

## **NEIGHBOUR NOISE**

Noise from neighbours is a common source of disturbance. Everyone can expect some noise from the people who live around them. You could be disturbed for the following reasons:

the neighbours are behaving unreasonably;

the neighbours are behaving normally, but sound insulation in your home is not good enough to cut out the sounds of normal everyday living;

the sensitivity of people to different types of noise varies - sounds that some enjoy may annoy others.

First, approach your neighbour and explain politely that you are being troubled by noise. You may find this difficult, but often people are unaware that they are causing a problem. However, approach the matter carefully if you think your neighbour might react angrily to a complaint.

If the problem continues, start a diary recording dates, times and cause of the noise, and the effects it has on you. Keep a record of any conversations you have or letters you write.

Most Conditions of Tenancy require that tenants do not cause nuisance to neighbours; a local authority or housing association should take action if a nuisance is being caused.

Noise disputes are often resolved informally. Legal action should be a last resort. Many areas have mediation services which can help you to resolve noise and other neighbour problems. Your local authority should be able to refer you to local mediation services, alternatively contact:

Mediation UK,  
Alexander House,  
Telephone Avenue,  
Bristol BS1 4BS  
Telephone 0117 904 6661

## **ACTION BY THE COUNCIL**

If the problem persists, contact your local Environmental Health Department for advice. Under Section 80 of the Environmental Protection Act 1990, they must take "all reasonable steps" to investigate your complaint. They may write to the person causing the nuisance saying that a complaint has been made, asking them to take any steps that may be necessary to reduce noise. If they believe a statutory nuisance is occurring or likely to occur or recur they must take action. A statutory nuisance is defined in the Environmental Protection Act 1990 as - "noise emitted from premises so as to be prejudicial to health or a nuisance".

If the noise continues, an Environmental Health Officer or Technical Officer should call, ideally at a time when you expect the noise to occur, to see whether in their judgement the noise is a statutory nuisance. They will consider the type of noise, how loud it is, how often and at what times it occurs. If the local authority is satisfied that a statutory noise nuisance exists they must issue a notice requiring the neighbour to stop causing the nuisance. If the person, without reasonable excuse, fails to comply with the notice, he or she is guilty of an offence and can be prosecuted. Local authorities also have the power to confiscate any equipment that is causing a noise nuisance - this is very effective!

### **TAKING YOUR OWN ACTION**

Some types of noise behaviour occur occasionally or at night. If it is not possible for an EHO to witness it they may not feel able to take action on behalf of someone who has made a complaint. If this happens you can take independent action by complaining direct to the Magistrates' Court under Section 82 of the Environmental Protection Act 1990. This is quite simple and need not cost much; you do not need to employ a solicitor, but it is advisable to obtain some legal advice.