

Dealing with noisy neighbours



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Contains information about:

 **Hate Crime**

This factsheet gives some information about dealing with excessive noise from neighbours. If it doesn't answer your specific question or you want to talk about your situation, call Galop in confidence on 020 7704 2040.

We all deserve a reasonable amount of peace and quiet at home. We also have the freedom to do what we like in our home if it doesn't encroach too much on other people. There's a middle ground in which people occasionally make noise while trying to be respectful of their neighbours. Where that becomes persistent, loud, or late night noise it can be infuriating, leave you feeling worn out and escalate into situations that leave you feeling unsafe.

Is the noise excessive?

Poor sound insulation is a problem in many homes. It often means you can hear domestic noise from your neighbour such as footsteps, talking, dropping objects or children playing. That can be stressful, but it may be that you will have to learn to live with the noise, pay for expensive noise insulation, move or come to an agreement with your neighbour. Legally they are entitled to go about their life creating normal amounts of noise without having to worry about how it affects you. Thin walls or being sensitive to noise doesn't change that legal right.

If your neighbour is making excessive noise which isn't caused by poor noise insulation, these steps might be worth considering:

1) Approach your neighbour

First of all, try talking with your neighbour about the problem in a friendly way. Fear of homophobic or transphobic attitudes can make that tricky but it may be worth doing. Avoid banging in retribution or sending angry notes as it's likely to

make the problem worse. People are often unaware they're causing a nuisance and usually do what they can to reduce their noise. Here are some suggestions about how to handle the conversation:

- Plan what you will say.
- Stay calm, polite and friendly.
- Explain how the noise is affecting you.
- They may be embarrassed as first and cover their embarrassment
- by denying there is any problem. Consider inviting them into your
- home so they can hear for themselves.
- Remember that your aim is to find a solution both of you can live
- with, so try to avoid focusing on past problems.

2) Get mediation

If talking to your neighbour directly doesn't work, it's worth considering mediation. That involves a neutral person helping you both talk to each other in a non-confrontational way and negotiating an agreement about behaving respectfully towards each other. That might include them avoiding making excessive noise and you agreeing a way of approaching your neighbour when they're noisy.

This can seem daunting at first but mediators try hard to make the process comfortable. Some people immediately dismiss the idea of mediation because it puts both of you on the same footing which can seem unfair if you're certain your neighbour has behaved badly or you think they won't respond. It can be a very positive experience though where both parties come with an open mind and often avoids the problem getting worse.

3) Talk to their landlord

If your neighbour rents their home they probably signed a tenancy agreement which says that they shouldn't cause a nuisance to their neighbours. That might include excessive or late night noise.

Some tenancies also say you must have carpet as they reduce noise. If your neighbour doesn't responded to your request for them to keep the noise down, talking to their landlord is a good next step. They could be a private landlord, the local Council or a housing association. You can find out who owns a home by filling out an online form and paying about three pounds to the Land Registry – www.landregistry.gov.uk.

If they live in a housing association or Council property, there will be a housing officer responsible for dealing with that neighbourhood. You can speak to them by finding the telephone number of the organisation on the internet. It is worth asking them to record your complaint and talk to your neighbour.

Backing up your complaint with a letter can be useful.

4) Tell the environmental health department

Another option is to talk to the environmental health department in your local Council. They have a duty to deal with certain types of noise. These include loud music, parties, barking dogs, DIY at unreasonable times and unreasonable domestic noise such as loud TV or washing machines late at night. They do not normally take action because of noisy children, raised voices, arguments or slamming doors. Also, the law doesn't let them act when someone creates a 'normal' level of household noise, which you can hear because of poor sound insulation in walls or floors. In cases of shouting, arguing and deliberate slamming of doors, the Council's anti-social behaviour team

may be better suited to help you (see below).

Each Council deals with noise problems differently but these are the stages they normally go through:

Stage 1 - When you report a noise problem they will make a record and might send you diary sheets which they ask you to fill in for a couple of weeks. They will check your written record to see if the noise is likely to be something the law allows then to deal with.

Stage 2 - They might then write to your neighbour to let them know a complaint has been made and warn them about action which can be taken if it continues. Sometimes you will be asked to continue with your diary sheets for a couple of weeks to see if there is any change in the noise.

Stage 3 - If the noise continues they might arrange to install noise recording equipment in your home or ask you to call a Council worker out to witness the noise while it's happening.

Stage 4 - If an environmental health officer directly witnesses the noise and feels that it fits the legal definition of 'statutory nuisance' or that it is over a reasonable volume at night, they can give your neighbour a warning or a legal order to stop. If they carry on they could then be fined or tried in court. In some cases the Council can confiscate noise making equipment such as speakers from your neighbour.

Some Councils have noise officers who are on duty overnight on Friday, Saturday and Sunday. They are sometime called the 'noise patrol'. If your neighbours are making an unreasonable amount of noise at night, you can report it and they may come out to hear it themselves and tell them to stop or fine them.

It's important to keep a written record of noise

nuisance and abuse. You can get noise nuisance diary sheets from the environmental health department or our fact sheet, 'A Guide To Diary Sheets' has advice and diary sheets you can use.

5) Taking legal action

If you've exhausted all other avenues, you can take legal action against your neighbour using section 82 of the Environmental Protection Act 1990. That can feel empowering but it's a difficult process. The information at the end of this fact sheet gives a rough overview of the process, but it's vital to get some advice first from an organisation like Citizens Advice Bureau or a solicitor.

Harassment

It may be that noise is one aspect of a wider problem with your neighbour. It might also be that noise problems escalate into harassment, abuse or threats which might be homophobic or transphobic. If that happens, you can read our fact sheet about harassment or call Galop for advice and support.

Help from the Council with abuse

If you're facing abuse from your neighbour and you own or rent your home from a private landlord, the anti-social behaviour team in your local Council may be able to help. The Council website should tell you how to report anti-social behaviour and how they can help. If your neighbour lives in a Council or housing association home, their housing provider usually has a responsibility to deal with safety problems themselves.

Involving the police

The police can deal with harassment, verbal abuse, assault, abusive signs or damage to your property. They cannot normally deal with noise problems,

even if you feel the noise is being created to target you.

It's illegal to use threatening, abusive or insulting language towards someone in a public place. That includes homophobic and transphobic words. Therefore the police may be able to help if you've been the target of verbal abuse outside your home, in a communal corridor or shouted from a window. They may also be able to deal with songs with violently homophobic lyrics repeatedly played loudly.

The law protects people's freedom to say what they like in their home though. It's certainly worth telling the police if you overhear something homophobic or transphobic your neighbour says in their home and they may be able to talk with your neighbour about their behaviour. It also helps if the police have a record of the problem in case the situation gets worse. They are unlikely to be able to take legal action against your neighbour though. Legally it's possible for a court to find someone guilty of using abusive language in their home which someone outside their home overhears. The court would have to decide that your neighbour directed the offensive language at you and that they believed you could hear it. Practically that can be very difficult to prove. For more information about the legal situation, read our factsheet 'Laws That Cover Hate Crime'.

Other solutions

If you're losing sleep, a cheap and effective way of reducing noise is to invest in some ear plugs. If the problem is caused or worsened by poor noise insulation in walls and floors, one option is to install sound proofing. That can be very expensive and is unlikely to completely stop the problem. If you rent your home you need to get the permission of your landlord before doing any DIY. Because of the cost, social or private landlords are usually unwilling to carry out the work themselves.

One simple solution is to cover a wall in sound absorbing material, then paint or paper over it. There are various types sold by DIY shops or soundproofing specialists. If you're confident with DIY, another option is to thicken the wall. To do that, apply a sealant called silicone caulking to the wall and attach a layer of drywall with screws. Then repeat with more sealant and drywall layers until you get the thickness you need.

A trickier option is to add insulation to the inside of the wall by cutting through the drywall and blowing in foam or paper insulation to dampen the sound. If the noise is coming through the ceiling, soundproofing your side will not be very effective. A much better option would be for your upstairs neighbour to add carpet or soundproof matting to their floor. Alternatively they can put rubber or cork pads under the corners of furniture or heavy appliances. If the noise is from speakers, putting them on stands can reduce the amount of sound that reaches you. If none of that is possible you can get a builder to soundproof your ceiling by adding a false ceiling to create a cavity between your existing ceiling and the new one, but that can be expensive. An easier but less effective option might be to attach sound proof tiling to the ceiling.

One way of cutting down noise between rooms is to make sure you leave doors closed and tuck weather sealant strips around doors frames. Another way of cutting down noise is to make sure each room contains materials like carpets, furniture and thick curtains which absorb sound. Hanging thick fabric or decorative carpets from walls can also help reduce noise.

Looking after yourself

Stress and lack of sleep can quickly wear you down and spill into other parts of your life. It's important not to suffer alone and talking to someone can share the burden. If you're feeling stressed,

depressed or anxious over a prolonged period there is help and advice available through your GP and various charities.

Taking your own legal action

Section 82 of the Environmental Protection Act 1990 lets people take their own legal action in a Magistrates Court if they're experiencing noise problems. If you decide to try this and are successful, the court will give your neighbour a 'noise abatement order' and it can give them a fine. If they break the order by carrying on with the noise, they can face a further fine and a criminal record.

To be successful you would need to persuade the court that the noise is a 'statutory nuisance'. That means the noise would have to be substantial and have a negative affect on your enjoyment of your home. They would also need to be convinced that your response to the noise is reasonable and that you are not unduly sensitive. Before you start the legal process it is worth getting the opinion of an independent person about whether your situation might fit that description.

The process is designed to be possible for people to use without a lawyer representing them. Unless you're very confident with legal systems it can be hard though. If you're on a low income and have savings below a certain amount, you may be able to get free help from a solicitor to give you advice and help prepare for your court case. They can't represent you in court for free with this type of case though.

You can get a solicitor to represent you in court but that can be expensive so think carefully if you can afford it. It might involve paying a solicitor for their time or seeing if a solicitor will represent you on a 'no win-no fee' basis. That means they would take a portion of any compensation if the case

is successful but they wouldn't charge a fee if it's unsuccessful. Either way, if you lose the case, you may have to pay your neighbours legal costs and you might need to take out insurance to cover this. If you decide to take legal action yourself, these are the steps:

Step 1 - Prepare your case

- Keep all letters, emails and details of any conversations with your neighbour asking them to stop disturbing you.
- Keep detailed noise diary sheets.
- Without spying, try recording the noise on video. That might involve being woken in the night, filming your bedroom with your phone to record the level of noise, pointing it at something with the date and time and speaking your name, the date, time and describing the noise you can hear.
- Speak to other neighbours to find out if they're affected too. If so, they might be willing to write a witness statement and attend court. An independent witness can be a big help to your case.
- Get you neighbours full name and address. You may be able to find this on the electoral register, which you can usually find in libraries.
- Once you're prepared, give your neighbour a letter telling them you intend to take action against them.
- You have to do this at least three days before you start the court process. You should keep a copy to show the court. The letter should be signed/dated and state who it is from and to. State that you're affected by noise nuisance caused by them, describe the noise and state the address it is coming from. Give them a date you would like them to stop by (giving at least three days notice). State that if this requirement is not met, you will take the matter to the local Magistrates Court to be dealt with under section 82 of the Environmental Protection Act 1990. State that if the court finds in your

favour they will make an order to require your neighbour to stop the noise nuisance and they are able to issue a fine. It may be that once they realise you're considering legal action the noise will stop.

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Step 2 - Starting legal action

- If the noise continues, call your local Magistrates Court and find out when someone will be available to deal with your request to start legal action. At the court, tell them you want to issue a summons under the provisions of section 82 of the Environmental Protection Act 1990. Be clear and concise. This is your chance to help the court understand the impact the noise is having on you. It would be useful to have your diary sheets to show them.
- If the court approves your request, you will be given a date and time for your case to be heard and your neighbour will be sent a summons telling them to come to court.

Step 3 - The court hearing

- On the day of the court hearing, if your neighbour doesn't turn up, the hearing will probably be postponed. If they don't attend court a second time you can ask the court to hear the case without your neighbour being there.
- If your neighbour comes to court and pleads 'guilty', that means they accept the facts of the case so you only need to briefly tell the court the general outline of the noise nuisance.
- If your neighbour pleads 'not guilty', you will have to swear an oath to tell the truth and persuade the court of your case. You can tell the court about the noise nuisance, call witnesses or show documents to the court. Your neighbour can ask questions of you and your witnesses. They can also call witnesses of their own who you can question.



- If the court decides in your favour, they will order your neighbour to stop the noise. They can also give your neighbour a fine. If your neighbour carries on with the noise they can be given a criminal record and a fine. If the noise carries on gather more evidence and let the court know.

Always dial 999 if it is an emergency and you think you are in immediate danger.