

Advice for complainants on how we deal with noisy neighbours

The Law

Our investigations of complaints of noise nuisance are made under The Environmental Protection Act 1990. This Act says that we all have to expect and tolerate some noise from others around us, but if the noise is unreasonable we have power to take action against the person responsible for the source of the noise.

Nuisance of this type is called a “statutory nuisance”, and we assess it by considering a number of factors, including:

- The time of day it occurs
- How long it lasts for
- How often it happens
- How loud it is
- Could the noise be controlled?
- Is the noise targeted at someone?

The Act does not specify decibel levels at which a statutory nuisance will occur. Noise measurements may be taken to determine whether the noise is unreasonable, but it is the subjective assessment of the authorized officer that will decide whether formal action is needed.

If the noise affecting the complainant is so excessive that it would stop an average person doing their normal thing at the time it occurs we are required to serve an abatement notice.

An abatement notice requires the person it is served on to stop causing noise nuisance and prevent it happening again.

We are legally bound to assess whether noise would affect the average person, even if the complainant is used to unusually quiet surroundings, needs quiet or sleeps in the day-time. Some activities are usually not considered a statutory nuisance unless they are very extreme, including:

- Children playing or babies crying
- Doors banging or toilets flushing
- Using domestic appliances during the day
- Squeaky floorboards in flats

Other activities are defined in law as not being covered by this act, including:

- Traffic noise
- Noise from aircraft

Shouting and screaming will only be investigated in exceptional circumstances if the noise is likely to be excessive and unreasonable. For further advice please contact us.

REMEMBER:

IT IS INEVITABLE THAT WE WILL HEAR OUR NEAR NEIGHBOURS TO SOME EXTENT, BUT IT IS UNREASONABLE FOR THE BEHAVIOUR OF OTHERS TO INTRUDE INTO OUR LIVES EXCESSIVELY.



What You Can Do

Complaints may be made about noise from a variety of sources, including:

- Music & TV
- DIY
- Domestic Equipment
- Structural Noise
- Dogs
- Musical Instruments

Problems can often be resolved amicably by talking about the problem to the person concerned. Many people are not aware that they are causing a problem, and most people are happy to make slight changes to their behaviour so that they do not upset their neighbours. However, you should approach the matter carefully if you think that your neighbour might react angrily to your complaint.

How to approach your neighbour

People will often respond better to an approach from their neighbour than a letter from us. Try to approach your neighbour when they have time to listen and discuss the issue. Be polite, and expect to get back the effort you put in.

Do:

- Stay Calm.
- Focus on what is really the problem – not trivial matters.
- Listen to what your neighbour has to say.
- Offer to help, if you can – such as by exercising a dog.
- Try and provide ideas for what might help.

Don't:

- Lose your temper or be aggressive.
- Ask for anything unreasonable.
- Retaliate or threaten to retaliate.

If you are unable to come to an agreement on with your neighbour, we can investigate.



How we deal with a noise complaint

Our initial response will be to write to the complainant and the target of the complaint and advise them we are investigating. The purpose of these letters is to allow an opportunity for the source of the alleged noise to take any necessary steps to stop the noise causing further problems. It also allows the source to contact us to discuss the issues around the complaint in more detail.

Log sheets are provided for the complainant to complete and return so that the council can assess what action will be appropriate. You will be asked to keep a diary of what the noise is and how you are affected for approximately two weeks. **The more detail that is provided in these logs, the more likely we can resolve the complaint.** Logs must be returned by the date indicated, or the complaint will be closed. In some emergency cases we might not wait for logs to be returned, and officers will attend the complainant's property as soon as possible, or as soon as the noise is likely to occur.

Monitoring visits

If completed logs are received the investigating officer will assess the level of impact being caused and may arrange to visit you at a time the noise is likely to be occurring. Alternatively, the officer might install monitoring equipment for you to make high-quality recordings of the noise, or provide an out of hours telephone number, subject to staff availability.

Monitoring visits may also provide evidence that the noise being complained about is not sufficiently bad as to be a statutory nuisance, in which case our investigation will close, and both parties will be advised. It may still be possible for you to take private action through the courts, but we recommend that you seek legal advice before taking this approach.

A noise abatement notice:

If a statutory nuisance is witnessed, or recorded, the officer is required to serve an abatement notice. This notice will require the noise nuisance to be stopped, or reduced to an acceptable, reasonable level. If the person responsible doesn't comply with such a notice, officers may visit their home or business and take away equipment being used to cause the nuisance, including stereo systems, speakers, amplifiers etc. They are also likely to be prosecuted, and conviction carries a fine of up to £5,000, or £20,000 at commercial premises.

Working with other agencies:

If the source of the noise is a tenant of Cheltenham Borough Homes or another social landlord, we will work with them to investigate the complaint. In the event of us taking formal action it is highly likely that our evidence will be used by the landlord in their proceedings. This may lead to the tenant losing their tenancy and being evicted.

Other possible action, including anti-social behaviour:

Powers under the Anti-Social Behaviour Act are available to the council, police and social landlords that may be applied in cases of noise nuisance. These include:

- Civil Injunction
- Criminal Behaviour Order
- Community Protection Notice
- Closure Powers



The Restorative Meeting

In some circumstances, the council may recommend that the complaint is resolved using restorative methods, instead of a formal enforcement approach. The restorative approach to resolving disputes is designed to produce outcomes that allow neighbours to live together happily in the future and prevent disputes escalating. It is not intended to dwell on past issues or historic disputes, but the meeting gives all parties involved the opportunity to explain their actions and the effects of others.

All Cheltenham Borough Council Public Protection staff are trained to facilitate restorative meetings. Meetings take place in a safe environment and will involve family members who have been affected or who can make changes to the activities leading to complaints.

The meeting aims to agree outcomes which will be written down in an agreement that all those involved will be asked to sign.

Restorative approaches are arranged with the help of Restorative Gloucestershire, who have more information available [here](#).

**Public Protection
Cheltenham Borough Council, P.O Box 12,
Municipal Offices, Promenade, Cheltenham, Gloucestershire, GL50 1PP**

Phone: 01242 262626
Website: www.cheltenham.gov.uk

Email: ehbusinesssupport@cheltenham.gov.uk
Fax: 01242 264210

