

## FREEDOM OF INFORMATION ACT 2000

Your request for information has now been considered and the Council's response to your questions is shown below.

**You asked:**

**Please could I request the following information under the Freedom of Information Act, for each of the following years:**

- (a) Jan 1st-Dec 31st 2011
- (b) Jan 1st-Dec 31st 2012

**Jan 1<sup>st</sup> – 31 Dec 2011**

**1. How many noise nuisance complaints were received?**

**ANSWER**

The Council received 2598 initial complaints about noise from domestic (music, shouting, house alarms, DIY, dog barking etc), commercial and industrial (bars, clubs, premises alarms, air con units etc) sources.

**2. How many of those complaints resulted in prosecution?**

We successfully took 1 prosecution during this period. However, this dog barking complaint had been on-going, on and off since 2007.

**3. How many of those complaints resulted in other action short of prosecution such as warning letters, notices or seizure of items (or animals)?**

The Noise Team's procedure for dealing with noise nuisances is usually:

- informal warning letter after the first noise nuisance has been witnessed
- statutory notice for the second
- request to attend an interview under caution for the third, and;
- seizure for the fourth.

This procedure is dependent on time between nuisances, other action being taken (e.g. for licencing or planning breaches) etc.

During this period, we served 337 warning letters, 113 statutory notices or notice reminder letters, 38 requests to attend interview under caution and 15 seizures of noise equipment. We also sent 29 'problem' letters.

Note: I cannot say whether all these actions were taken following the initial complaints we received during this period. Once a complaint is received, a complainant can contact us about the noise (as long as it's about the same occupants at the same address) for as long as the noise continues. Also, a complaint about noise from 1 premises could result in a number of noise nuisances and action being taken from warning letter through to seizure.

**4. How many complaints resulted in no action at all?**

To answer this would require checking every initial complaint individually. Section 12 of the Act makes provision for public authorities

to refuse requests for information where the cost of dealing with them would exceed the appropriate limit, which for local government is set at £450. This represents the estimated cost of one person spending more than 18 hours in determining whether the department holds the information, locating, retrieving and extracting the information.

We estimate it will take over 86 hours to process your request. This is calculated as approximately 2 minutes to look at each of the 2598 files.

This is therefore a Refusal Notice under section 17.1 of the Freedom of Information Act, because under the provisions of section 12.1 of the Act, the Council estimates that to comply with your request in its current form will exceed the appropriate limit.

Also, as mentioned above, some complaints may not result in action in the same year the initial complaint was received.

**5. How many times did the council advise eviction?**

We don't advise landlords to evict their tenants. We send details of noise nuisances witnessed to landlords to let them know the action we're taking against their tenants. If they then want to use our evidence in eviction proceedings, they can ask us for more information (e.g. a statement).

**6. How many of those complaints were still going on 6 months after the complaint being made?**

To answer this would require checking every initial complaint individually. Section 12 of the Act makes provision for public authorities to refuse requests for information where the cost of dealing with them would exceed the appropriate limit, which for local government is set at £450. This represents the estimated cost of one person spending more than 18 hours in determining whether the department holds the information, locating, retrieving and extracting the information.

We estimate it will take over 86 hours to process your request. This is calculated as approximately 2 minutes to look at each of the 2598 files.

This is therefore a Refusal Notice under section 17.1 of the Freedom of Information Act, because under the provisions of section 12.1 of the Act, the Council estimates that to comply with your request in its current form will exceed the appropriate limit.

**Jan 1<sup>st</sup> – 31 Dec 2012**

**1. How many noise nuisance complaints were received?**

The Council received 2239 initial complaints about noise from domestic (music, shouting, house alarms, DIY, dog barking etc), commercial and industrial (bars, clubs, premises alarms, air con units etc) sources.

**2. How many of those complaints resulted in prosecution?**

We successfully took 2 prosecutions during this period. However, 1 had been on-going since 2010 and the other since 2011.

**3. How many of those complaints resulted in other action short of prosecution such as warning letters, notices or seizure of items (or animals)?**

The Noise Team's procedure for dealing with noise nuisances is usually:

- informal warning letter after the first noise nuisance has been witnessed
- statutory notice for the second
- request to attend an interview under caution for the third, and;
- seizure for the fourth.

This procedure is dependent on time between nuisances, other action being taken (e.g. for licencing or planning breaches) etc.

During this period, we served 257 warning letters, 101 statutory notices or notice reminder letters, 38 requests to attend interview under caution and 22 seizures of noise equipment. We also sent 23 'problem' letters

Note: I cannot say whether all these actions were taken following the initial complaints we received during this period. Once a complaint is received, a complainant can contact us about the noise (as long as it's about the same occupants at the same address) for as long as the noise continues. Also, a complaint about noise from 1 premises could result in a number of noise nuisances and action being taken from warning letter through to seizure.

**4. How many complaints resulted in no action at all?**

To answer this would require checking every initial complaint individually. Section 12 of the Act makes provision for public authorities to refuse requests for information where the cost of dealing with them would exceed the appropriate limit, which for local government is set at £450. This represents the estimated cost of one person spending more than 18 hours in determining whether the department holds the information, locating, retrieving and extracting the information.

We estimate it will take over 74 hours to process your request. This is calculated as approximately 2 minutes to look at each of the 2239 files.

This is therefore a Refusal Notice under section 17.1 of the Freedom of Information Act, because under the provisions of section 12.1 of the Act, the Council estimates that to comply with your request in its current form will exceed the appropriate limit.

Also, as mentioned above, some complaints may not result in action in the same year the initial complaint was received.

**5. How many times did the council advise eviction?**

We don't advise landlords to evict their tenants. We send details of noise nuisances witnessed to landlords to let them know the action we're taking against their tenants. If they then want to use our evidence

in eviction proceedings, they can ask us for more information (e.g. a statement).

**6. How many of those complaints were still going on 6 months after the complaint being made?**

To answer this would require checking every initial complaint individually. Section 12 of the Act makes provision for public authorities to refuse requests for information where the cost of dealing with them would exceed the appropriate limit, which for local government is set at £450. This represents the estimated cost of one person spending more than 18 hours in determining whether the department holds the information, locating, retrieving and extracting the information.

We estimate it will take over 74 hours to process your request. This is calculated as approximately 2 minutes to look at each of the 2239 files.

This is therefore a Refusal Notice under section 17.1 of the Freedom of Information Act, because under the provisions of section 12.1 of the Act, the Council estimates that to comply with your request in its current form will exceed the appropriate limit.

The legislation allows you to use the information supplied for your own personal use. Please be aware that any commercial or other use, for example publication, sale, or redistribution may be a breach of copyright under the Copyright, Designs and Patents Act 1988 as amended unless you obtain the copyright holder's prior permission.

Not all the information that is supplied which is covered by copyright will be the Council's copyright, for example it may be the copyright of a government department or another Council. You should seek either the Council's consent or their consent as appropriate. The Council is willing to advise you of any such potential issues on request. In order to make a request to re-use the information please contact the Information Governance Manager using the details below.

If you are dissatisfied with the handling of your request please write to:

**Information Governance Manager  
Information and Customer Access  
Leicester City Council  
FREEPOST (LE985/33)  
New Walk Centre  
LEICESTER LE1 6ZG**

e-mail: [info.requests@leicester.gov.uk](mailto:info.requests@leicester.gov.uk)

Your request for internal review should be submitted to the above address within 40 (forty) working days of receipt by you of this response. Any such request received after this time will only be considered at the Council's absolute discretion.

You can also complain to the Information Commissioner at:

**Information Commissioner's Office**

**Wycliffe House**  
**Water Lane**  
**Wilmslow SK9 5AF**  
**Telephone: 01625 545 700**  
[www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)

Please be aware that the Information Commissioner does not normally consider appeals or complaints until the internal appeals and complaints processes of the public authority which is answering the request have been exhausted. You are therefore advised to complain or appeal to the Information Governance Manager before contacting the Commissioner.