



NEIGHBOUR NOISE

a guide for the public





NEIGHBOUR NOISE

a guide for the public

contents	page
INTRODUCTION	2
NEIGHBOUR NOISE AND THE LAW	3
WHAT SHOULD I DO IF I EXPERIENCE A PROBLEM WITH NOISY NEIGHBOURS?	5
WHAT IS ENCAMS DOING ON BEHALF OF DEFRA TO ADDRESS NOISY NEIGHBOURS?	7
FURTHER SOURCES OF INFORMATION	9

NEIGHBOUR NOISE

Introduction

Neighbour noise can occur anywhere and to anyone. It is considered a problem to some extent by one in three people (29%) in England, and a serious problem by one in 12 (8%). Therefore, for a significant minority of the population neighbourhood noise is an issue that reduces their quality of life and in some cases, can even destroy it entirely.

What is noise?

Noise is 'sound which is undesired by the recipient'. In other words noise can be any sound which intrudes or disturbs or annoys.

Sound is measured in decibels but volume is not the only thing that can affect our response to sound. Unexpected sound, repetitive bass beats, screeches or whines can make noises more annoying.

How is noise measured?

Sound levels are measured in decibels (dBA), which is a logarithmic scale. However, in relation to environmental noise enforcement sound is usually measured in 'A' weighted decibels (dBA). The A-weighted decibel is used because it broadly reflects the sensitivity of the human ear across the frequency spectrum. The table below is a guide to the relative sound levels of common noises at particular distances. These are not absolute levels, but give an indication of the relative ranking of everyday sounds. Factors such as machine age, distance, intervening screens etc. can all influence the sound level.

DECIBELS	NOISE	THRESHOLD OF HEARING
10	Breathing, leaves rustling	
40	Refrigerator, quiet living room, library	
70	Washing machine, dishwasher, television, alarm clock	
85/90	Heavy traffic, shouting, food processor	Prolonged exposure above 85 dBA can damage hearing
110	Football crowd, personal stereo, car horn, baby crying, action film, symphony concert	
130	Pneumatic drill, stock car racing	
150	Balloon pop, gunshot, artillery fire	

NEIGH AND

What is considered acceptable neighbour noise?

Sound is essential to our daily lives whether we are talking to others, playing music, entertaining, driving in our cars or just going about our daily business. What is considered a noise to one person may be pleasurable to another, which often makes noise 'nuisance' difficult to establish. Generally speaking however, if the average person would consider something unreasonable, a court may be satisfied that it is a statutory nuisance.

What are the most common neighbour noises?

Noises made by neighbours inside their home appear to be most significant. Loud music (excluding parties) and shouting/arguments are the most widespread causes of disturbance. These are closely followed by banging/loud noises and children.

Noises made by neighbours outside are less widespread, although pets (in particular barking dogs), cars/motorbikes and car/house alarms are still significant.

Problem noises vary considerably according to local and personal circumstances. For example, noise from fireworks is a problem among older people, children and animals. Problems with loud music are more common for people living in flats as opposed to detached houses, whose residents are more concerned with noises from pets and cars/motorbikes.

When informal action i.e. talking to your neighbour is not possible or fails, you can seek to resolve the problem via mediation. If such approaches do not succeed the most common route would involve complaining to the environmental health department of your local authority about the noise problem. Under sections 79-81 of the Environmental Protection Act 1990 local authorities have a duty to deal with any noise which they consider to be a statutory nuisance.

There are a number of measures which local authorities can use to tackle neighbour nuisance problems, including noise nuisance. All landlords, whether social or private, have powers to take action against tenants who are breaching relevant conditions of their tenancy agreement. This may include injunctions, which can be highly effective preventive measures. Injunctions can reduce the nuisance caused whilst allowing people to keep their homes. Social landlords (local authorities and housing associations) can ask the courts to attach a power of arrest to such injunctions if there is violence, or a threat of violence. Eviction remains the ultimate sanction to be used by landlords against those who will not reform their behaviour and who continue to make neighbours' lives a misery.

BOUR NOISE

THE LAW

A local authority may try to resolve a neighbour noise problem informally. If this fails and they are satisfied that the noise amounts to a statutory nuisance they must serve an abatement notice. This may require the noise to be stopped altogether, reduced or limited to certain times of the day. A notice must be served on the person responsible for the noise and they have the right to appeal within 21 days of it being served.

If a person on whom an abatement notice has been served fails, without reasonable cause, to comply, he or she will have committed an offence. For offences relating to domestic premises and private vehicles, the magistrates' court may impose a fine of £5,000 with a further fine of up to £500 for each day the offence continues after conviction.

Using codes of practice

Codes of practice give advice about the minimisation of noisy activities that commonly lead to problems. For example, local authorities in have special discretionary powers to help them deal with burglar alarms that ring for more than one hour, giving rise to annoyance.

Using these powers, alarms in the area must have a 20-minute cut-out device and the local authority can enter premises to deactivate an alarm if necessary. When this happens a warrant has to be obtained for entry and the local authority officer must be accompanied by a police officer.



The Crime and Disorder Act 1988 requires all local authorities and the police to develop and implement strategies for reducing crime and disorder at a local level. In serious cases, the Act also allows local authorities and the police to seek anti-social behaviour orders (ASBOs) against any resident, not just a tenant, who is causing harassment, alarm and distress to others. In cases where noise nuisance is the main problem, issuing an ASBO is not the most appropriate action but where noise is part of much wider anti-social behaviour, it can be an effective tool.

WHAT SHOULD I DO IF I NOISY NEIGHBOURS?

A quiet word about noise

If you are concerned about the level of noise coming from a neighbour's home, often the best way to deal with the problem is to go to the source. Consider talking to the person responsible for the noise and point out the problem. If you do not feel confident in taking this form of action you may wish to ask a friend or relative to do this on your behalf. It may be helpful to prepare for this discussion by thinking how you would want to be approached if you were the noisemaker. You may find that your neighbour is completely unaware that they are disturbing you. The problem is not always related to inconsiderate behaviour.

Mediation

If you have tried to speak to your neighbour about noise and it does not solve the problem then you might want to consider mediation. This is where a third party will listen to the views of both neighbours and help them to reach an agreement or compromise. You can obtain details about the location of services from Mediation UK on 0117 9046661. Some local authorities also offer their own mediation services.

Case Study

When a family living in a housing association property complained to their housing officer about excessive noise from next door, he suggested that mediation might help. With the family's permission, he referred their case to the local mediation service.

Once the mediation office had assigned the case, two mediators visited the family at home to discuss how they might help. The family explained that their next door neighbour, a woman who lived alone with her four children, was not in control of them. The children argued, swore and banged about when they were at home, and often late into the night. They also complained that the mother made a lot of noise herself, often losing her temper and swearing at her children when telling them off.

Having checked that the family were happy for them to visit their neighbour, the mediators contacted the next door family to arrange a meeting. At that meeting, the mother agreed that there was an excessive amount of noise but explained that there was very little that she could do about it. Her children, and particularly her eldest, were out of control. She was very upset by the complaints made against her because she was fearful of being evicted, on top of all her other difficulties.

EXPERIENCE A PROBLEM WITH

Both sides agreed that they wanted to sort out the problem and that they were willing to come together to try and find a solution. Although it was hard to set up a face-to-face meeting, this resulted in an increased understanding of each other's situations. Together, the two families shaped an agreement, including some practical solutions to the problems, which was written down and signed by both.

By the end of the mediation, the hostility between the two families had completely gone. And although the noise problems were still present, both sides were optimistic that it would lessen.

Taking formal action

When informal action is not possible or it has failed then you can take formal action to solve the problem of neighbour noise. This involves complaining to your local authority, who have a duty to investigate complaints. If an environmental health officer visits to witness the noise and they are satisfied that it is causing a statutory nuisance then they must take action to resolve the situation. If the noise is intermittent, then they are likely to ask you to keep details of when the noise occurs. This



involves filling in a diary sheet for the local authority. Alternatively they may decide to leave equipment inside your house to record the noise over a set period of time. If other local neighbours are also disturbed by the noise, and willing to discuss this with the local authority, this can also act as useful corroborative evidence.

WHAT IS ENCAMS DOING ON BEHALF OF DEFRA TO

Background

Research has shown that in England as many as one in three people are affected by noisy neighbours. As part of a more strategic approach to neighbour noise, DEFRA asked ENCAMS to run a pilot campaign in 2003 to look at the problem of domestic noise. ENCAMS is already working on campaigns linked to anti-social behaviour.

ENCAMS believes a percentage of people are unlikely to complain to their council because they feel isolated in their suffering and do not believe that anyone can resolve the situation. These noise sufferers are very distressed and have become 'resigned victims' because they have no faith in the system helping them.

In the pilot campaign ENCAMS decided to test how to get more people to report the problem of noisy neighbours to their council and how the council could best deal with these complaints to increase customer satisfaction.

As domestic noise is predominantly a problem during the summer months ENCAMS ran their campaign for a four-week period during the month of July. Stoke-on-Trent City Council and Leeds City Council were approached to be involved in the pilot, due to the suitable geography of these two areas - both are self-contained cities and have a prevalence of high-density housing.

Methodology

Leeds City Council already operated a dedicated 24-hour hotline for noise sufferers and since this system had been introduced they had received a 100% increase in the number of noise complaints. ENCAMS used the pilot campaign to test whether awareness of the 24-hour hotline could be increased, thereby raising the threshold for this service. Stoke-on-Trent City Council did not offer a call-out service and was keen to test whether it was required. By using these two councils ENCAMS was able to compare and contrast different levels of noise service.

During the month of July ENCAMS operated an independent 24-hour hotline number for noise sufferers. Any calls received were then immediately passed on to the relevant council whose staff contacted the complainant within a target time of one hour to establish whether they required someone from the council to visit them immediately. In Leeds a call-out service was already in place and environmental health officers were able to visit the noisemaker and issue a noise abatement order if required. In Stoke-on-Trent, however, a team of Group 4 officers operated a patrol and response service during the campaign period. As security officers they did not have the same jurisdiction as environmental health officers and their role was to approach the noisy neighbour and issue them with a warning which would be followed up by the council the following day.

ADDRESS NOISE?

Advertising

ENCAMS decided to test several different advertising channels including regional radio and poster advertising on bus shelters and billboards. The pilot involved flooding Leeds and Stoke-on-Trent with advertising messages, specifically targeting high-density housing areas that are more susceptible to domestic noise.



Example of poster advertising



FURTHER SOURCES OF INFORMATION

GOVERNMENT

Department for Environment, Food and Rural Affairs

Noise and Nuisance Policy

Tel: 020 7944 6307

noise@defra.gov.uk

www.defra.gov.uk

Department of Health

www.doh.gov.uk/hef/airpol/noise.htm

Tel: 020 7972 5118

Environment Agency

www.environment-agency.gov.uk

Tel: 01925 653 999

Health and Safety Executive

www.hse.gov.uk

Tel: 08701 545 500

Highways Agency

www.highways.gov.uk

Tel: 08457 504030

INSTITUTIONS AND ORGANISATIONS

Association of Noise Consultants

www.association-of-noise-consultants.co.uk/

Tel: 01763 852958

Chartered Institute of Environmental Health

www.cieh.org.uk/

Tel: 020 7928 6006

Mediation UK

www.mediationuk.org.uk

Tel: 0117 904 6661

ENVIRONMENTAL ACTION GROUPS

National Society for Clean Air

www.nsca.org.uk

Tel: 01273 878770

Noise Network

www.superscript.co.uk/tnn/

Tel: 01634 819975

UK Noise Association

www.superscript.co.uk/ukna/

Tel: 020 7329 0774

Noise Abatement Society

www.noiseabatementociety.com

Tel: 01273 682223

ELSEWHERE IN THE UK

The Scottish Executive

Air Climate and Engineering Unit

Tel: 0131 244 0393

National Assembly for Wales

Air Quality and Industrial Pollution Policy Branch

Tel: 02920 825546

Department of the Environment (Northern Ireland)

Air and Local Environmental Quality Branch

Tel: 028 9054 7719

This brochure has been compiled using information supplied by the National Society for Clean Air, Noise Abatement Society and Department for the Environment, Food and Rural Affairs

Central Office for English Regions

Environmental Campaigns trading as ENCAMS

Elizabeth House The Pier Wigan WN3 4EX

T: 01942 612621 F: 01942 824778

E: enquiries@encams.org

Keep Scotland Tidy

Islay House Livilands Lane Stirling FK8 2BG

T: 01786 471333 F: 01786 464611

E: ksb@encams.org

Tidy Northern Ireland

1st Floor Studio A 89 Hollywood Road

Belfast BT4 3BA

T: 02890 471144 F: 02890 471447

E: tni@encams.org

Keep Wales Tidy

33/35 Cathedral Road Cardiff CF11 9HB

T: 02920 256767 F: 02920 256768

E: south@keepwalestidy.org

ENCAMS runs the Keep Britain Tidy campaign.



Keep Britain Tidy 



Printed on Revive Silk,
made from 75% recycled fibres.

Supported by DEFRA (Department for Environment,
Food and Rural Affairs), The Scottish Executive, The
National Assembly for Wales and the Environment
and Heritage Service(Northern Ireland)

www.encams.org



INVESTOR IN PEOPLE

Ref. No. ENC 277/03