

Noise nuisance



Noise from neighbours is a common source of disturbance and can be very upsetting, causing annoyance, lack of sleep, stress, and generally affecting quality of life. This booklet gives you guidance about what to do if you are being troubled by noise nuisance.

To report noise nuisance you can contact us any of the following ways:

- Call the Service Centre on: **020 7613 8080**
- Email: **asb@newlon.org.uk**
- Write to us at: Housing Services, Newlon Housing Trust, Newlon House, 4 Daneland Walk, Hale Village, London, N17 9FE

When is the level of noise unreasonable?

The largest cause of Anti-Social Behaviour reported to us is complaints about noisy neighbours. If left unresolved these cases can worsen leading to neighbours resorting to verbal abuse, harassment or criminal behaviour. Often people making the noise have no idea they are causing a disturbance because to them the noise is reasonable, or it may be that the neighbour is a shift worker or lives a different lifestyle from you.

Most of the complaints we receive are a result of barking dogs, loud music/TV, shouting, banging doors and DIY activities. Remember, no house or flat is totally soundproof – everyone should expect a reasonable degree of noise from neighbours. If you are being disturbed by noise from neighbours, it could be that:

- Your neighbours may be behaving unreasonably, for example playing loud music day or night or allowing their dog to bark all day.
- The noise is not unreasonable, for example there are small children playing or the washing machine is vibrating, but the 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 do not.

Tips for preventing noise

Have consideration for your neighbours. There are certain things you could do to minimise your noise such as:

- Have carpets and curtains as they absorb sound.
- Seek permission from us before changing the flooring unless laying carpet. Where laminate flooring is already laid and is causing noise nuisance to neighbours, we may ask you to remove the flooring as a solution to stop the noise. Our new tenancy agreement states that laminate flooring is not allowed.
- Keep the volume down on TVs and stereos.
- Consider using headphones when listening to music.
- Arrange speakers away from partition walls and the floor. If you are putting them near the floor, make sure they go on stands or something that insulates the sound. Also, make sure you turn the bass down. As a guide, if you close the door of the room where the music is playing and the music can still be heard in the adjacent rooms, it is likely that your neighbour can also hear it.
- Tell your neighbours if you are having a one-off party and give them some idea of when the party will end.
- Make sure your children are not too noisy and tell them of the effect noise can have on others, especially if you have small children who like jumping up and down.
- Make sure noisy household appliances such as the washing machine and vacuum cleaner are used at reasonable times and never between 11 p.m. to 7 a.m.
- Avoid doing noisy DIY activities after 9 p.m. and before 9 a.m. If neighbours have young children they will go to bed earlier so try to be considerate.

What should I do if I am being disturbed by noise from my neighbours?

Firstly, provided you feel comfortable to, approach your neighbour and explain politely that you are troubled by the noise. If it's appropriate you could invite them into your home so they can hear the noise for themselves. Most neighbours will be glad to do what they can to reduce the noise.

If the problem persists it is worth discussing the problem with our Service Centre. Most tenancy terms include a requirement that residents do not cause disturbance to neighbours. We can take action if serious disturbance is being caused.

What initial action can Newlon take to tackle noise nuisance?

- Ask you to complete an incident diary which is available on our website. Please contact us if you do not have access to the internet.

We would need to know things like the date and time of the incident, where it occurred, the source of the noise and details of any witnesses to the incident.

- Liaise with Residents' Associations.
- Offer basic advice to help stop noise nuisance.
- Encourage mediation.

If you feel it is difficult to try and resolve these problems, then mediation can help. You can be referred to professional mediators who can help you explore possible solutions to disputes. This service is free to residents. They will usually visit you and your neighbour separately to listen to what each of you has to say and help you decide what to do next. If everyone wants to meet, the mediator will help you and your neighbours to discuss the problem and find a solution. Mediators can also provide interpreters in cases where English is the second language for either resident.

- Send a letter reminding the offending resident to abide by their tenancy or lease terms.
- Arrange for a member of our enforcement team to carry out a visit within five days as a minimum (depending on the seriousness of the incident). The officer will visit the complainant and, where relevant, the perpetrator.

The visit is to help establish facts about what happened, assess what remedy is appropriate, establish if there were any witnesses and assess if you have any support needs as a result of the incident. Any decisions or actions from the visit will be mutually agreed and we will confirm our promise of action to you in a letter stating what will be done, by whom and by when it should be completed.

Statutory noise nuisance

There is legislation covering nuisance - including noise nuisance. The Government gives each council powers to deal with noise nuisance. Your local authority's Environmental Health Department deals with defined statutory noise nuisance. They are also known as 'Noise Control teams'. If a noise nuisance persists our Enforcement team will get together with the Noise Control team to examine the problem.

The main legislation covering noise nuisance is Section 79 of the Environmental Protection Act 1990 (as amended). This act 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 reoccur.

What constitutes a statutory noise 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 lawn mower used during the day.
- A baby crying, children playing or dogs barking occasionally.

Local authorities have no control over the following:

- Road traffic/revving engines on the public highway.
- People shouting or laughing on a public road or footpath.
- Air traffic noise.

Action to tackle proven statutory noise nuisance

Depending on the seriousness and type of nuisance, the following types of formal action can be taken to stop the nuisance:

- A formal warning letter can be sent to the resident causing the noise, saying that we will consider taking legal action if the noise does not stop.
- Under the Environmental Protection Act a local authority can serve an 'abatement notice' to the resident, telling them to stop the noise. If the noise continues, we move on to the second stage - summoning the resident to court to prove they have broken the terms of the 'abatement notice.' If the case is won, the court can fine the resident and charge them legal costs.
- Applying for an injunction. These are legal orders forbidding someone from doing something, including making unreasonable noise. Courts only use these for very serious problems. Normally this approach includes witnesses making statements or going to court. If the resident breaks the injunction they may face imprisonment. Please note that you are also able to apply for an injunction using Section 82 of the Environmental Protection Act 1990.

- Applying for an eviction order. Our tenancy terms and conditions prohibit causing nuisance to neighbours. If there is sufficient evidence to prove that a nuisance is being caused we can apply to the court for a 'possession order'. This can be used to evict the tenant who is causing the nuisance. Like the other forms of legal action, we will have to prove the nuisance is taking place which will usually include tenants who have been affected going to court as witnesses.

Will the perpetrator be told who reported the noise nuisance?

We will not reveal your identity to the alleged perpetrator without your permission but cannot guarantee assumptions will not be made. For example, if you live in a very small block of two flats and complain about loud noises it will be difficult to attempt to resolve a problem without revealing your identity.

What can I do if I am not happy with the way my problem has been handled?

If you are not confident that we are dealing with your problem adequately you can make a complaint in any of the following ways:

- Email us at: **serviceresolution@newlon.org.uk**
- Fill in the online complaints form on our website: **www.newlon.org.uk/residents/making-a-complaint**
- Call us on: **020 7613 8080**

Please check your local authority website for contact details for Environmental Health, the ASB and Noise Control/Pollution teams.

Arabic

إذا ما رغبت في الإطلاع على هذه المعلومات بلغتك الخاصة قم فضلاً بطلب ذلك من أحد أعضاء الطاقم.

Bengali

আপনি যদি এই তথ্য আপনার নিজের ভাষায় পেতে চান তাহলে কর্মচারীদের একজন সদস্যকে জিজ্ঞাসা করুন।

French

Si vous souhaitez ces informations dans votre langue maternelle, veuillez le demander à un membre du personnel.

Gujarati

જો તમને આ માહિતી તમારી પોતાની ભાષામાં જાણતી હોય તો સ્ટાફના સભ્યને પૂછવા વિનંતી

Somali

Haddii aad jeclaan lahayd in ay macluumaadkaani ku qoran yihiin luqadaada/afkaaga, fadlan weydiiso qof ka mid ah shaqaalaha.

Sorani

گەر ئەم زانیاریه بۆ زمانی خۆت دەخوازیت، تکایه داوا له ئەندامیکی ستاف بکه.

Spanish

Si desea recibir esta información en su idioma, pídasela a un miembro del personal.

Turkish

Bu bilginin konuştüğünüz dile çevrilmesini istiyorsanız, lütfen bir görevliye bildirin.

Vietnamese

Nếu quý vị muốn có thông tin này bằng tiếng Việt, xin hãy nhờ một nhân viên.

Urdu

اگر آپ یہ معلومات خود اپنی زبان میں حاصل کرنا چاہیں تو براہ کرم عملے کے کسی فرد سے کہیں۔

If you would like this information in large print, audio, Braille, any other language or format, please ask a member of staff.

Newlon Housing Trust
Newlon House, 4 Daneland Walk,
Hale Village, London, N17 9FE.
Tel: 020 7613 8080

Phone calls may be recorded for training and quality purposes.

Newlon Housing Trust is a charitable housing association.

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