessment, contact source to advise of concerns.

Formal monitoring undertaken (typically up to 3 occasions on arrangement) using:

- Noise monitoring equipment and/or
- Officer attended monitoring

No improvement reported by complainant

Sufficient improvement reported by complainant

Case closed

Monitoring evidence gathered, assessed and peer reviewed

Statutory nuisance determined. Complainant informed. Formal action taken ⁶

No statutory nuisance determined.

Complainant and alleged source informed.

Case closed ⁵

NOTES

- 1** The investigating officer uses their discretion to determine the most appropriate initial action. This will depend on the information provided by the complainant concerning the alleged nuisance and any relevant case history. The alleged source of the nuisance may not be contacted at this stage, possibly due to insufficient details (ie specific dates and times) concerning the alleged nuisance. A letter is sent to the complainant, requesting diaries are completed, and case will be closed after 4 weeks if no diaries are submitted.
- 2** The investigating officer does not advise the complainant the case has been closed if a diary is not returned. It is assumed the subject of the complaint is no longer an issue if the requested diary is not returned.
- 3** The investigating officer may determine that the returned diary does not indicate the likelihood of a statutory nuisance. This may be due to the time, duration and/or frequency of the issue being reported is not at the level of unreasonableness expected for the determination of statutory nuisance.
- 4** If the initial monitoring is indicative of the complaint a decision regarding the complaint can be made. If the alleged issue is not sufficiently captured additional monitoring could be considered.
- 5** A closed case does not prohibit a new case being reopened in the future. It is likely the complainant will be asked if the matter has significantly deteriorated since the previous investigation. Officers are happy to discuss the situation with complainants to determine if the matter should be reinvestigated.
- 6** Formal action may be the service of an abatement notice or a request to abate the nuisance within 7 days. After the service of a notice:
 - the source can appeal the service of notice and/or
 - the case may progress to a prosecution should the source breach the notice

in both scenarios the Council may go to Court to provide evidence which is likely to include the expectation that evidence is provided by the complainant in person.