

NEIGHBOUR NOISE

Neighbour noise problems

Noise from neighbours is a common source of disturbance. Everyone can expect some noise from the people who live near them from time to time. This can happen for the following reasons:

- Your neighbours are going about their normal day to day activities but the sound insulation between your property and theirs is poor.
- Some people are sensitive to different types of noise.
- Your neighbours are behaving unreasonably or causing noise that is unreasonable, for example, because it is late at night.

What can you do?

The best course of action is normally to speak to the person causing the noise problem. Explain politely what the problem is and how it is affecting you. They may be unaware of the problem and in most cases are likely to be willing to try to deal with the issue.

If the problem continues, start a diary and record dates and times of the noise and the effect it has on you. After a week or two, depending on how often the problem is occurring, send your diary sheets to the Environmental Protection Team at North Hertfordshire District Council and we will investigate your complaint.

If you are aware that your neighbour is a tenant, you can also contact their landlord, or housing manager if their is a housing association. The landlord may be able to take action under the terms of the tenancy agreement.

Resolving noise complaints

Most noise disputes are resolved informally. Legal action will normally be a last resort because it is expensive, usually takes a long time and is likely to sour relationships.

In some cases, mediation can be an option. This involves discussions between yourself, the person causing the noise and an independent facilitator who will try to help you and the other party reach agreement about the issue. It can help find a solution to the problem whilst helping maintain a reasonable relationship between you and your neighbour.

Action by the Council

The Council has a legal duty to investigate complaints about noise under the Environmental Protection Act 1990 and must take "all reasonable steps" to do so. We have a policy that sets out how we deal with noise and nuisance complaints, which is available on the Council's website.

How we investigate complaints depends on the nature of the case but typically might have the following stages:

- Person complaining is asked to complete diary sheets to provide initial evidence of the nature, times and duration of the problem.
- A letter is sent to the person causing the problem making them aware of the issue and asking them to take steps to reduce or stop the noise occurring.
- If the problem continues, a Council officer will visit to try to witness the noise and may install noise monitoring equipment to record the noise. If the problem is occurring during the daytime, normally, three visits will be made at times when the noise is occurring.
- If the officer confirms that there is a statutory noise nuisance, a formal warning (abatement) notice will be served giving the person causing the problem a time period in which to stop the nuisance.
- If the noise problem continues, the Council can prosecute the person on whom the notice was served or take other action to stop the problem occurring, e.g. seizing noise making equipment.
- In some instances, although you are being disturbed by noise from the neighbour, a nuisance cannot be confirmed after the investigation has been carried out. We will give you advice on alternative measures that you might want to consider
- Where the investigation concludes that the noise you are experiencing is due to the lack of sound insulation the Council cannot take any further formal action.

Taking your own action

Section 82 Environmental Protection Act 1990 allows you to take your own legal action by making an application directly to a magistrates court. There is more information about how to do this on the Council's website.

Anti-social behaviour

Noise can be part of a wider issue of anti-social behaviour. The Environmental Protection Team works closely with the Council's Anti-Social Behaviour Officer, the Police and other agencies in such cases. Even if we can not show that there is a statutory noise nuisance, the evidence that we gather from our investigations may be used by other agencies to deal with a wider problem.

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