

## **Advice on dealing with a noise complaint about you**

### **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

### **Advice to help control noise:**

Generally you should aim to show consideration and try putting yourself in your neighbour's shoes. Also try to respond reasonably to any requests to reduce noise.

### **Music & T.V**

**Lowering volume controls** as much as you can. Keeping stereos, TVs and speakers **away from walls** and **off the floor** will reduce noise levels. Use **headphones** whenever possible. Avoid styles of amplified music that can cause more problems than others due to **dominant bass beats** which can readily pass through building structures.

### **DIY & Building Work**

Ensure you do noisy work such as **DIY, mowing the lawn and using garden power tools** at a reasonable time, not early morning or late evening when the noise is likely to disturb your neighbours. For more advice on building work see our guidance, [here](#)

### **Domestic Equipment**

Try to site noisy household equipment such as **washing machines** and **dish washers** away from partition walls or place them on a carpet or rubber mat to reduce vibration. Avoid using noisy household equipment like washing machines and vacuum cleaners late at night or early in the morning as this can annoy your neighbours.

### **Structural Noise**

We generally do not recommend the use of **wooden or laminate flooring** in flats, but we cannot legally take action to prevent it. If you do have wood or laminate type flooring:

- Avoid wearing outdoor footwear on hard floor surfaces, particularly high heeled shoes.
- Use rugs, particularly above neighbour's bedrooms and living rooms.
- Fit felt pads under chairs and tables.

### **Dog barking**

If you own a dog, **train it not to bark** unnecessarily. Never leave your dog alone for long periods, ask a friend to exercise it during your absence. Make sure your dog is left food and water. Speak to your vet about ways to control barking. You are responsible for your dog, all the time, even if you aren't at home.

### **Musical Instruments**

If you play a **musical instrument** make sure you keep the volume down and the windows shut. Agree times to practice with your neighbours when you will cause least disturbance. If you use an amplifier, turn the volume down or, even better, use personal headphones.



## **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. The complainant will be asked to keep a diary of what the noise is and how they are affected for approximately two weeks. 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 the complainant at a time the noise is likely to be occurring. Alternatively, the officer might install monitoring equipment for the complainant 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 the complainant to take private action through the courts, but we recommend that they 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 you don't comply with such a notice, officers may visit your home and take away equipment being used to cause the nuisance, including stereo systems, speakers, amplifiers etc. You 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 you are 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 you losing your 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](#).

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