

From: [Foi Enquiries](#)
To: [REDACTED]
Subject: EIR-17-1721 - Noise Complaints
Date: 15 December 2017 12:19:10
Attachments: [Further Information - Right to Review & Appeal.pdf](#)

Dear [REDACTED]

Please accept our sincerest apologies for the delay in responding to your information request of 14 November 2017. Aberdeen City Council (ACC) has completed the necessary search for the information requested.

For each financial year since 2012/13, how many noise complaints have been made regarding noise from residential properties?

Please note, the type of noise complaint recorded (domestic or commercial) will determine which team of ACC investigates. The Environmental Health Team investigate all commercial noise complaints (construction site noise, railway noise etc.) and the Antisocial Behaviour Investigation Unit (ASBIT) investigate all domestic noise complaints (loud TV, banging from neighbours etc.). The records held by ACC are therefore dependent on the team which investigated.

ENVIRONMENTAL HEALTH RESPONSE:

Financial year	Noise complaints	Measurment record	Outcome
2012/13	25	None	No enforcement action
2013/14	14	None	No enforcement action
2014/15	8	None	No enforcement action
2015/16	8	None	No enforcement action
2016/17	15	None	No enforcement action

ASBIT RESPONSE:

Financial Year	Noise Complaints	Measurement Record	Outcome
2012/13 (Incomplete)	890	None	None
2013/14	2261	None	None
2014/15	2665	None	None
2015/16	3210	None	None
2016/17	3110	None	None

For each financial year since 2012/13, what was (a) the highest measurement recorded (i.e. decibels), and (b) what was the outcome (i.e. warning notice, fixed penalty notice, ASBO etc)?

ACC are unable to provide information on measurement recordings as this information is not held.

ACC is unable to provide you with information on **(a) the highest measurement recorded and (b) what was the outcome** as it is not held by the Council. In order to comply with its obligations under the terms of Regulation 10(4)(a) - Information Not Held - of the EIRs, ACC hereby gives notice that this information is not held by it. ACC is required by Regulation 10(1)(b) of the EIRs to inform you as to why in all the circumstances of the case, the public interest in maintaining this exception outweighs the public interest in disclosing this information to you. ACC is satisfied that it does not hold this information and considers that, as there is no information held, the public interest lies with the exception.

For each financial year since 2012/13, how many complaints mention “Airbnb”? If this is not possible to do within the £600 threshold, then please give me this figure for the current financial year only.

ENVIRONMENTAL HEALTH AND ASBIT RESPONSE:

2012/13 - None

2013/14 - None

2014/15 - None

2015/16 - None

2016/17 - None

For each financial year since 2012/13, in relation to noise complaints from residential properties, please tell me (a) how many warning notices were issued,

ENVIRONMENTAL HEALTH RESPONSE: None.

ASBIT RESPONSE:

12/13 – 221

13/14 – 194

14/15 – 145

15/16 – 116

16/17 – 77

(b) how many fixed penalty notices were issued,

ENVIRONMENTAL HEALTH RESPONSE: None.

ASBIT RESPONSE:

12/13 – 14

13/14 – 9

14/15 – 5

15/16 – 2

16/17 – 2

(c) how many fixed penalty notices were not paid,

ENVIRONMENTAL HEALTH RESPONSE: Not applicable, please see the response above.

ASBIT RESPONSE:

This information is not held as the Antisocial Behaviour Investigation Unit are undertaking a service on behalf of the courts and are therefore are unable to track the outcomes of FPN's served.

ACC is unable to provide you with information on **(c) how many fixed penalty notices were not paid** as it is not held by the Council. In order to comply with its obligations under the terms of Regulation 10(4)(a) - Information Not Held - of the EIRs, ACC hereby gives notice that this information is not held by it. ACC is required by Regulation 10(1)(b) of the EIRs to inform you as to why in all the circumstances of the case, the public interest in maintaining this exception outweighs the public interest in disclosing this information to you. ACC is satisfied that it does not hold this information and considers that, as there is no information held, the public interest lies with the exception.

(d) how much was paid in fixed penalty notices,

ENVIRONMENTAL HEALTH RESPONSE: Not applicable; please see the response above.

ASBIT RESPONSE:

This information is not held as the Antisocial Behaviour Investigation Unit are undertaking a service on behalf of the courts and are therefore are unable to track the outcomes of FPN's served.

ACC is unable to provide you with information on **(d) how much was paid in fixed penalty notices** as it is not held by the Council. In order to comply with its obligations under the terms of Regulation 10(4)(a) - Information Not Held - of the EIRs, ACC hereby gives notice that this information is not held by it. ACC is required by Regulation 10(1)(b) of the EIRs to inform you as to why in all the circumstances of the case, the public interest in maintaining this exception outweighs the public interest in disclosing this information to you. ACC is satisfied that it does not hold this information and considers that, as there is no information held, the public interest lies with the exception.

(e) how many complaints were referred to the Procurator Fiscal, and
ENVIRONMENTAL HEALTH RESPONSE: None.

ASBIT RESPONSE:

This information is not held as the Antisocial Behaviour Investigation Unit are undertaking a service on behalf of the courts and are therefore are unable to track the outcomes of FPN's served.

ACC is unable to provide you with information on **(e) how many complaints were referred to the Procurator Fiscal** as it is not held by the Council. In order to comply with its obligations under the terms of Regulation 10(4)(a) - Information Not Held - of the EIRs, ACC hereby gives notice that this information is not held by it. ACC is required by Regulation 10(1)(b) of the EIRs to inform you as to why in all the circumstances of the case, the public interest in maintaining this exception outweighs the public interest in disclosing this information to you. ACC is satisfied that it does not hold this information and considers that, as there is no information held, the public interest lies with the exception.

(f) how many ASBOs were applied for?
ENVIRONMENTAL HEALTH RESPONSE: None.

ASBIT RESPONSE:

We cannot give the number of ASBOs applied for but we can give the number which were granted;

Granted

12/13 – 20

13/14 – 12

14/15 – 23

15/16 – 30

17/18 – 23

ACC is unable to provide you with information on **how many ASBOs were applied for** as it is not held by the Council. In order to comply with its obligations under the terms of Regulation 10(4)(a) - Information Not Held - of the EIRs, ACC hereby gives notice that this information is not held by it. ACC is required by Regulation 10(1)(b) of the EIRs to inform you as to why in all the circumstances of the case, the public interest in maintaining this exception outweighs the public interest in disclosing this information to you. ACC is satisfied that it does not hold this information and considers that, as there is no information held, the public interest lies with the exception.

For the last 12 months, please provide me with data regarding noise complaints from residential properties. This should include, but not be limited to: postal code (either the full code or the first part only); reason for complaint (redact where necessary); details regarding outcome if possible (redact where necessary), and date.

ENVIRONMENTAL HEALTH RESPONSE:

Date	Postcode	Reason for complaint	Outcome
12/12/2016	None	Neighbour is fitting Black Window exhausts for motor bikes/mopeds	Advice given
06/02/2017	AB24	Loud music during night	Advice given
20/03/2017	AB13	Noise from new rooster - see text	Advice given
22/03/2017	AB11	Gas flue noise	Advice given
12/04/2017	AB24	Extremely noisy boiler	Advice given
31/05/2017	AB24	THE RESIDENT STARTS UP HIS NOISEY MOTORBIKE AT AROUND 4:45 AM	Advice given
13/06/2017	AB24	Loud music	Advice given
27/06/2017	AB11	Neighbour garden on back of tenant chickens/hens see text	Advice given
03/07/2017	None	Screaming noise	Advice given
07/07/2017	AB11	Cockrel crowing	Advice given
31/08/2017	AB14	Low frequency noise	Advice given
23/10/2017	AB11	shouting, screaming	Advice given
09/11/2017	None	Looking for advice regarding Noise	Advice given

ASBIT RESPONSE:

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Postcode Breakdown

Count of Count	
Postcode Area	Total
AB10	251
AB11	351
AB12	129
AB13	1
AB14	11
AB15	153
AB16	399
AB16	1
AB21	73
AB22	29
AB23	28
AB24	998
AB25	319
NOPO (blank)	367
Grand Total	3110

Call Reason breakdown

Category	Count
Banging Doors	69
DIY	122
ElectronicGames	8
Enquiry	185
Footfall/Flooring	164
HIFI	1219
Multiple	931
Musical Instrument	20
Poor Sound Insulation	60
Shouting	226
TV	77
WashingMachine	29
Total	3110

We cannot give dates or outcomes as this would take too much time to break down given the high volume of calls.

ACC is unable to provide you with information on **details regarding outcome if possible, and date** as it is excepted from disclosure. In order to comply with its obligations under the terms of Regulation 13 of the EIRs, ACC hereby gives notice that we are refusing your request under the terms of Regulation 10(4)(b) – Manifestly Unreasonable - of the EIRs.

In making this decision ACC considered the following points:

Is the request manifestly unreasonable?

ACC is of the view that the information requested is manifestly unreasonable under the terms of the Environmental Information (Scotland) Regulations 2004 (EIRs).

The request must impose a significant burden on ACC, be manifestly unreasonable or disproportionate.

ACC is of the view that providing the information requested would require a disproportionate amount of time and the diversion of an unreasonable proportion of ACC's resources away from its operations.

To explain this, the service has advised that there is only one officer available to undertake the work required to manually extract the individual actions from files. Given the time involved in providing this information, ACC is of the view that this request would have an impact on the core business of the team.

Has ACC provided reasonable advice and assistance to the applicant?

ACC would be happy to discuss ways in which you may refine your request, so we can provide some information of interest to you. Please do contact the Information Compliance team who will be happy to advise you, if this is something you would like to pursue.

What are the public interest arguments?

ACC recognises that there is a general public interest in assuring the public that ACC has a procedure in place to investigate complaints and provide help and support, and to this end has published general information about noise nuisance here:

<https://www.aberdeencity.gov.uk/services/environment/environmental-health/noise-control>

<https://www.aberdeencity.gov.uk/services/people-and-communities/antisocial-behaviour>

ACC has also published information in response to previous similar requests on its online Disclosure Log, normally under 'Environment'.

<https://www.aberdeencity.gov.uk/services/council-and-democracy/freedom-information>

However, in this instance, ACC is of the view that the public interest in maintaining the manifestly unreasonable exception outweighs this general public interest, given the time required to provide the information, which would have an impact on the services delivered by that Team.

We hope this helps with your request.

Yours sincerely,

Information Compliance Team

INFORMATION ABOUT THE HANDLING OF YOUR REQUEST

As the information which you requested is environmental information, as defined under Regulation 2(1) of the Environmental Information (Scotland) Regulations 2004 (the EIRs), ACC considered that it was exempt from release through FOISA, and must therefore give you notice that we are refusing your request under Section 39(2) of FOISA (Freedom of Information (Scotland) Act 2002). However, you have a separate right to access the information which you have requested under Regulation 5 of the EIRs, under which ACC has handled your request. Please refer to the attached PDF for more information about your rights under the EIRs.

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*03000 numbers are free to call if you have 'free minutes' included in your mobile call plan.
Calls from BT landlines will be charged at the local call rate of 10.24p per minute (the same as 01224s).

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