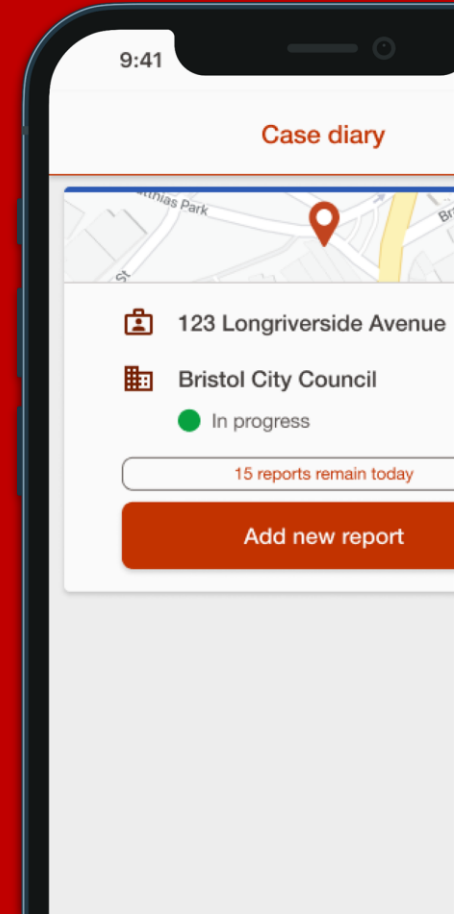


# The Noise App

**Jim Nixon**

Director of Community Safety

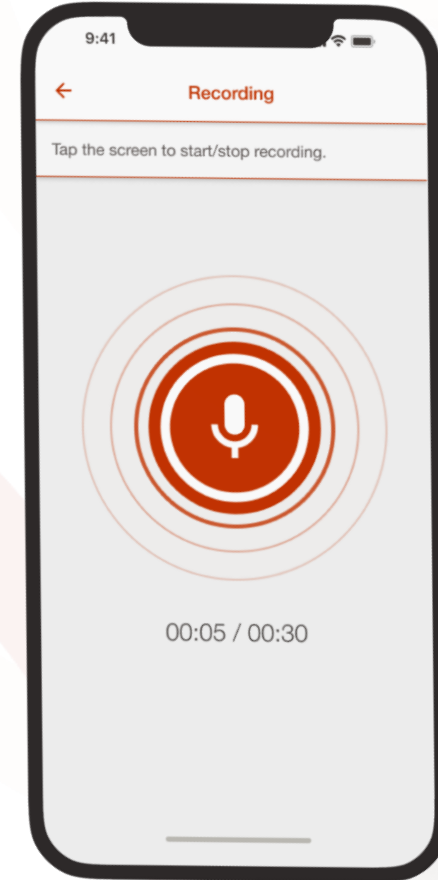


# Introduction to The Noise App

# The Noise App Overview



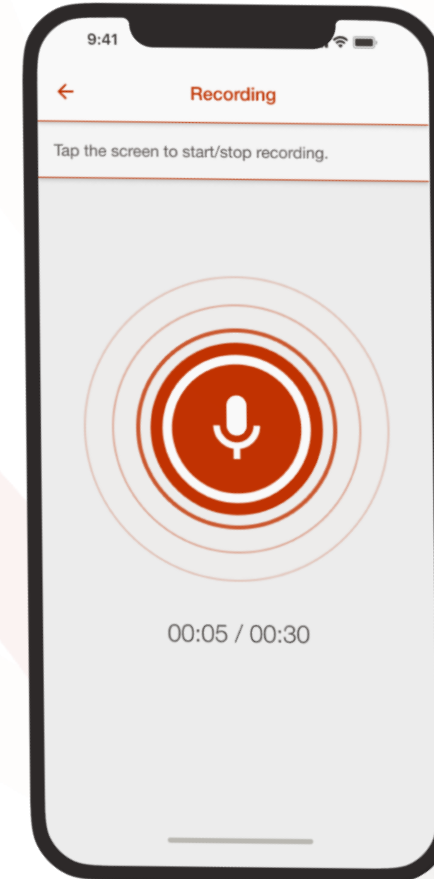
- Over 400 satisfied organisations in the UK, Netherlands, Ireland and Australia.
- An effective App that can triage noise cases quickly and efficiently.
- Reduces wait time to deal with a noise complaint.
- Invite customers directly from the Portal and allocate officers at the same time.
- App can be downloaded quickly by your customers.
- Ability to record noise, video, and photographs.
- GPS capability to validate recordings and other media.



# The Noise App Overview



- Significantly reduce investigations time and costs.
- Noise reports will be submitted to the website which will notify the investigating officer via email.
- Audio files and case details are securely stored online and can be exported from the website.
- The app will assist with any Safeguarding Concerns-Artificial Intelligence option.
- Officer App submissions that can link to a case.
- Track high-demand locations using the Incidents Option.
- Has a successful track record of being used as evidence in court.



- Cases
- My cases
- Incidents
- Under investigation 26
- Closed 1
- Analytics
- Case management
- Downloads
- Triage 52
- Under investigation 26
- Closed 28
- Case transfers
- Inbox 2
- Outbox 4
- Completed transfers 0
- Settings

Triage

Source

Search cases

All

Bulk action (0)

	Reporter	Source address	Source	Date created	Date updated
	James Hunter	41 Goldlay Gardens, Chelmsford, CM20EN	Multiple	2 Sep 2024 3:52pm	26 Mar 2025 10:01am
	Ndndd Dhnd	82 Broadwater Road, Worthing, BN148AW	Multiple	21 Mar 2024 4:45pm	19 Mar 2025 9:54am
	Matt Lewer	Flat 1, 92 Broadwater Road, Worthing, BN148AW	Commercial music	22 Oct 2024 4:15pm	22 Oct 2024 4:16pm
	Matt Lewer	Merton Guest House, 96 Broadwater Road, Worthing, BN148AW	Multiple	2 Aug 2024 3:55pm	18 Sep 2024 4:20pm
	Matt Lewer	8 Goldlay Gardens, Chelmsford, CM20EN	Multiple	12 Aug 2024 10:09am	18 Sep 2024 1:07pm
	Phoebe Lee	16 Parklands Drive, Chelmsford, CM17RJ	Multiple	4 Sep 2024 9:10am	12 Sep 2024 3:08pm
	Jake Lloyd	78 Broadwater Road, Worthing, BN148AW	Multiple	30 Jul 2024 1:01pm	9 Sep 2024 10:25am
	Phoebe Lee	Flat 4, 200 Wharf Road, Chelmsford, CM26ZT	Industrial machinery	4 Sep 2024 9:09am	5 Sep 2024 11:54am
	Phoebe Lee	43 New London Road, Chelmsford, CM20ND	Home improvements/DIY	4 Sep 2024 9:10am	4 Sep 2024 9:10am

- Cases
- My cases
- Under investigation 26
- Closed 1
- Case management
- Triage 52**
- Under investigation 26
- Closed 28
- Case transfers
- Inbox 2
- Outbox 4
- Completed transfers 0
- Incidents
- Analytics
- Downloads
- Settings

Triage

Search cases

Source  
All

Bulk action (0)

	<input type="checkbox"/>	Reporter	Source address	Source	Date created	Date updated
	<input type="checkbox"/>	James Hunter	41 Goldlay Gardens, Chelmsford, CM20EN	Multiple	2 Sep 2024 3:52pm	26 Mar 2025 10:01am
	<input type="checkbox"/>	Ndndd Dhdnd	82 Broadwater Road, Worthing, BN148AW	Multiple	21 Mar 2024 4:45pm	19 Mar 2025 9:54am
	<input type="checkbox"/>	Matt Lewer	Flat 1, 92 Broadwater Road, Worthing, BN148AW	Commercial music	22 Oct 2024 4:15pm	22 Oct 2024 4:16pm
	<input type="checkbox"/>	Matt Lewer	Merton Guest House, 96 Broadwater Road, Worthing, BN148AW	Multiple	2 Aug 2024 3:55pm	18 Sep 2024 4:20pm
	<input type="checkbox"/>	Matt Lewer	8 Goldlay Gardens, Chelmsford, CM20EN	Multiple	12 Aug 2024 10:09am	18 Sep 2024 1:07pm
	<input type="checkbox"/>	Phoebe Lee	16 Parklands Drive, Chelmsford, CM17RJ	Multiple	4 Sep 2024 9:10am	12 Sep 2024 3:08pm
	<input type="checkbox"/>	Jake Lloyd	78 Broadwater Road, Worthing, BN148AW	Multiple	30 Jul 2024 1:01pm	9 Sep 2024 10:25am
	<input type="checkbox"/>	Phoebe Lee	Flat 4, 200 Wharf Road, Chelmsford, CM26ZT	Industrial machinery	4 Sep 2024 9:09am	5 Sep 2024 11:54am
	<input type="checkbox"/>	Phoebe Lee	43 New London Road, Chelmsford, CM20ND	Home improvements/DIY	4 Sep 2024 9:10am	4 Sep 2024 9:10am

Cases

My cases

Under investigation 26

Closed 1

Case management

Triage 52

Under investigation 26

Closed 28

Case transfers

Inbox 2

Outbox 4

Completed transfers 0

Settings

# Under investigation

Source

All

Assignee

All

Bulk action (0)

	<input type="checkbox"/>	Pin	Reporter	Source address	Source	Assignee(s)	Date updated
	<input type="checkbox"/>		Matt Lewer	6 Goldlay Gardens, Chelmsford, CM20EN	Domestic music	Paulinetest Lloyd	4 Sep 2024 9:38am
	<input type="checkbox"/>		Matt Lewer	National Probation Services, 9 Lewis Street, Cardiff, CF116JY	Multiple	Paulinetest Lloyd	24 Apr 2025 3:47pm
	<input type="checkbox"/>		Bdhd Ndndnd	Merton Guest House, 96 Broadwater Road, Worthing, BN148AW	Other	Paulinetest Lloyd	12 Mar 2025 12:00pm
	<input type="checkbox"/>		Matt Lewer	National Probation Services, 9 Lewis Street, Cardiff, CF116JY	Multiple	Paulinetest Lloyd	17 Feb 2025 2:47pm
	<input type="checkbox"/>		Matt Lewer	205 Gray Field, Nikki Plains, Paulineshire, NW2 2SH	Multiple	Paulinetest Lloyd	12 Dec 2024 3:32pm
	<input type="checkbox"/>		Matt Lewer	76 Broadwater Road, Worthing, BN148AW	Multiple	Paulinetest Lloyd	5 Nov 2024 2:04pm
	<input type="checkbox"/>		Matt Lewer	90 Broadwater Road, Worthing, BN148AW	Multiple	Paulinetest Lloyd	14 Aug 2024 3:55pm
	<input type="checkbox"/>		Matt Lewer	29 Lewis Street, Cardiff, CF116JY	Multiple	Paulinetest Lloyd	8 Aug 2024 9:41am
	<input type="checkbox"/>		Matt Lewer	17 Exmoor Close, Worthing, BN132PW	Multiple	Paulinetest Lloyd	19 Jul 2024 4:28pm

Case details

< Back

⋮

Reporter: Bdhd Ndndnd  
Source address: Balti Master  
Assignee(s): Paulinetest Lloyd  
Status: Under investigation  
Reference: PPRTV4AT  
Date created: 5 Jun 2024 10:43am

Cases

Incidents

Analytics

Downloads

Settings

Heatmap

Report list (10) Download media

<input type="checkbox"/>	Bookmark	ID	Source	Location	Duration	Intensity	Recorded	
<input checked="" type="checkbox"/>		10	Home improvements/DIY	Living room	03h 00m	7	25 Jun 2024 9:52am	>
<input type="checkbox"/>		9	Domestic music	Hallway	04h 00m	7	25 Jun 2024 9:51am	>
<input type="checkbox"/>		8	Domestic machinery	Hallway	04h 00m	5	12 Jun 2024 10:19am	>
<input type="checkbox"/>		7	Home burglar alarm	Garden	00h 20m	5	5 Jun 2024 1:07pm	>
<input type="checkbox"/>		6	Home burglar alarm	Living room	03h 00m	6	5 Jun 2024 1:06pm	>
<input type="checkbox"/>		5	Home improvements/DIY	Kitchen	05h 00m	6	5 Jun 2024 10:45am	>
<input type="checkbox"/>		4	Home improvements/DIY	Hallway	03h 00m	6	5 Jun 2024 10:45am	>

Reporter details

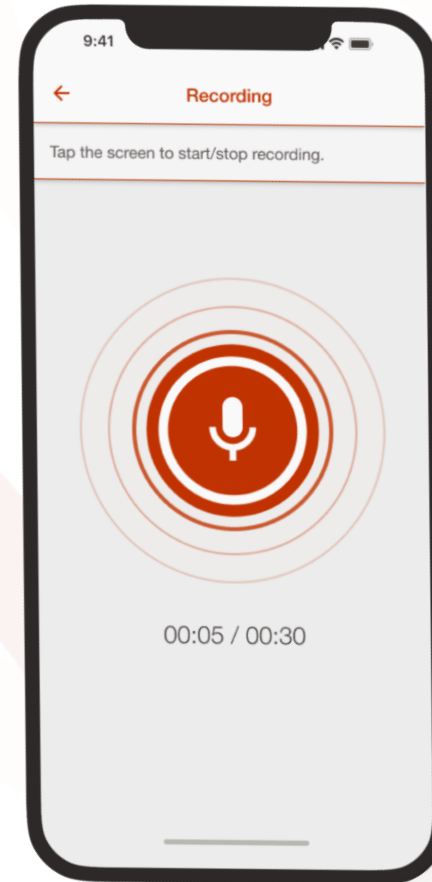
Name: Bdhd Ndndnd  
Email: render5@test.com  
Telephone: +44123456789  
Address: 35 Goldlay Gardens  
Chelmsford  
CM20EN  
Number of other open cases 5  
Created on 5 Jun 2024 12:00pm  
Merton Guest House  
96 Broadwater Road  
Worthing  
BN148AW  
Created on 31 May 2024 12:49pm  
31 Goldlay Gardens  
Chelmsford  
CM20EN  
Created on 6 Jun 2024 9:56am  
Olivers Archive Ltd  
Other Studio



# Why Safeguarding Feature?



- Managing Risk when dealing with Noise Cases is so important.
- Reviewed cases where traditional Diary Sheets had been submitted and the investigating officer had not identified the risk.
- There have been some high profile cases where risk has not been identified or addressed and the Reporter has taken their own life.
- Newest version of The Noise App now detects harmful content within the online diary and soon messages.



# The Noise App and Safeguarding



## Case details Linked to incident

< Back



Reporter: Sophie Corfield  
Source address: The High Street  
Assignee(s): 2 officers  
Status: Under investigation  
Reference: Test 123  
Date created: 10 Sep 2024 9:31am

### Heatmap

### Report list (6)

<input type="checkbox"/>	Bookmark	ID	Source	Location	Duration	Intensity	Recorded	
<input checked="" type="checkbox"/>		6	Anti-social behaviour	Dining room	03h 00m	4	25 Sep 2024 10:24am	
<input type="checkbox"/>		5	Anti-social behaviour	Garden	02h 00m	4	25 Sep 2024 10:23am	
<input type="checkbox"/>		4	Home burglar alarm	Hallway	02h 00m	4	25 Sep 2024 10:20am	
<input type="checkbox"/>		3	Anti-social behaviour	Bedroom	00h 15m	7	25 Sep 2024 10:06am	
<input type="checkbox"/>		2	Car alarm	Dining room	02h 00m	6	25 Sep 2024 10:05am	
<input checked="" type="checkbox"/>		1	Domestic music	Hallway	01h 00m	6	10 Sep 2024 9:31am	

### Safeguarding

The Noise App Safeguarding searches for potentially harmful or abusive content in report comments. To understand how The Noise App Safeguarding detects these, see the [Safeguarding settings](#).

#### Report 6

I'm going to punch someone

[Not harmful](#)

#### Internal case notes

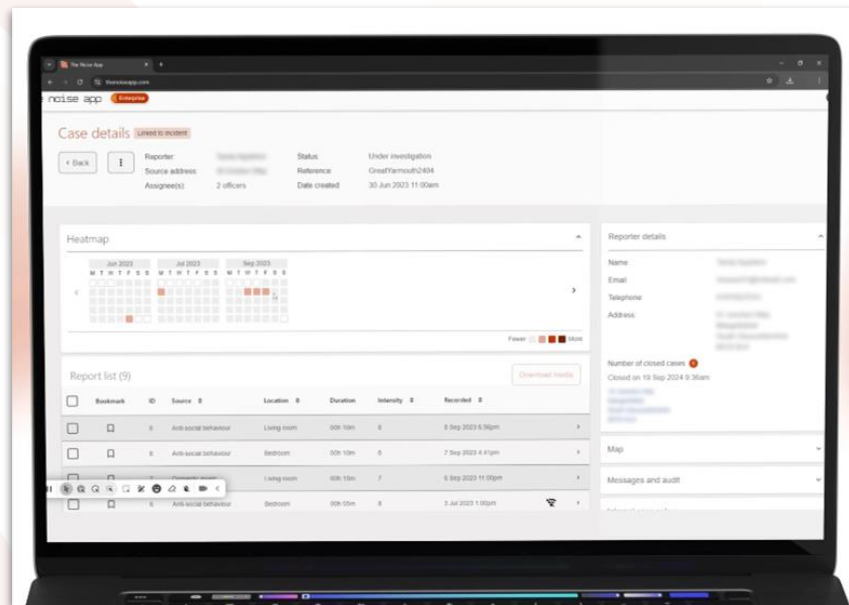
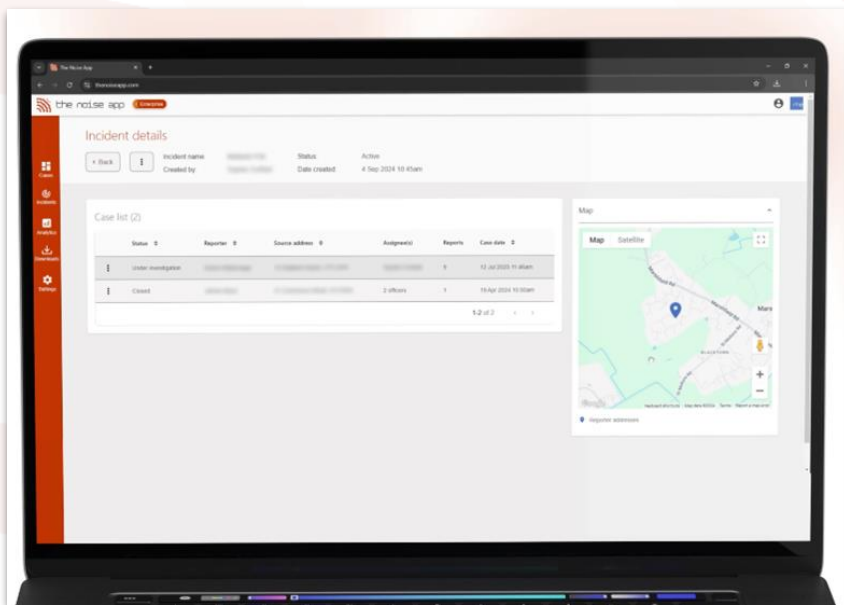
#### Report 1

I'm going to punch someone

[Not harmful](#)

# Introducing:

## The 'Incident' Feature and Heatmaps





# Evidence Gathering



- GPS tracking within 3 to 25 metres provides a good indication of where recording are being made over time.
- Where possible use noise cancelling headphones to listen back to recordings.
- Ensure Noise App evidence is used in conjunction with Reporters statement and any other witnesses to the noise.
- If relevant the App evidence will also be used in conjunction with Noise Monitoring equipment.



# Evidence Gathering

- Gathering Evidence on The Noise App is simplistic.
- All recordings from within the App are fully validated and tamper proof.
- WhatsApp videos and recordings can be manipulated.
- Premium version of the App now allows officers to submit recordings that can be allocated to a case.
- Hot Spot facility will allow you to analyse key recording times and dates.





# Using TNA in Court

- Several Noise App Customers are using data and recordings for court cases.
- Evidence from the App forms a part of your evidential bundle.
- The Analytics and PDF Report should be used to enhance your bundle.
- Playing Recordings in Court.
- USB Speakers connected to a laptop or similar device.



# Question and Answer Session









# OFFICER SAFETY

DNM/Noise - Music ▼

Priority:



Summary Description:

**OFFICER SAFETY - PROCEED WITH CAUTION: BHM "Mention of drug dealing and fire arms from the police"**

Loud music and party. Affecting neighbours.

26/07/2019



**Social Housing**

**Council are Landlord**

**Tenancy Agreement**

# Advisory Letters 2019, 2020, 2021

## Noise Abatement Notice (likely occurrence) 2021

### Noise App 14/07/2021

23/10/2021	23:20	Domestic music	Bedroom	5 hours
23/10/2021	19:25	Domestic music	Living room	1 hour 20 minutes
23/10/2021	19:10	Domestic music	Living room	2 hours
13/10/2021	19:23	Domestic music	Living room	1 hour
10/10/2021	06:29	Domestic music	Bedroom	12 hours 30 minutes
10/10/2021	06:13	Domestic music	Bedroom	12 hours 20 minutes
03/10/2021	04:08	Domestic music	Bedroom	3 hours 30 minutes
08/09/2021	20:40	Domestic music	Living room	20 minutes
05/09/2021	19:56	Domestic music	Living room	2 hours
05/09/2021	19:23	Domestic music	Living room	1 hour
04/09/2021	21:40	Domestic music	Bedroom	2 hours 40 minutes
04/09/2021	21:35	Domestic music	Living room	2 hours 35 minutes
04/09/2021	20:35	Domestic music	Living room	2 hours
04/09/2021	19:40	Domestic music	Living room	1 hour
28/08/2021	00:47	Domestic music	Bedroom	6 hours
27/08/2021	22:54	Domestic music	Bedroom	5 hours
26/08/2021	22:47	Domestic music	Bedroom	2 hours
14/07/2021	15:21	Domestic music	Living room	9 hours



---

This is with window closed. You cannot enjoy your home or even go to sleep and nothing is ever done about this tenant!

---

Recorded with windows closed

---

This is practically every night now that the tenants blare music out.

---

This has been going on for 12 hours!

This is with bedroom window closed. These tenants have had numerous noise notices but yet the noise still continues. This has been going on since 2017.

---

I have called the noise team at 19.24 and am awaiting a call back.

Yet another night of loud music this music is with my windows closed and I am unable to even watch tv

This is recorded with the window closed

---

Unable to watch tv with windows closed as tenants are in the garden blaring music despite a noise abatement notice being served on them.

Yet another night of blaring music from this property now going on 5 years.

This is recorded with window closed

Tenant is having a huge party in the garden despite a noise abatement order which they continually choose to ignore because brent council does little to enforce it.

---

This has been going on since 6.30am and this tenant is supposed to have a noise abatement notice against them.

---

July 2022 S9 to Landlord

Breach of Brent Housing Management, Tenancy Terms and Conditions,  
Part E and Part F - Evidence in Support of Notice Seeking Possession  
(NOSP) against [REDACTED] (the premises)

**Exhibit/MW02** is a print-out all case reports made against the premises. **There are 175 separate dated and time-stamped noise recordings;** some reports include typed comments from the complainant. **My analysis of those recordings, using noise cancelling headphones, finds they demonstrate unambiguous breaches of the aforementioned tenancy conditions. When reviewing noise recordings, I take into account the number of recordings made, the time each recording was made, and the perceived loudness of recordings.**

# October 2023 – Fixed Penalty Notice

## Breach of Section 79 and Section 80 Environmental Protection Act 1990

on 23 Sept. 2023, 24 Sept. 2023, 29 Sept. 2023, 06 Oct. 2023, 07 Oct. 2023 you failed to comply with a Statutory Nuisance Abatement Notice (Noise Abatement Notice) by causing statutory noise nuisance through playing loud amplified music at [REDACTED].

**My assessment of Brent Noise App recordings with reference to dates and times, perceived loudness, and the specified duration of noise incident/s demonstrate that you have failed to comply with the terms of the Noise Abatement Notice. To review the recordings, please visit ...and enter your notice ID and pin number quoted at the top of this page.**

**The Brent Noise App does not enhance, filter nor boost the noise received at the microphone. Recordings are dated and time-stamped and include GPS geotagging. The software developer recommends noise cancelling headphones are used when reviewing recordings.**

[FPN] offers you the opportunity to discharge any liability to prosecution for the above offence by payment of a fixed penalty. **If you pay the penalty of £100 within 14 days**, no further proceedings will be taken. However, if you do not pay the fixed penalty within that time, you may be prosecuted for the offence described and, if convicted, could receive an unlimited fine.

**Another night of screeching and music this went on last night until 3am this morning and now again tonight and no doubt all weekend.**

**Tenant and guest are openly inhaling nitrous oxide balloons and smoking drugs and screeching at the top of their lungs.**

**All day and all night, non-stop partying and music.**

**So now I'm suffering this in the week as well as the weekend and it's all because Brent council allow this behaviour, and the tenant knows nothing will be done and he can do what he likes I feel there is no point sending in recordings anymore.**

**They played music, screamed and shouted until 3am this morning.**

**I was kept awake until 4am this morning and now again tonight this is so unfair!**

- The music and screaming went on until **6am this morning** and now again for the 5th night in a row. There is no way Brent are dealing with this issue **my Christmas has been ruined again**. Disgusting they get away with this.
- Woken by this screaming and shouting and I went to bed with ear plugs due to the music. The tenant has his **back door and windows wide open with no consideration for anyone** who has the misfortune of living around him.
- This is absolutely unbearable!!
- **I have had a bereavement in the family, and I can't even grieve in peace** without the noise from this selfish person.
- Not only are they blaring music they allow their dog to bark continuously in the garden.
- Not content with blaring music they then chuck the dog into the garden to bark incessantly.
- **It's a disgrace that Brent council will do nothing about this situation you couldn't care less about the noise that these people make no wonder no one else complains as they know it's pointless. I don't expect this situation to ever be resolved.**
- This is with windows closed I'm trying to study but cannot concentrate because of this constant barking. Even if I put the tv or radio on it doesn't drown the sound out.





the noise app

Premium



Cases



Incidents



Analytics



Downloads



Settings

<input type="checkbox"/>		475	Domestic music	Living room	03h 00m	6	27 Jan 2024 9:08pm		>
<input type="checkbox"/>		474	Domestic music	Living room	01h 00m	6	27 Jan 2024 7:14pm		>
<input type="checkbox"/>		473	Domestic music	Bedroom	01h 00m	6	26 Jan 2024 11:25pm		>
<input type="checkbox"/>		472	Domestic music	Bedroom	01h 00m	4	16 Jan 2024 12:56am		>
<input type="checkbox"/>		471	Domestic music	Living room	00h 20m	6	13 Jan 2024 7:18pm		>
<input type="checkbox"/>		470	Domestic music	Bedroom	01h 05m	7	13 Jan 2024 12:05am		>
<input type="checkbox"/>		469	Domestic music	Bedroom	01h 00m	7	11 Jan 2024 11:31pm		>
<input type="checkbox"/>		468	Domestic music	Bedroom	00h 40m	5	11 Jan 2024 10:32pm		>
<input type="checkbox"/>		467	Domestic music	Bedroom	02h 10m	6	7 Jan 2024 12:06am		>
<input type="checkbox"/>		466	Domestic music	Bedroom	00h 45m	5	6 Jan 2024 10:46pm		>
<input type="checkbox"/>		465	Domestic music	Bedroom	06h 00m	5	6 Jan 2024 4:00am		>

41-60 of 524



Type here to search





# Borough Solicitor

- I've got this case
- Unpaid FPN
- Noise App reports ongoing
- Officer Safety
- Case History
- Can we trail Noise App evidence for prosecution proceedings in absence of in-person evidence?

**Exhibit MW/03** is a 474-page printout of one case with dated and time-stamped noise app reports. For brevity, my review of music noise recordings is limited to beginning August 2023 and ending January 2024. My assessments were made with careful consideration to the perceived loudness, the time of day or night and the specified duration of the noise. There are 86 recordings in the stated date range categorised Domestic Music, and one report is categorised Party. In my opinion, all the recordings convey a statutory-nuisance level of noise based on the character of noise; perceived loudness; time of day or night, and the specified duration of noise. In my opinion, all but one recording constitutes a breach of the terms of the Statutory Noise Abatement Notice. **Exhibit MW/04** is copy of a Fixed Penalty Notice (FPN)

- The Noise App is a software programme that is used on a compatible Android smart phone or iPhone. The Noise App is available to all residents who have access to such a device. After downloading a simple app to their mobile telephone, a user can record 30 seconds of recorded noise disturbance directly to their mobile telephone. Once recorded, this information is then sent to a secure website and automatically deleted from the user's telephone to ensure there is only one copy and the data is stored securely. I am able to listen to the recordings on my computer with noise cancelling headphones by logging on to the website [www.thenoiseapp.com](http://www.thenoiseapp.com). The recordings are used to assist me in investigation of noise complaints.

31 Jan 2024 Prosecution File

This is our first prosecution file evidencing suspected noise nuisance offence through review of Noise App recordings. We can play recordings for the benefit of open court, should that be required or requested. This is also our first prosecution file evidencing unpaid FPN.

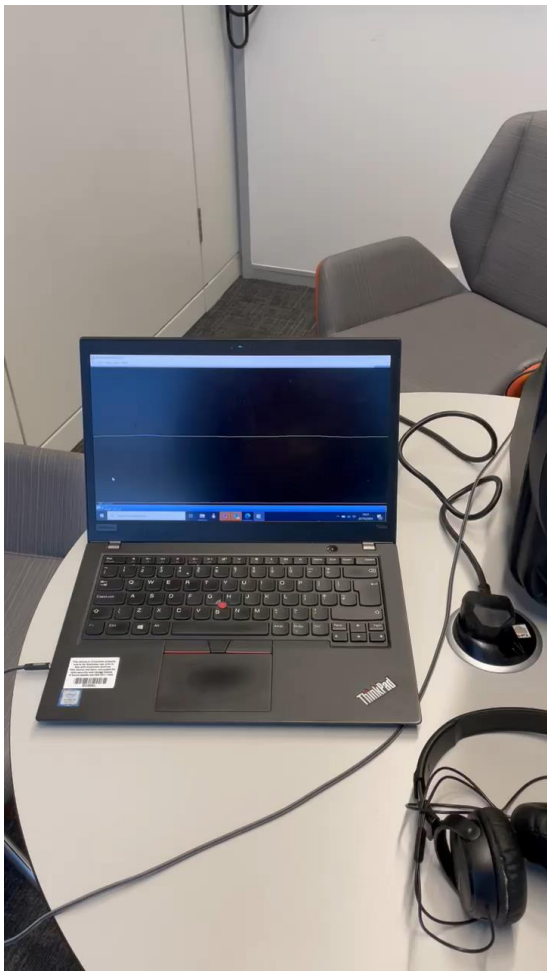
Hey Martin,

Well done on this one. Sending you 1000 applauses.  
I will get this allocated asap and revert to you.

Dear Martin,

Thank you again for these instructions. I am allocating this to [REDACTED].

Since this is our first prosecution with full reliance on the Noise App evidence .. [REDACTED] will help set the precedence on how these cases are to be dealt with by us in future cases .



## LBB V [REDACTED] - [REDACTED] - Noise Nuisance Prosecution

Thank you for your instructions in relation to this matter.

Please note that there was a hearing for Mr [REDACTED] today (28<sup>th</sup> March 2024) regarding the noise nuisance at [REDACTED].

Mr [REDACTED] failed to attend, subsequently the matter was proved in his absence. He did however complete a plea form and entered into a guilty plea. He advised in his mitigation that his brother was “training to be a DJ” which is the reason for the noise. The magistrates and the clerk did find his mitigation funny.



- Mr [REDACTED] was fined as follows:

- 

- **Total fine : £733.00**

- **Costs:£700.00**

- **Victim Surcharge : £293**

- 

- **Total payable: £1,726.00**

- 

- The magistrates took into account his early guilty plea and reduced the fine accordingly.

- I hope that this is a satisfactory outcome for this prosecution.

- Many thanks for all of your hard work on this case. This was another test case whereby we relied on the noise app evidence. **The magistrates were content with all of the evidence .**

- Mr [REDACTED] failed to attend , subsequently the matter was proved in his absence.
- Mr [REDACTED] was fined as follows:
  - **Total fine : £1000.00**
  - **Costs:£1000.00**
  - **Victim Surcharge : £400**
  - **Total payable: £2400.00**

Oh wow .. Martin and Dennis ... this was the test case.

Martin and Dennis it means this is now a go .....we can start prepping our cases with similar evidence.

Well done Martin for taking this chance .

- Trail - November 2021
- S9 ... Noise App records with 192 separate recordings against the premises are documented in **Exhibit MW/04**.
- Noise App records with 34 separate recordings from a different individual in the same household, made against the premises, are documented in **Exhibit MW/05**.



- The bench found that the Notice had been breached and that the defendant did not have reasonable excuse for the breach.
- She was fined the below:
  - 
  - Fine: £500.00
  - Cost: £1,500.00
  - VS : £50
  - Total: £2,550.00
  - Collection order imposed

Thank  
you!



# **Implementation of Fixed Penalty Notices under the Clean Air Act 1993 (as amended by The Environment Act 2021).**

**Kate Atkinson BSc (Hons) CEnvH  
Senior Environmental Health Officer**



# Legislation

- The Environmental Act 2021 amended the Clean Air Act 1993 and introduced Section 19A and Schedule 1A which makes provisions for the use of financial penalties in relation to the smoke emission from chimneys within smoke control areas in England.

- Schedule 1A goes further into the topics:

1. Key definitions
2. Notice of intent
3. Amount of penalty
4. Right to object to proposed financial penalty
5. Decision regarding a final notice
6. Final notice

7. Withdrawal or amendment of notices
8. Appeals
9. Recovery of penalties
10. Delegation
11. Notices
12. Notices: vessels which are moored

- Supporting statutory guidance can be found here:

[Smoke control area enforcement by local authorities in England - GOV.UK](#)

# Key learnings

- **Any smoke emitted from a chimney, within a smoke control area, the perpetrator may be issued with a financial penalty notice between £175 and £300. This includes both domestic and commercial chimneys. The liable party would be the occupier of the domestic building and the owner if it is an industrial boiler or plant.**
- **It is no longer a defence to use a DEFRA approved appliance and/or authorised fuels.**
- **The offence is on balance of probabilities.**
- **Also introduces other powers to deal with smoke emission offences, for example, by service of an abatement notice under the EPA 1990 and use of CPWs and CPNS under the ASB-C&PA 2014.**

# Implementation of the legislation in Wakefield

- Researched the legislation and statutory guidance
- Attended training by DEFRA and Mallard Consultancy
- Created a Policy to be submitted to Cabinet for approval which included a public consultation
- We included a hardship policy to consider the impact on those on low income or suffering from financial hardship and signpost to supporting organisations
- Developed a working procedure for Officers to carry out investigations in response to complaints



- 
- A photograph of a residential neighborhood with several houses. Thick white smoke is rising from multiple chimneys, filling the air and partially obscuring the buildings in the background. The scene is set in a winter or early spring environment, as some roofs have a light layer of snow or frost.
- Wakefield have decided to give a 20-minute period for lighting up, and any visible smoke beyond 20 minutes is an offence
  - We have chosen to fine £175 for first offence and £300 for second offence, any further offences shall be considered for prosecution. Any serious or severe offences can be considered for £300 for the first instance or can also consider prosecution.
  - We created a guide for complainants to follow to supply us with reliable and credible evidence, including the use of photographs and videos, as supporting evidence, our guide is included in the next 2 slides:

## ADVICE FOR GATHERING EVIDENCE OF A SMOKING CHIMNEY

To assist with the investigation of your complaint we need evidence showing the chimney has smoked for more than 20 minutes. Acceptable evidence may include:

- **Monitoring visits carried out by our Officers.** These visits can be arranged during the daytime, or on an evening. The Investigating Officer may arrange to monitor during the day Monday to Friday during office hours at times that the diary indicates the chimney is likely to be smoking. Evening visits can only be made on a Friday or Saturday evening from 20.00 to 01.00 hours by calling Customer Services on 03458 506506.
- **Evidence submitted by the complainant:** This includes completed diary sheets and photographs and videos taken on a device that can show the date and time they were taken, which we can verify.
- **Photographs and videos:** Ensure that the smoke is visible. Videos should be no longer than one minute to ensure the file size is manageable for electronic submission. Each photo and video must show the time and date it was taken; otherwise, they cannot be used as evidence.
- **Continuous smoking evidence:** Photos and videos need to clearly demonstrate that the chimney has smoked continuously for more than 20 minutes. It is advised to take a photo or video every 5 to 10 minutes during a 30-minute period to show continuous smoking. Submit these to the Investigating Officer as soon as possible.
- **Written records:** Include a full description of the smoke, such as color, smell, and amount (e.g., thick or thin). If there is more than one chimney at the property, describe which one(s) is/are smoking. Record the date and time of smoke emissions (start and stop times) and any effects on residents or enjoyment of your property.

Please note that any evidence submitted will be assessed and if deemed not be of a standard to prove an offence has been committed, they will not be accepted as credible evidence. The Investigating Officer will make this determination and advise the person who has complained that further evidence will be required.

## Example - Smoking Chimney Record

**Declaration:** This is a written record of smoke emissions from a chimney at the following address:

Address where problem is coming from: Problem Address, Anytown,

Anyplace

This record is true to the best of my knowledge and belief. I make it knowing that if tendered in evidence I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false or do not believe to be true.

Name: My Name Address: My Address

Signed: My Signature Date: Date Signed

Date	Duration		Describe the smoke and any effects. (Include location if more than one chimney, colour, odour, if/how it affects you at your property)	Describe any supporting evidence. (e.g. photo, video clip etc)
	From	To		
04/09/2020	9.10 am	9.30 am	Thick dark grey smoke billowing from chimney at [problem address] for 10 mins. Paler and <u>more wispy</u> for 5 mins before stopping.	
08/09/2020	8.15am	8.45am	Thick grey smoke and sulphur smell from chimney at [problem address], first noticed at 8.15 due to smell and wind blowing smoke towards my house. Had to close windows. Took several photos on my phone. Smoke not as thick at 8.28. Paler smoke at 8.35 but still smoking. Wispy, pale smoke at 8.45. when I left to take kids to school	Photo 1. Dark smoke 08.15 Photo 2. Dark smoke 08.28 Photo 3. Paler smoke 08.35 Photo 4. Wispy pale smoke 08.45
08/09/2020	10.05	12.10pm	Returned home 10.05, Smoking on and off for 5-10 minutes at a <u>time</u> , up to 12.10 when I had lunch (no view of chimney from my kitchen). Alternating between dark and paler smoke when I checked.	
10/09/2020	09.35	12.00	Started with thick dark smoke then thinner smoke, gusty wind blowing smoke towards my house. Smoke <u>fairly constant</u> between 09.35 and 10.40 then on and <u>off</u> . Filmed short clips of smoke and took a couple of photos.	Video clips of smoke on my phone. 1. 9.35 1 min clip 2. 9.40 1 min clip 3. 9.45 1 min clip 4. 9.50 1 min clip Photo 5. 10.00 Grey smoke Photo 6. 10.40 Grey Smoke



# Case Study, Mr X

- This is a long ongoing investigation of a smoking chimney at a domestic property in Wakefield. The investigating Officer spent many hours (over several years) trying to resolve the complaint without success. It was difficult to obtain evidence, it was suspected that Mr X was burning waste, however Mr X had been using both a DEFRA approved appliance and authorised fuels when visited.
- Since we adopted the new powers, as it is no longer a defence to use an approved appliance and fuels, and can use evidence supplied by complainants, we were able to look at this differently and take action.
- All steps of our procedure were followed, the warning was ignored, he did not object to the notice of intent and the £175 penalty was imposed. Despite this, he allowed the smoke to continue beyond 20 minutes, he was given a further warning that he was going to receive a £300 fine, and since then we have not had any further complaints.
- This received recognition by the BBC News, see the below link for the article:  
[Wakefield Council issues first fine for illegal use of log burners - BBC News](#)

# Outcomes and work still to do

- It is still early days, but so far, the new powers have had a positive impact in resolving complaints.
- Our work has achieved national recognition, and we were one of the first Local Authorities to issue a Fixed Penalty Notice.
- It is a more streamlined approach. This makes it easier to enforce and gives clear guidance to the complainant and perpetrator.
- An issue we are still progressing is the awareness of the new legislation and educating the public on the health and environmental impact of using solid fuels as a form of heating.



# Q&A

- Does anyone have any questions?
- For further information or questions, or for a copy of our policy and procedure, please email [ep@wakefield.gov.uk](mailto:ep@wakefield.gov.uk)

