

Bothered by noise?



defra

Department for Environment
Food and Rural Affairs

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1. About this booklet

This booklet gives you useful information on how to deal with noise problems.

It is a fact of life that we all make noise: whether we are talking to others, playing music, entertaining, driving in our cars or just going about our daily business. What is a noise to one person may be pleasurable to another. But too much noise can reduce people's quality of life and, in some extreme cases, even destroy it entirely.

If noise is upsetting your life, this booklet can show you ways you may be able to deal with the problem.

This booklet is only a guide to neighbour noise issues. It is up to each person to think about the risk to their personal safety and property before approaching any situation.

This leaflet was developed in conjunction with an advertising campaign run by the environmental charity Encams in summer 2006. For more information on the campaign visit www.noiseconcern.org

Bothered by noise?

The advice here applies to England **only** and is a guide to your rights and what you can expect your local authority to do. It is not a full explanation of the law and should not be used for legal advice.

If you live in Scotland or Wales, you can get similar advice from:

Scottish Executive

Telephone: 08457 741 741

National Assembly for Wales

Telephone: 029 2082 3683

The penalties and fines mentioned in this text change from time to time.



2. Approaching your neighbour

Noise is normally thought of as unwanted sound. It could be too loud or just happen at the wrong time or without warning.

If you are concerned about noise coming from a neighbour's home, a local business, vehicles or equipment in the street, often the best way to deal with the problem is to go to the source.

Think about talking to the person or company responsible for the noise and explaining the problem. You may find that they don't know they are disturbing you. Remember, we may all be guilty of making noise at some time without knowing it.

Talking to your neighbour

It is important to approach your neighbour as soon as possible before the problem gets out of control. Many problems can be dealt with in a friendly way, without the need for further action.

You may be nervous about approaching your neighbour, but remember that they may not know that they are the source of a problem. Often they will be embarrassed about the nuisance they have been causing and will be more considerate in future.

Before you approach your neighbour, plan what you are going to say. Keep calm and

be pleasant – then they will be more likely to respond positively to your complaint.

Never approach your neighbour when the noise is actually happening. You are more likely to be angry and have an argument with them.

If it's late at night and your neighbour is playing music loudly or having a party, they may have been drinking alcohol. If this is the case, they are less likely to understand your point of view and may think you are just trying to spoil their fun.

Be careful

Before you approach your neighbour, it is important to think about the risk to your personal safety and property. If you feel frightened or intimidated by your neighbour and you are worried that they may be aggressive, approaching them to complain may not be the best option for you.

If this is the case, check whether your neighbours rent the property. You could talk to their landlord. When people agree to rent, they normally have to agree not to cause nuisance to neighbours; a local authority or housing association should take action if a nuisance is being caused.

Use a go-between

If the direct approach does not work, you could use a go-between or 'mediator'. Someone like this can listen to the views of both sides and can help you reach an agreement.

To find out about mediators in your area, call Mediation UK on 0117 904 6661. Most neighbour mediation is free and is done by specially trained volunteers.

Taking formal action

When talking to your neighbour is not possible or doesn't work, you can deal with noise problems by taking formal action, such as:

- complaining to your local authority
- complaining to a magistrates' court.



3. Complaining to your local authority

If talking doesn't work, the most common kind of formal action is complaining to your local authority about the noise problem.

Local authorities have a wide range of legal powers to act against noise and noisy neighbours. Under the law, local authorities have a duty to deal with any noise that they consider to be what's known as a **'statutory nuisance'**. In general terms, this means that they can deal with most problems of noise where an individual's behaviour is concerned.

It is a council's duty to take reasonable steps to investigate complaints about noise coming from the following:

- land (such as construction sites);
- buildings;
- vehicles (excluding general traffic noise); or
- machinery or equipment in the street, such as construction equipment, roadworks and outdoor sound equipment.

Under the Noise Act 1996 and the Environmental Protection Act 1990, the council's powers to seize equipment are set out in detail. They are able to seize noise-making equipment and issue financial penalties to those responsible.

What do you do to complain?

To complain about noise, do **not** contact emergency services on 999. You should contact your local authority, usually the environmental health department. The number will be in your local telephone directory.

If they visit or witness the noise and agree that it is a statutory nuisance, they must take immediate action. If the noise happens from time to time, they may ask you to keep a diary of when the noise happens, or leave equipment to record it. Sometimes they will measure the noise as part of their investigation into a complaint. There is no set level at which noise becomes a statutory nuisance.



How a local authority can act on noise

If the local authority thinks that the noise is a statutory nuisance, or that a statutory nuisance is likely to occur or recur, they must serve an **abatement notice** – which is an order to deal with the nuisance.

This may demand that the noise stops altogether or only happens at certain times of the day. A person can appeal against an abatement notice within 21 days of it being served.

A local authority can put off serving an abatement notice for up to seven days from when they decide that a statutory nuisance exists. This might be so that they can try to talk to your neighbour about the problem or so that they can use other legal powers.



Your local authority has to take steps to deal with the issue within the seven days. If these don't work, the local authority must serve an abatement notice.

If the noise continues

If a person receives an abatement notice but carries on making noise without a good reason, they will have committed an offence. The courts and the police have a range of powers they can use to punish the offender.

Courts can impose fines of up to £5,000 for individuals and £20,000 for businesses.

In certain circumstances, where the noise maker is aggressive or violent, local authorities can work with police to issue an anti-social behaviour order, which aims to stop an individual behaving anti-socially.

For more information, go to:

www.crimereduction.gov.uk/asbos9.htm

TOGETHER is a campaign across England and Wales that takes a stand against anti-social behaviour and puts the needs of the local community first. The TOGETHER ActionLine is available every weekday on 0870 220 2000, to provide information and discuss solutions and best practice to help organisations tackle anti-social behaviour throughout England and Wales.

The ActionLine can also be contacted at:
Together@homeoffice.gsi.gov.uk

ASBOs would not be the first step in a case where noise nuisance is the main problem. However, they are a way of tackling more serious anti-social behaviour, which may include making noise.

Complaints about the local authority

Your local authority aims to work with you to resolve noise problems.

If you are unhappy about the way they have handled the case, find out about the formal complaints procedure of your local council and make your complaint.

You can also complain to the Chief Executive Officer of the local authority or talk to your local councillor.

If you are still not satisfied about the way your complaint has been handled, you can

ask the independent Local Government Ombudsman to look into your case. In certain circumstances, they may investigate complaints against local authorities and use their powers to check that the local authority followed the correct procedure under legislation.

For further information please call their advice line number 0845 602 1983 or go to their website www.lgo.org.uk



4. Complaining to a magistrates' court

If, for whatever reason, the local authority does not take action, or if you do not wish to involve them, you can complain about a noise problem direct to a magistrates' court. The magistrates' court will need to be persuaded that the noise problem amounts to a statutory nuisance.

It is important that you keep a written record of the dates, times and duration of the noise, as well as a description of it and the distress it causes you. Before you complain to a magistrates' court, you should take the steps described in the section 'Approaching your neighbour', on page 5.

The first step to take when thinking about taking action through a magistrates' court is to seek advice from the clerk at the court. Before you start legal proceedings, you are required to write to the noise maker and explain that you intend to take legal action. The noise maker must receive three days' written notice before you begin proceedings.

What happens at court?

If you win the court case, the court will issue an order telling the offender to stop the noise nuisance and what they have to do to achieve this. The court may also give the noise maker a fine.

If the court finds that the nuisance existed at the date of making the complaint, they may award you the reasonable costs incurred by you in bringing the action against the noise maker. If you do not win, you may have to pay your own costs and the costs of the person you have taken to court.

What if the noise carries on?

If someone breaks the rules of an abatement order and carries on making noise without a reasonable excuse, they will be guilty of an offence and can be fined.



5. Useful contacts

Defra

Because of concern about neighbourhood noise, Defra (Department for Environment, Food and Rural Affairs) is conducting research into this area, looking at ways to raise awareness of the problem and influence behaviour.

Defra works closely with other Government departments and outside organisations. However, it does not have the legal powers to investigate individual complaints about noise nuisance. A range of leaflets on noise is available, including one on nuisance dog barking.

For further information on Defra noise policy and for more contact details, including those for a number of noise campaign groups, go to: www.defra.gov.uk/environment/noise

For more information, please contact the Defra Helpline by telephone (9am to 5pm Monday to Friday) on 08459 33 55 77 or by e-mail at: helpline@defra.gsi.gov.uk or write to: Defra Customer Contact Unit, Eastbury House, 30–34 Albert Embankment, London SE1 7TL

Encams

Encams is an environmental charity which runs campaigns to change people's behaviour on issues such as noise. In summer 2006, Encams ran an advertising campaign to raise awareness of the issue of noisy neighbours and encourage neighbours where possible to talk about their problems rather than take formal action.

For more information on the campaign, and to order campaign posters, visit:
www.noiseconcern.org

DirectGov

Directgov is a website brings together the widest range of public service information and services online. Directgov provides information from across UK Government departments on noise and noisy neighbours. The site offers helpful suggestions on how to solve noise problems, including the use of a mediator and how to find legal advice.

Go online at: www.direct.gov.uk

Other useful contacts

Noise Abatement Society

44 Grand Parade,
Brighton, BN2 2QA

Noise Helpline: 01273 682223

E-mail: nas@noiseabatementociety.fsnet.co.uk

Web: www.noiseabatementociety.com

The Noise Abatement Society gives advice and information about noise related issues.

National Society for Clean Air and the Environment (NSCA)

44 Grand Parade,
Brighton, BN2 2QA

Tel: 01273 878770

Fax: 01273 606626

Web: www.nasca.org.uk

NSCA is the environmental protection charity supported by pollution control professionals. We are working towards better management and reduction of noise problems through policy development and education.

United Kingdom Noise Association (UKNA)

Broken Wharf House,
2 Broken Wharf
London, EC4V 3DT
Tel: 020 7329 0774
Web: www.ukna.org.uk

The UK Noise Association campaigns for policies to reduce noise. It also provides a Noise Resource Service.

Noise Network

277 Lordswood Lane,
Chatham, Kent, ME5 8JU
Tel: 01634 316542
E-mail: info@ukna.org.uk

Noise Network is a campaign with expertise in neighbour noise issues.



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