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Noise Nuisance Information Pack



This information pack is designed to help you identify what action you should take if you think that you are experiencing a noise nuisance or, someone has alleged that you are causing one.

To help you decide what action to take and/or who you should contact please read through this information pack carefully.

In this pack you will find guidance, advice, assistance and prevention tools together with, contact details for agents that may be able to assist you in dealing with unwanted noise.

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Neighbours cannot be expected to live in silence. It is therefore reasonable to expect that some everyday noises are inevitable and as such are deemed reasonable.

No legally specified time parameters exist which stipulate when noise is reasonable or unreasonable. Rather it may be considered a nuisance if after an assessment of the evidence it is thought that the duration, frequency and scale of the noise would have a detrimental impact on a 'reasonable' person's enjoyment of their own home.

If you are experiencing unwanted noise it is important to consider whether the noise is a result of 'reasonable' activities rather than unreasonable behaviour before taking any action. There is a Decision Tree at the end of this pack which is designed to assist you in establishing whether or not the noise should be considered reasonable.

Where problems cannot be resolved between neighbours in an amicable way, noises such as loud music, burglar alarms, persistent dog barking and the use of power tools/DIY very early in the morning or very late at night can generally be

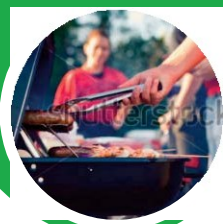
dealt with by Uttlesford District Council's Environmental Health Team.

House Alarms

The Council receives complaints about house alarms, including faulty alarms which can cause serious disturbance to neighbours.

If a house alarm develops a fault and sounds continually or frequently the Council will attempt to contact the occupier or a named key holder. If our attempts to contact are unsuccessful we may force entry to silence the alarm as we are required by law to take action. The cost of the Council silencing the alarm is charged to the homeowner. These costs can be substantial and amount to hundreds of pounds. If you have a house alarm it would be appreciated if you could complete the notification of key holder form included in this pack and return it to Uttlesford District Council.

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WHAT CAN YOU DO?

First Steps

Many people who have suffered noise from a neighbour have successfully resolved the matter for themselves by writing or speaking to the person causing the problems. Research has proved that in most cases this is the best approach because many people are unaware they are causing a problem and will take steps to reduce their noise when approached.

How to Approach Your Neighbour

Be Prepared

Be clear about the nature of the problem, for example the cause of the noise, when did it happen, is it a "one off" and why you feel it is unreasonable. Think about how it affects you. Does it disturb your sleep or prevent you hearing your TV? Think about what you want your neighbour to do.

Making the first move

Don't approach them when the noise is ongoing and you are angry. Instead try to speak to them when you feel calmer and arrange a time and place where you and your neighbours can discuss the matter properly.

Be prepared to listen to them

It is important that you try to understand your neighbour's perspective even if you do not agree with them. By listening to each other it is more likely that a long lasting solutions can be found.

Remember Stay Calm

The best results are achieved if you remain calm throughout your discussion. It is strongly advised that you do not accuse your neighbours of deliberately upsetting you. Instead explain the effect their behaviour has on you.

LISTEN: Be prepared to listen to their reply and try to understand their point of view.

RESPECT: Always treat the other person with the same respect that you would like them to show you.

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COMPROMISE: Find areas of agreement and use them as a basis to find a workable solution

When you have an answer

Make sure you know who is meant to do what and by when, for example, using headphones to listen to music after a particular time in the evening, or not taking in deliveries before 7:30am if it is a business premises. It may be useful to write this down and for each party to keep a copy. Set a date to check whether it is working. Agree how you will let each other know if there are problems in the future

If you feel unable to speak directly with your neighbour you could send them a letter detailing what you believe to be the problem, how it affects you and what action you think your neighbour could take to resolve the matter. There is an example letter on page 10 of this pack.

If speaking to your neighbour hasn't worked what next?

If further incidents of noise occur, you should first visit www.uttlesford.gov.uk/noisetoolkit where you will find further information

and advice, and access to a noise TOOL KIT which will assist you in dealing effectively with the matter. If you do not have access to the internet or would like additional assistance you should contact the Environmental Health Department on 01799 510482 and inform them of your concerns.

To enable Officers from Environmental Health to investigate your complaint you **MUST** complete a noise nuisance diary. The diary is used by investigating officers to assess how best to deal with your complaint. Noise nuisance diaries may also be used as your evidence in court when formal action is taken against the noise maker. Therefore the information needs to be accurate and truthful. This allows the investigating officer to recognise patterns in the noise makers' behaviour. Diaries will need to be kept throughout the investigation to enable assessments to be made as to whether actions have been effective or to show the court

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that an issue has been persistent. You can access a noise nuisance diary at www.uttlesford.gov.uk/noisetoolkit

Without records of incidents and their impacts the investigation will not continue. If for any reason it is not possible to complete the diaries Environmental Health Officer must be informed so that alternative arrangements can be made.

Noise monitoring equipment may need to be installed in the home of the complainant. The equipment will only be installed when evidence cannot be gained by other means. Legally the noise maker must be informed of the potential use of the Noise Monitoring Equipment.

Returning Your Noise Diary

Please return your diary to the address provided on the enclosed noise nuisance diary. Uttlesford District Council has a duty to investigate noise

and have numerous tools available to assist in the resolution of the complaint. The complaint will be investigated in accordance with current service standards and the complainant will be kept informed of actions taken and any progress made.

An Environmental Health officer will discuss the case with both the complainant and the alleged perpetrator. In the first instance attempts will be made to resolve the issue amicably, for example, through the use of mediation, warning letters and cautions.

Should a resolution not be achieved and it is determined that the noise is a statutory nuisance Uttlesford District Council will, where it is necessary to do so, take enforcement action. Dependant on tenure this could include seizing noisemaking equipment, injunctions, Anti-Social Behaviour Orders and tenancy action.

IMPORTANT the vast majority of cases are resolved without legal action, however, if legal action does become necessary the complainant may be required to give evidence in court.

Audible Intruder Alarm; Notification of Key Holder Details

Please provide the following information to register your alarm key holders with the Council

Your Details

Name

Address

Post Code

Telephone

Home

Work

Mobile

Key Holder 1

Name

Address

Post Code

Telephone

Home

Work

Mobile

Key Holder 2

Name

Address

Post Code

Telephone

Home

Work

Mobile

I understand that there is no obligation to register my key holder details with the Council and do so voluntarily.

I am aware that the Council makes no undertaking in relationship to this registration other than to make reasonable efforts to contact the key holders in the event of an alleged noise nuisance due to the sounding of the alarm.

I understand and agree that the Council may share this information with the Police in the case of a suspected crime.

Signed

Date

Please return this form to

Uttlesford District Council
Environmental Health Division
Council Offices
London Road
Saffron Walden
CB11 4ER



Information and Tips

- ❖ It is not acceptable to make unreasonable noise during the day. Noise can be considered to be a nuisance at any time of the day or night.
- ❖ Noise which occurs during evening hours can cause sleep disruption, therefore extra consideration should be shown during this noise sensitive period.
- ❖ When considering whether noise is unreasonable many factors are considered such as the time of day it happens, the volume of the noise, the frequency with which it occurs, the source/cause of the noise and the ability of the sound to be controlled.
- ❖ Noise as a result of day to day living activity such as flushing toilets, washing machines, vacuum cleaners, children playing, door and cupboards closing cannot generally be considered a nuisance. To be a nuisance noise must be causing substantial and unreasonable interference in your home on a regular basis.
- ❖ It is unreasonable to expect total silence in your home, a degree of tolerance is required.
- ❖ Laminate flooring and hard surfaces (particularly in flats) can cause increased noise. To help reduce noise caused by hard flooring, consider putting down rugs and fitting felt/rubber pads to movable furniture.
- ❖ Noise resulting from ill-fitting doors can be improved by sanding sticking areas down, or by using draught insulation tape in the door frame to stop impact noises.
- ❖ Try to avoid installing televisions and speakers and other noisy household equipment directly against party walls, or floors and ceilings in flats. Placing speakers on sound absorbent rubber or carpet may help.

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- ❖ Avoid using washing machines, dryers, vacuum cleaners and other noisy equipment late at night
- ❖ The sensible use of headphones can help prevent noise from music players and/or televisions becoming a problem for your neighbours.
- ❖ Avoid doing DIY or using noisy gardening equipment during evenings and early morning hours.
- ❖ If you are going to have a party inform your neighbours (bear in mind it is unreasonable to cause regular sleep disturbance). Keeping doors and windows closed will help to contain the noise. You should ask your guests to be quiet if smoking outside the property particularly as it gets late.
- ❖ When practicing noisy musical instruments such as drums, negotiate a regular slot for practice with your immediate neighbours and stick to it. Use headphones/ mutes / practice pads.
- ❖ Organise proper rehearsal space in a non-residential area.



Out of Hours

Out of Hours (OOH) noise should only be reported when the noise is occurring and NOT when the noise incident has ceased. The OOH service can be contacted on 01799 510510 from 6pm - 8am Monday to Friday and all day Saturday, Sunday and Bank Holidays. You will be redirected to an answering service where you can leave a message providing specific details of the issue together with your name and contact details.

Useful Contact Numbers

- Environmental Health Department (EHD): 01799 510482
- Out of Hours 01799 510510 - you will be redirected to a messaging service.
- Antisocial Behaviour (ASB) Team: 01799 510510 (ask to speak to an ASB officer)
- Victim Support **0300 303 1971**

- Police:
Non-Emergency **101**
Emergency **999**

Additional information can be accessed at:

www.uttlesford.gov.uk/noisetoolkit
Noise Toolkit

www.uttlesford.gov.uk/noisepollution
Noise Pollution

www.uttlesford.gov.uk/nuisance
Enforcement of Nuisances

www.gov.uk/government/uploads/system/uploads/attachment_data/file/69455/pb12023-bothered-by-noise-060701.pdf

Booklet providing useful information on how to deal with noise problems

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Sample letter

Date:

Your name and address

Dear neighbour

I am writing to let you know that noise from your property is affecting me.

The noise that affects me/us is (describe noise and when it occurs).

It affects me/us because....(describe what effect it has and how it makes you feel)

You may not have been aware of this before but I would appreciate it if you could (suggest what you think would resolve the issue).

Thank you

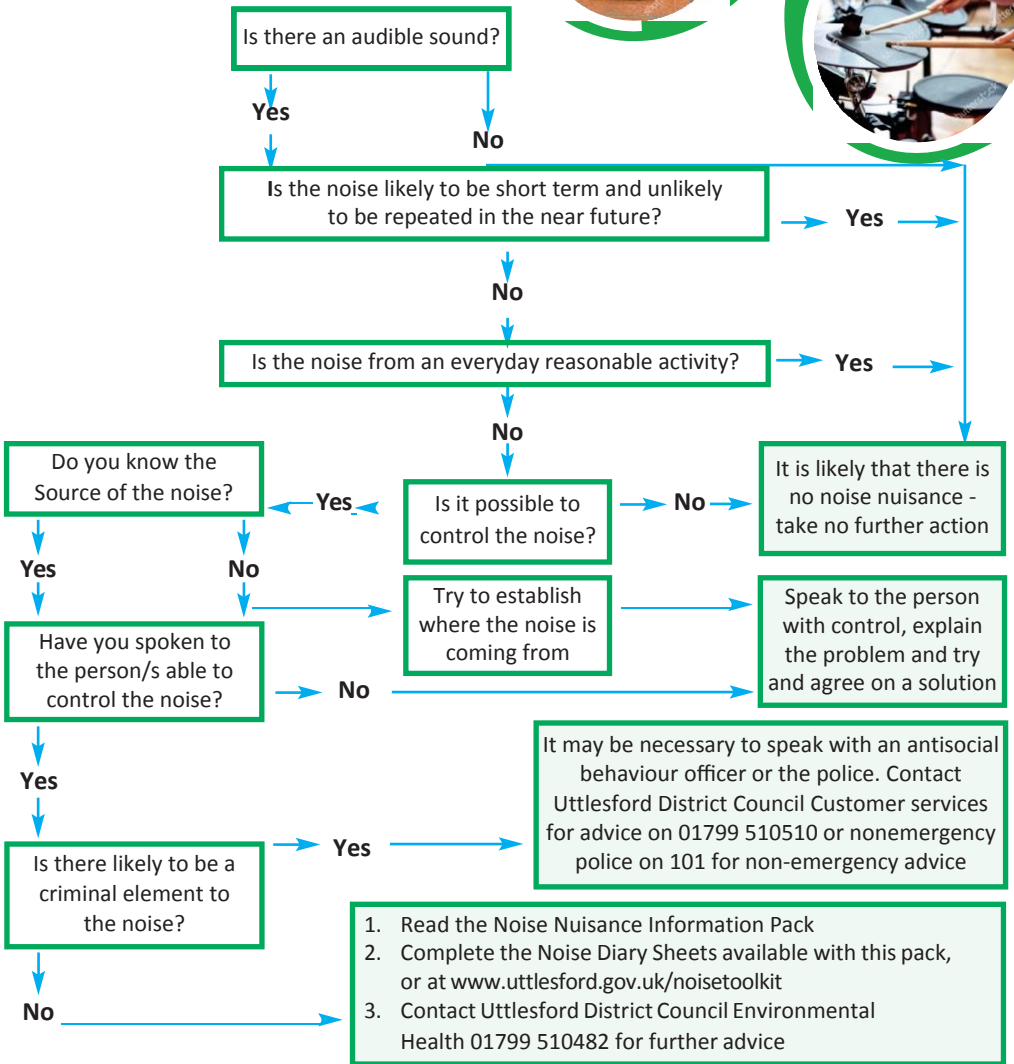
Yours sincerely

Sign (House no.) (Keep a copy)

***Please only send one letter as repeat letters may result in an allegation of harassment against you.**



Noise Nuisance Decision Tree





**Uttlesford District Council
Council Offices
London Road
Saffron Walden
Essex CB11 4ER**

**Tel: 01799 510510
Email: uconnect@uttlesford.gov.uk
www.uttlesford.gov.uk**