

Noise Action Guidance

This guidance provides information on how to resolve problems informally and how the Council can help if the problem continues.

Problems can often be quickly resolved by talking to your neighbour, explaining how their actions are affecting you and agreeing to a compromise that is an acceptable solution for all. Often people are unaware that they are causing a problem and most will be glad to take action to reduce the disturbance. If you think it is inappropriate to approach the perpetrator then we would recommend that you do not do so and contact us for further advice.

Our Powers

Councils have powers to investigate and deal with defined statutory nuisances under Section 79 of the Environmental Protection Act 1990 (EPA). The Act is very specific about what could be classed as a statutory nuisance. The problem must be coming from a property or land and must affect another property

For a statutory nuisance to exist, it must be shown that the issue is either 'prejudicial to your health' or is significantly interfering with your reasonable enjoyment of your property.

It must occur regularly and continue for a period of time that makes it unreasonable. It is not enough for the issue to be merely annoying or disturbing.

There are no stated levels or time for noise to be assessed as a statutory nuisance; all nuisance is assessed subjectively.

When assessing a case of we will take into consideration a range of factors including:

- Duration
- Frequency
- Impact – i.e. material interference with use of property or personal well-being; actually or likely to be adverse to health
- Local environment
- Motive – i.e. unreasonable behaviour or normal user
- Sensitivity of the plaintiff – statutory nuisance relies on the concept of the average person, and is not designed to take account of unusual sensibilities

The Council can only take action where there is evidence that a statutory nuisance is occurring within the terms of the EPA.

Factors where we cannot take action;

No house or flat is totally soundproof so everyone can expect a degree of noise from adjoining neighbours. If you are being disturbed by noise from neighbours, it may be because:

- Your neighbours are behaving normally but the sound insulation in the floors or walls between your properties may not be good enough to reduce the sounds of everyday living.
- Child noise, door slamming, people knocking at a neighbour's door or domestic disputes.
- You have become sensitised and intolerant to noise, particularly if you do not get on with your neighbours. Some people 'tune' into noise from next door and find it 'unreasonable', whilst others would not.

Next steps

You can report your noise problem using our webform here: <https://www.lbbd.gov.uk/report-nuisance-noise> Your complaint will then be automatically escalated for an officer to contact you to advise how we can help you.

Council/Housing Association Tenants

Please contact your housing provider for assistance.

Rented Property

Barking & Dagenham Council has designated LBBD as a Private Rented Property Licence Area. This means that we can now address the impact that some landlords and their anti-social tenants can have on a wider community and is one of a number of measures that the Council is adopting to tackle anti-social behaviour. It is designed to raise standards in the private rented sector and drive out unscrupulous or inept landlords.

If you live in rented property and share the same landlord as your neighbours or you know the landlord of the property where the noise is coming from, you should discuss the problem with the landlord in the first instance. Most tenancy conditions include a requirement that tenants do not cause a disturbance to neighbours. Your landlord will be required to take action if serious disturbance is being caused.

If the problem persists, please use the reporting process set out above.

Court Process

Section 82 of the Environmental Protection Act 1990 provides that you may go directly to the Courts either before or after contacting your local Council. You are responsible for any expenses and costs involved.

You do not need to have a Solicitor, but both you and the person about whom you are complaining have a right to be represented. You can obtain help or advice from the Citizens' Advice Bureau or other agencies.

STEP 1

Discuss the problem with the person or organisation making the noise. Often they can stop or reduce the impact of the noise.

STEP 2

Keep an accurate record. Talk to other neighbours and make sure they keep records too.

STEP 3

If the noise continues, write to the person, or organisation. Explain the problem clearly. Keep a copy of the letter and note the date when it was sent.

STEP 4

After discussing the problem with the person responsible for making the noise, and writing to them, you can apply to the Magistrates Court under the Environmental Protection Act 1990 Section 82. You must give **AT LEAST 3 DAYS NOTICE** in writing to the person making the noise of your intention to take proceedings.

STEP 5

Go to the local Magistrates Court office and explain that you want to seek an order under Section 82 of the Environmental Protection Act 1990. A member of staff will tell you what to do.

Barkingside Magistrates' Court

850 Cranbrook Road
Ilford
IG6 1HW

Opening hours

Court building open:

Monday to Friday 9am to 4.30pm

Court counter open:

9am to 11am and 1:30pm to 2:30pm

Email Enquiries:

northlondonmc@justice.gov.uk

Telephone:

0300 303 0645

You will need to produce evidence to show the Magistrates that there are grounds for complaint. Go to reception and explain that you wish to seek an Order under Section 82 of the Environmental Protection Act 1990.

Take a full written record of the evidence to Court with you, bringing enough copies for the Court and the defendant (*at least 3 copies*).

If the Magistrates are satisfied that there are grounds for complaint, they may issue a summons and serve it on the defendant (the person responsible for making the noise).

The defendant will be summoned to attend a court hearing so that the Magistrates can determine if an order should be issued to stop the noise.

You are entitled to claim your costs. **You may be liable to pay costs if your action is unsuccessful.**

