



# Dealing with neighbour noise

Calderdale Metropolitan Borough Council  
Environmental Health  
Housing and Environment Services  
Northgate House  
Halifax  
HX1 1UN

## About this leaflet

This leaflet gives you useful information on how to deal with noise from neighbours. It provides advice on the steps you can take to resolve the problem and also outlines what the Council can do to help.

Sound plays an essential and useful part of our every day lives. It allows us to communicate with each other, it provides enjoyable experiences such as listening to music, and it can alert and warn us such as a ringing telephone or a sounding car horn. However it is when that sound is no longer perceived as necessary, welcome or pleasurable that it becomes a problem and we regard it as noise. Noise is basically unwanted sound.

Living next door to someone who is creating excessive noise cannot only be annoying but it can adversely affect your quality of life. We find that people tend to complain about noise when it is either too loud, too intrusive, occurs at the wrong time or suddenly and unexpectedly.

We receive on approximately 1500 complaints a year in relation to neighbour noise concerning many activities including loud music and TV's, barking dogs, DIY activities, shouting and banging doors.

Living as we do in close proximity to each other it is inevitable that occasionally we will all be bothered by noise from neighbours and to some degree we have to accept it as being part of everyday life. However it is when that noise is unreasonable and excessive that it causes concern and where the law can help. A balance has to be struck between the rights of individuals to do as they wish in their own property and the rights of neighbours to expect reasonably quiet enjoyment of their property. Many of these complaints can be resolved by neighbours being reasonable and considerate toward each other by not making too much noise on the one hand and not expecting total peace and quiet on the other.

## Informal Approach

### Talk to your neighbour

We suggest that you should try to talk to your neighbour in the first instance; they may be unaware of the effect their activities are having on you and a quiet word may be all that is required to resolve the matter.

Here are a few tips which may help you:

- Before approaching your neighbour **consider any risks to your personal safety** and property. Do not approach them if you feel frightened, intimidated or you feel they may be aggressive toward you. If the occupants of the property are tenants you may consider approaching the landlord instead as the tenants may be breaching their tenancy agreement by causing nuisance.
- **Do not approach them when the noise is occurring.** For example if your neighbours are having a party and it is in full swing they may not take kindly to what they perceive as interference, even though they are disturbing you. You are more likely to get the outcome you want if you discuss it at a time which is convenient for them.

- **Chose a convenient time.** An initial approach may be “Could we have a chat about a problem I’ve got as I think you may be able to help, when is the best time for you?”
- **Prior to the meeting** think about what you are going to say and the outcome you would like to achieve. Also think about any and any possible compromises you may accept. You need to have a clear and concise view of exactly what the problem is from the outset.
- **At the meeting** you need to put forward your concerns in a calm and rational manner, try not to blame or accuse your neighbour of irresponsible behaviour. Clearly you should not shout, use bad or abusive language or threaten any type of retaliation.
- **Be patient and listen carefully** to what your neighbour has to say, giving them plenty of time to express their view. Try to understand fully what they are saying and do not make assumptions as to what they may be thinking.
- **Be prepared to accept different lifestyles and attitudes.** Everybody is different and has different values and just because those values may not reflect yours it does not necessarily mean they are wrong. Let them say what they think about the problem but do not be afraid of making your view known about what is causing you concern in a clear and concise manner.
- **Try to adopt a conciliatory approach** to the problem by attempting to resolve it in an amicable way such that you can remain on speaking terms.
- Be prepared to **consider alternative solutions** to the problem suggested by your neighbour. You may not have thought of these solutions yourself but they may stand a better chance of working if they are not too inconvenient for your neighbour to implement. Solutions that are too restrictive or onerous are unlikely to work.
- It is important to **mention all the issues** at the meeting. Do not avoid talking about any particularly difficult or contentious matters. If you don’t your neighbour may get the impression the problem is not as bad as it really is.
- **Stick to the point** and do not introduce unrelated neighbour problems that may have occurred previously that may have upset you. E.g. they had a noisy party some years ago and you didn’t mention it at the time.
- Finally, **be reasonable.** If your neighbour offers to make concessions and take positive steps to resolve the matter see if you can do the same. However do not rush into making an unsatisfactory agreement that you can’t live with just because you find it difficult or embarrassing having the discussion. Both parties need to be happy with the outcome if it is to work.

We suggest you make a brief note of the meeting including the date and time, what was said and by whom and what agreement was reached.

If the situation does not improve following the meeting we suggest you put your complaint in writing in a polite and courteous manner, outlining the problem, referring to the meeting and again requesting a reduction in the noise. You should keep a copy of any documentation for future reference.

### **Write to your neighbour**

Whilst we feel the best solution to deal with a neighbour noise problem is to speak to your neighbour we recognise this is not always possible for a number of reasons. An alternative

may be to send a friendly letter in the first instance. We have produced a sample letter which you can amend accordingly and is available on the Council's web site.

## **Mediation Services**

Mediation can sometimes provide a solution to neighbour noise problems. Unfortunately there are no free mediation services in Calderdale that deal with neighbour noise.

## **Talk to us**

If you are struggling to find a solution to your noise problem you may wish to contact us for advice prior to making a formal complaint. We can discuss the circumstances of your complaint and we may be able to give you advice as to whether we think your complaint is reasonable and justified and worth pursuing further. Making a formal complaint will affect the relationship you have with your neighbour so it is best to take this into account before taking formal action.

## **Formal Approach**

If the informal approach fails or you decide that the informal approach is not for you then you have two options; either complain to the Council or make a complaint to the Magistrates' Court.

The law of statutory nuisance, which is the legislation that applies to noise nuisance, allows formal action to be taken by either a local authority or by an individual person. However before deciding on this course of action you should ask yourself whether you are prepared to appear in court as either action could result in you being required to make a court appearance. Taking a formal approach to resolving the matter will also place a strain on your relationship with your neighbour.

## **The law relating to noise nuisance**

The Environmental Protection Act 1990 contains the main provisions with regard to noise nuisance. Section 79 of the Act places a duty on the Council, as the local authority, to take all reasonable steps to investigate noise complaints.

If the investigation reveals that the noise amounts to a **statutory nuisance** then under section 80 of the Act we have to serve an abatement notice requiring the noise to be either stopped altogether; reduced to a satisfactory level or limited to certain times of the day. A person served with a noise abatement notice can appeal the notice within 21 days from it being served. If they do not comply with the terms of the notice, without a reasonable excuse, then they are guilty of an offence and can be prosecuted. The maximum fine for an offence on domestic premises is currently £5000.

The Council does not have any powers to require noise to be stopped immediately without first determining the noise amounts to a nuisance and then serving a noise abatement notice.

The law recognises that in certain cases it may be difficult for the local authority to obtain sufficient evidence to take formal action irrespective of undertaking a proper investigation.

This may be due to us not being able to hear the noise, or that we have not heard the noise often enough or that we feel that your particular complaint is best dealt with by a private action.

For these reasons Section 82 of the Act gives you the right to make a complaint directly to the Magistrates' Court. You can do this by either making the complaint yourself or by using a solicitor. A separate leaflet, 'How to take private action against nuisances' is available on the Council web site, which explains more fully the procedure for taking your own private nuisance action.

### **When does noise become a noise nuisance?**

For any type of noise to be regarded as a **statutory noise nuisance** it must significantly interfere with an average person's use or enjoyment of their land or property. To help us determine this we have regard to not only the level of noise, but how annoying it is, when it occurs and for how long and also how reasonable it is to make the noise. We cannot take into account the views of people who may be particularly sensitive or have unrealistic expectations.

### **How to complain to the Council**

If you decide to complain to the Council you can do this by making a complaint to Environmental Health Service, contact details can be found at the back of this leaflet. We will require the following information:

- Your name, address and telephone number
- Address of where the noise is coming from
- Type of noise
- How long ago it first started (i.e. last week/month/year; whether it may cease shortly e.g. DIY)
- The time of day or night it occurs (dates and times of recent occurrences would help)
- How long the noise lasts when it occurs
- How often it occurs
- Details of any action you have taken

Every effort is taken to keep the details of your complaint confidential; however the circumstances of your complaint may be such that it is apparent who has complained. The person you have complained about may also approach you in an attempt to find out who has made the complaint. In addition, if the Council decides to take legal action you may be required to appear in court as a witness.

### **What you can expect from the Council**

Having made your complaint, under normal circumstances, a letter will be sent out on the same day to the person complained about drawing their attention to the complaint, explaining the legislation and requesting steps are taken to reduce the noise. If the complaint is made outside normal office hours or at weekends or bank holidays the letter will be sent out the next working day. In certain circumstances the Environmental Health

Officer may decide that it is more appropriate to visit the person complained about instead of sending a letter.

At the same time the letter is sent to the person complained about, you will be sent a letter explaining the procedure and requesting you to keep a record of any further incidents of disturbance on a noise incident log sheet. This record may be used if legal action is taken at a later date and therefore should be an accurate record of events. Details of how to complete the record are contained on the noise incident log. It is suggested that you keep the noise incident log for at least 2 weeks before submitting it, however you can keep it for a longer period as sometimes the situation improves initially but then deteriorates over time. The completed noise incident log should be submitted to Environmental Health Service.

The Environmental Health Officer will examine the log and if it is considered further action is required then a visit will be made to the alleged offender. This should take place within 7 working days of you submitting your log. We will explain the details of the complaint, the measures which have to be taken to moderate the noise and the consequences if measures are not taken. If after this initial visit you are still disturbed by the noise you should continue to keep the noise incident log on the additional sheets provided and inform the Environmental Health Officer of the situation. Arrangements will then be made to either visit you at a time when the noise is likely to be heard or to install the noise monitoring equipment, which allows the monitoring of noises occurring intermittently or at times when an officer is unable to attend.

### **Taking enforcement action**

If after assessing the evidence gathered by monitoring the noise, the Environmental Health Officer is of opinion the noise amounts to a statutory nuisance then a noise abatement notice will be served on the person or persons responsible for causing the problem. There is no set noise level, duration or time of day at which a noise becomes a statutory nuisance, it depends on a variety of issues but the level of noise, time of occurrence and behaviour of the alleged offenders are all important factors. The noise abatement notice will specify what action or measures should be taken to comply with the requirements of the notice and if works are specified then a period of time will be allowed for them to be undertaken. Failure to comply with a notice is a criminal offence and the person on whom the notice is served can be prosecuted.

If the noise continues after the service of the noise abatement notice then consideration will be given to taking further enforcement action. We will have regard to the guidance in the Environmental Health Enforcement Policy, a copy of which can be found on the Council's web site. In certain circumstances where significant and/or frequent breaches of the notice occur, consideration will be given to seeking a warrant from the Magistrates' Court to enter the premises and seize the equipment responsible for causing the noise nuisance. The offender may be prosecuted and the Magistrates may be requested to make a deprivation order, permanently confiscating the equipment. In other situations we may issue a simple caution or prosecute the person responsible.

There will be occasions where the Council is unable to take action, particularly where the noise occurs intermittently or it is not judged to be a nuisance. If it is decided the Council cannot take formal action then advice is available on taking a private action, should you so wish.

## **How long will it take?**

It is the Council's aim to resolve the majority of noise complaints within 40 working days. Some requests will be resolved within a few days whereas other more involved complaints where formal enforcement action is taken will take longer. The Environmental Health Officer will keep you informed of the progress being made in relation to your complaint at the various stages of the investigation.

If you are unhappy with the service you have received in relation to the investigation of your complaint or you feel you have not been treated properly you can, in the first instance, complain to the a senior officer of the Environmental Health Service. If the problem is still not resolved to your satisfaction you have the right to make an Official Complaint using the Council's Official Complaints Procedure. A form can be obtained from the address below or from the Council's web site.

If you would like any further information about neighbour noise or any environmental noise matter please contact the address below.

### **Contact Details:**

Environmental Health Section  
Housing and Environment Service  
Directorate of Economy and Environment  
Northgate House  
Northgate Halifax  
HX1 1UN

Telephone: 01422 288002

E mail: [customer.first@calderdale.gov.uk](mailto:customer.first@calderdale.gov.uk)

On line: [www.calderdale.gov.uk](http://www.calderdale.gov.uk) - Request a service - report noise pollution