

# **NOISE NUISANCE (NOT DOGS) INFORMATION & DIARY PACK**

**Includes:**

- 1. Diary Sheet/Questionnaire for the recording of nuisance;**
- 2. A Neighbour Note to give or send to the person or business who is disturbing you;**
- 3. An information leaflet on noise.**

**Diary Sheet/Questionnaire  
(NOISE)**

**ALL PARTS MUST BE FULLY COMPLETED**

<b>Your Name:</b>	
<b>Your Address:</b>	
<b>Your Telephone Number:</b>	
<b>Your Email Address:</b>	
<b>ADDRESS COMPLAINED OF:</b>	
<b>NAME OF OCCUPIER:</b>	
<b>Have you spoken to the person making the noise about this issue?</b>  Please give details:	(We are ordinarily unable to help if you have not done so without good reason; such as a history of aggression/violence)
<b>Have you written to them?</b>  Please give details:	(We are ordinarily unable to help if you have not done so without good reason; such as a history of aggression/violence)
<b>Was either approach helpful; if only for a short period?</b> Details:	
Formal intervention by us may ultimately end in Court action. <b>Are you prepared to attend Court and give supporting evidence if required?</b>	<div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;"> <b>Yes</b> </div> <div style="text-align: center;"> <b>No</b> </div> </div> (If we are unable to consider Court action, if appropriate, because you are not prepared to give evidence, this significantly limits the things we can do to help you)

This statement consisting of ..... page(s) signed by me is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

PLEASE NOTE: Information in those columns marked \*\*\*\* will be copied to the person making the noise.

**Upload to your My Account via:**

[https://www.swindon.gov.uk/info/20023/environmental\\_problems/353/report\\_noise\\_disturbance](https://www.swindon.gov.uk/info/20023/environmental_problems/353/report_noise_disturbance).

# EXAMPLE

# EXAMPLE

[https://www.swindon.gov.uk/info/20023/environmental\\_problems/353/report\\_noise\\_disturbance](https://www.swindon.gov.uk/info/20023/environmental_problems/353/report_noise_disturbance)

---

Dated: ...../...../.....

LOGSHEET NO: .....of.....

Date ****	Time (Use 24hr clock) **** Start                  Finish		Description of Nuisance ****	Where were you?	How it affected you

Upload to your My Account via:

[https://www.swindon.gov.uk/info/20023/environmental\\_problems/353/report\\_noise\\_disturbance](https://www.swindon.gov.uk/info/20023/environmental_problems/353/report_noise_disturbance)

Dated: ...../...../..... LOGSHEET NO: .....of.....

## Continuation Sheets

[illegible]

**Upload to your My Account via:**

[https://www.swindon.gov.uk/info/20023/environmental\\_problems/353/report\\_noise\\_disturbance](https://www.swindon.gov.uk/info/20023/environmental_problems/353/report_noise_disturbance)

Signed .....

Dated: ...../...../..... LOGSHEET NO: .....of.....

## Continuation Sheets

[illegible]

**Upload to your My Account via:**

[https://www.swindon.gov.uk/info/20023/environmental\\_problems/353/report\\_noise\\_disturbance](https://www.swindon.gov.uk/info/20023/environmental_problems/353/report_noise_disturbance)

Signed .....

Dated: ...../...../..... LOGSHEET NO: ..... of.....

## Dear Neighbour

You may not be aware that noise coming from your property is disturbing me in my home. The noise is so intrusive that I have contacted the Council for advice.

I have been advised by Swindon Borough Council to contact you first before I make an official complaint.

I enclose a leaflet about noise, and how to control or limit it so that it doesn't disturb others.

I would very much appreciate it if you would read the **enclosed leaflet**, and do what you can to ensure that the noise from your premises doesn't disturb me in the future.

## Thank You

Times of day when noise most affects me:

The noise affects me in the following ways:

The type of noise coming from your property which disturbs me is:

# IMPORTANT ADVICE FROM YOUR ENVIRONMENTAL PROTECTION SERVICE ON THE SUBJECT OF NOISE

(Please read all of the document)

Nearly everyone agrees that noise from neighbours can **potentially** be a serious problem, whether it is caused by loud music, barking dogs, DIY, intruder alarms or many more things. Business and industry can also be a source of disturbance, for example, late night deliveries, workshop activities and noise from ventilation systems are common causes of complaints. If the noise is bad enough to prevent relaxation or deny sleep, the long-term effect can be damaging to the health and wellbeing of the person 'on the receiving end'. There are legal remedies available in the form of the Environmental Protection act 1990 Statutory Nuisance Provisions.

If a formal complaint is received; the Council has a legal duty to investigate the matter, and to serve a formal Abatement Notice if Statutory Nuisance is identified or suspected. In order to reach the best outcome for people who may continue living near each other for years to come however, we encourage people to try to contact the other party directly themselves to discuss the matter. This leaflet is provided for those persons suffering disturbance to give to those whose activities may be disturbing them to aid communication and understanding between them.

We acknowledge that often, those causing the disturbance do not realise how intrusive it can be for others, and how damaging it can be to those around them's health and wellbeing, and that those suffering the disturbance may not naturally be confident enough to tackle the issue with those causing the disturbance without assistance.

## **Frequently Asked Questions:**

- 1. Are there specific times of day I can play my music louder (or carry out some other noisy activity) and what level of noise is permissible to not cause a statutory nuisance?**

The most commonly used law relating to noise nuisance (Section 79 of the Environmental Protection Act 1990) does not define precisely what is or is not a nuisance, i.e. it does not specify noise levels or set time limits for making a noise. Instead, the concept of nuisance depends on, for instance:

- how often the noise occurs,
- how loud it is,



- the time of day / night,
- the nature of the area (i.e. rural, residential, city centre etc) and;
- whether or not the sound has a particularly irritating characteristic (for example a high pitch whine from a factory, or a heavy bass beat from a stereo/TV).

This means that a set noise level may not be a Nuisance in the middle of the afternoon, but may be a very serious Nuisance at 10 O'Clock in the evening for instance. A noise that is very regular, or constant will be a Nuisance much sooner than one which is only occasional. A certain noise level in a quiet village in the countryside may be a nuisance, but the same noise level on a busy residential estate next to a road would not.

## **2. If noise from the stereo or TV is a problem can you set the level for me?**

Unfortunately not. This is because the noise level produced from the TV or stereo depends to some extent on the programme or on the track being played so a single level would not be practical. In general; if you can hear the noise outside of the boundary of your premises, or your neighbour can hear it in theirs; then it has the *potential* to be a Statutory Nuisance.

## **3. I own my house / I am a private tenant, so that means I can do what I like, doesn't it?**

No. The Environmental Protection Act 1990 applies to owner-occupiers, council tenants and those in private rented accommodation as well as businesses and noise from vehicles, machinery and equipment in the street. You must consider the noise that you make and take action if it is unreasonable. However, if you rent your property from a landlord and we witness noise amounting to a nuisance, then we can serve an Abatement Notice on you AND / OR your landlord to prohibit the noise. Many of the complaints we receive are about noise from shared rented housing (Houses in Multiple Occupation – HMOs). If we have to serve an Abatement Notice in these cases and it is also served on the landlord, it is quite common for the landlord to serve Notice to Quit on the tenant(s) responsible – another reason for taking noise complaints seriously.

## **4. What if I am a Council tenant?**

If you are a Council tenant, then any complaint of noise nuisance is investigated in exactly the same way as with anyone else. However, the Council is also your landlord, and your tenancy agreement includes a clause requiring that you do not cause nuisance to your neighbours. So, if we receive complaints we will

forward these to the estate management team for their information and/or action.

**5. So what can I do to ensure that I do not cause Nuisance to those around me?**

There are many things you can easily do to limit the potential for noise caused at your address to disturb others. All come from simply having regard for the proximity and sensitivity of your neighbours. Families with young children will be much more sensitive to noise in the evening or night for instance. Those that are at home during the day, because they work at night for instance may be more sensitive at this time. Many of us live in close proximity to others, and we must therefore have regard to our neighbours lifestyles and sensitivities to some degree. ***Simple things you could do include:***

- a. **Do not carry out noisy activities; such as playing loud music, DIY etc at times when others may be resting or sleeping.**
- b. **Warn neighbours when you plan to throw a party in plenty of time so that they may make allowances/arrangements.**
- c. **Do not hold very regular parties or loud get-togethers. Most neighbours will understand and tolerate one or two loud parties in a year. More than that is possibly unreasonable if you live in a residential area.** Remember: if every house in your street threw say 4 parties a year; then there probably wouldn't be a quiet weekend in a whole year.
- d. **Limit the bass component of any music or TV, or games console etc. Do not use large sub-woofers in rooms adjacent to other properties.**
- e. **Mount speakers or TVs on rubber mats to limit noise transmission through the fabric of the building.**
- f. **Keep noisy devices; speakers, aquarium pumps, washing machines etc etc off of joining walls between yours and other properties.** You may be surprised how much noise can be transmitted through a party wall if there is direct contact with a noise source.
- g. **Keep doors and windows closed if you are doing something noisy.**
- h. **Use headphones if you enjoy particularly loud music and live in an area where loud music can impact others.**
- i. **Ensure that others using the same property; housemates, children etc are aware of the limitations of where you live.** It is the householder,

head tenant, owner/occupier that will be held responsible for any Nuisance caused.

There are many other things that are capable of causing a Statutory Nuisance in law, and limiting the impact on others hinges simply on taking account of those around you, and how the noise that you create or allow to be created may 'leak' into 'someone else's' environment and prevent them living a normal life.

In general; neighbours do want to get on, and have no wish to spoil other's fun, and will be much more tolerant of some disturbance if they are informed and consulted when noisy events are planned.

## **6. So What Happens Next?**

If we receive a formal complaint; we are compelled to investigate. We take complaints of Statutory Nuisance very seriously; and may use monitoring or recording equipment to gather evidence. If we think that Statutory Nuisance is being caused, we will serve a formal Abatement Notice; which makes it a criminal offence to continue to cause nuisance. We operate a 24hour a day response service; and enforcement officers may visit to witness episodes of nuisance at any time at short notice. Ultimately; we may prosecute offenders, and/or gain a warrant from the Court to force entry and seize noise making equipment. Fines on conviction can be £5000 in residential premises, or £20,000 on premises where trade activities take place.

If we receive complaints about tenants in Council, Registered Social Landlord (Housing Association), or privately owned premises; we will always inform landlords, and may serve Abatement Notice on them too. This can lead to eviction for breach of tenancy.

We will inform you in writing if formal complaint is received by the Council, and are always ready to give advice and assistance in order to avoid the need for more formal measures.

**To discuss any of the issues brought up in this leaflet; please contact us via your My Account:**

[https://www.swindon.gov.uk/info/20023/environmental\\_problems/353/report\\_noise\\_disturbance](https://www.swindon.gov.uk/info/20023/environmental_problems/353/report_noise_disturbance)