

Anti-social behaviour guidance notes



Noise Nuisance

This leaflet gives you (our residents and service users) advice about what to do if you experience a problem with noise. It may also provide useful information to those living near L&Q residents.

What is noise nuisance?

Constant noise can cause distress, reduce people's quality of life and damage good neighbourly relations. Noise nuisance comes in many forms, including loud music, high volume TVs, DIY equipment, shouting and dogs barking.

Where people live near to each other, or above and below in flats, it is likely that the noise caused by day to day activities will travel between homes. At times, for example when carrying out DIY or holding a party, it may be inevitable that this will be the cause of disturbance to neighbours. It would be unfair to take action against people in these circumstances and all residents are expected to have a degree of tolerance to reasonable noise in the same way that they have a responsibility to ensure that the noise they make does not unreasonably disturb others.

Residents may be breaking their tenancy conditions if the noise they make causes a nuisance and annoyance to other people. The tenancy agreement requires residents, other occupants and their visitors to act reasonably and not make unreasonable noise that will annoy other people. Reasonable use means being aware of the level of noise and time at which noise is made.

If you have experienced an ongoing problem

There are a range of things that you and we, as your landlord, can do. How appropriate the suggestions listed below are will depend on the type of incidents that take place, the amount of evidence available and the type of tenancy agreement that those involved have signed.

What you can do:

- Explain how their actions are disrupting your normal everyday activities inside your home and how this is affecting you. Look for practical solutions to the problem, for example agreeing a set time after which music is turned down or a washing machine will not be used
- If speaking to the person causing the noise does not work, note down details of what the noise is, when it occurs and how long it lasts - an incident record form, available from your local housing office, will help you do this
- Consider taking part in mediation with the other party. Your tenancy services officer should be able to put you in touch with a suitable mediation service, who will use trained mediators to negotiate an agreed settlement with all parties in a dispute

- Contact your local authority, who has a responsibility to investigate complaints of noise nuisance. If the noise is proved to be unreasonable, they can take action as set out in a number of Acts, including the Environmental Protection Act 1990. Some local councils operate a night time service that investigates reports of noise
- You can also take your own action under section 82 of the Environmental Protection Act 1990, more details of which can be found at your local Magistrates Court.

What will we do?

- Meet you to make an initial assessment of your reports within three days, or 24 hours where violence or threats of violence are involved
- Take steps to minimise any immediate threat to your safety or the safety of your household
- Treat all complaints you make in confidence and not take action that will reveal your identity to others without getting your permission first. If you wish to remain anonymous we will discuss how this may affect the actions we can take
- Ask you what action you would like us to take
- Ask you to make a record of incidents that occur - an incident record form, available from your local housing office, will help you do this
- Keep you informed of progress and confirm in writing when the case is closed

Following the initial assessment of your case we could also:

- Offer support and advice to those experiencing noise problems
- Check whether there have been any similar incidents involving the parties concerned
- Talk (with your permission only) to those parties found to be causing reported incidents and talk to others who live near you, to see if they have experienced similar problems
- Discuss the options for action, taking into consideration the nature of reported incident/s, the amount of evidence available and whether those responsible are our residents

Where action is to go ahead this may include the following:

- *Issuing a written warning to the person causing the noise*
- *Asking all parties concerned to attend a mediation session*
- *Asking for support from the local authority environmental health department*
- *Seeking advice about any changes to homes that may alleviate the problem*

Where the problem is serious or persistent we will consider:

- *Taking legal action, which could include: asking the court to demote a secure or assured tenancy agreement to a shorthold tenancy; seeking injunctions; seeking anti-social behaviour orders; or possession action*
- Offer support and advice to any complainants, victims or witnesses attending court
- Support other agencies, such as the local authority environmental health team, in any civil or criminal action they wish to take