

Noisy Neighbours

A guide to dealing with noisy neighbours



Basingstoke
and Deane



Noisy neighbours

Noise from neighbours is a common source of disturbance and it can be very upsetting. The main problems are caused by barking dogs, loud music or TV, shouting, banging doors and DIY activities. Remember, no house or flat is totally soundproof so everyone can expect a degree of noise from neighbours. If you are being disturbed by noise from neighbours it may be because:

- the neighbours may be behaving unreasonably, for example, playing loud music late at night or allowing their dog to bark all day.
- the neighbours are behaving normally, but the sound insulation in the floors or walls between you may not be good enough to cut out the sounds of everyday living.
- you have become over sensitive to the noise, particularly if you do not get on with your neighbours. Some people tune into the noise from next door and find it annoying while others would not.

What can you do?

Firstly, approach your neighbour and explain politely that you are troubled by the noise. Although you may find this difficult it is surprising how often neighbours are unaware of the disturbance they are causing. Most will be glad to do what they can to reduce the noise.

If you live in a housing association or privately rented property it is worth discussing the problem with your landlord. Most tenancy conditions include a requirement that tenants do not cause a disturbance to neighbours. Your landlord may be prepared to take action if serious disturbance is being caused.

If your neighbour continues to cause a disturbance you may wish to complain to the council.

Making a complaint to the council.

Under Section 79 of the Environmental Protection Act 1990, councils have powers to deal with defined statutory noise nuisances. However the Environmental Protection Act 1990 is very specific about what does and does not constitute a statutory noise nuisance. The noise must be coming from private land or property, or be generated by vehicles, machinery or equipment in the street. These powers apply not only in order to control existing noise but also noise that is expected to occur or recur. Contact details for making a complaint are on the back page of this leaflet.



What constitutes a statutory nuisance?

This cannot be easily defined but could be described as an unreasonable interference with the enjoyment of your property. It must occur regularly and continue for a period of time that makes it unreasonable.

The following are unlikely to be a statutory nuisance:

- a one-off party
- neighbours arguing
- a lawnmower used during the day
- a baby crying, children playing or dogs barking occasionally.

The council has no control over the following:

- road traffic/revving engines on the public highway
- people shouting/laughing or screaming on a public road or footpath
- air traffic noise

No maximum noise limit applies to noise complaints. Each case must be judged on its merits. We will take into consideration factors such as:

- the time of the noise (noise can be a nuisance at any time of day or night)
- the duration of the noise
- the frequency of the noise
- the type of noise
- whether there is societal acceptance (for example bonfire night or church bells).

The investigating officer, not the complainant, makes the decision on whether noise is a nuisance. Case law requires us to act as the 'ordinary reasonable person' when reaching the decision. Therefore we cannot take into account those who have a different or higher expectation of peace. These include shift workers or people who are studying or ill.

Who will investigate my complaint and how?

A named officer who is trained to assess noise complaints and the existence of a statutory nuisance will investigate your complaint.

To investigate your concerns, we would first ask that you complete diary record sheets. The diary should be completed over a period of 7 to 14 days and then be returned to the investigating officer for assessment. If you experience significant disturbance during office hours while you are keeping the diary, you are advised to contact the investigating officer and it may be possible for them or another member of the team to visit and witness the noise.

If you are unable to complete the diary record sheets, please advise the investigating officer as soon as possible. They will arrange another way for you to record the necessary details.

Why do I need to keep diary record sheets?

Diary record sheets are an important source of evidence. They enable the investigating officer to establish some basic facts about the noise, for example, how often and when it happens and how it affects you.

When the diary record sheets are not returned within the agreed time further action will not be possible and the complaint will be closed.

When diary record sheets are returned they will be assessed as to whether the noise could be classed as a statutory nuisance.

If the investigating officer decides that the noise could NOT be classed as a statutory nuisance you will be advised verbally and/or in writing.

If your diary record sheets indicate the likely existence of a statutory noise nuisance the investigating officer will contact the perpetrator to inform them of the complaint and the legal action available to the council should a statutory noise nuisance be witnessed.

Will the perpetrator know who made the complaint?

We do not tell the perpetrator who has made the complaint. However, it may be necessary for you to attend subsequent court hearings, as a result of legal action by the council in respect of a statutory noise nuisance.

What happens after the perpetrator is informed of the complaint?

We will contact you either in writing or verbally to confirm that the perpetrator has been made aware of the complaint. We will also enclose diary record sheets to enable you to keep a written record of any further noise disturbance from your neighbour's premises.

What happens if the noise continues?

If after we have written to the perpetrator you continue to be bothered by noise please advise the investigating officer as soon as possible. The investigating officer will then arrange noise monitoring visits.

What happens if the noise is a statutory nuisance?

If a statutory nuisance is proven to exist the perpetrator will be served with a Noise Abatement Notice under Section 80 of the Environmental Protection Act 1990.

If the perpetrator does not agree with the notice and chooses to appeal then you and other witnesses may be required to give evidence in the Magistrates' Court.

What if the noise is not a statutory nuisance?

If after a thorough investigation no statutory noise nuisance is substantiated the complaint will be closed. This decision will be confirmed verbally and/or in writing. You will also be advised of alternative courses of action available to you.

What if the noise continues after the notice has been served?

If you are still bothered by noise following the service of a Noise Abatement Notice you must notify the investigating officer. They will arrange further noise monitoring and ask you to continue keeping a written record of any excessive noise.

If the investigations prove that the Noise Abatement Notice has been breached the investigating officer can apply to the Magistrates' Court for a warrant. This will enable access to the perpetrator's premises to seize and detain any equipment used to cause a statutory noise nuisance. This can include stereos, TVs or CDs etc.

The officer will send evidence of the breach of the Abatement Notice to the Head of Legal Services requesting legal action against the perpetrator.

Any equipment seized can be held by the council until the court hearing. The council can request that the equipment is not returned to the perpetrator. This decision will be made by the Magistrates. People found guilty of breaching an Abatement Notice can be fined up to £5,000.

At all times during the investigation, the investigating officer will keep you informed of any significant action taken in relation to your complaint.



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