

INFORMATION PACK

Thank you for contacting us

Please read through this noise nuisance information pack which we hope will help you to resolve the problems you are experiencing.

Many people who have suffered with noisy neighbours have successfully resolved the matter for themselves by following our simple guidance and by writing to or speaking to the person causing the problems. Neighbours cannot be expected to live in silence. It is important therefore to recognise that some everyday noises are inevitable and consider whether noise problems are a result of thoughtless rather than unreasonable behaviour. There is no legal time frame relating to when noise is considered a problem but there is a general understanding that noise occurring between the hours of 11pm and 7am could be deemed unreasonable. 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 powertools/DIY very early in the morning or very late at night can generally be dealt with by us. Formal action on general everyday living noise such as footsteps, banging doors, flushing toilets, talking and children playing will only be taken in very exceptional circumstances – it may be that these noises are as a result of poor sound insulation, but your neighbour cannot be held responsible for this.

What Can You Do?

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 to try to understand them even if you do not agree with them so that lasting solutions can be found.

When you have an answer. Make sure you know who is meant to do what by when. 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 future

Remember stay calm The best results are achieved if you remain calm throughout your discussion. **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.

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

Speaking to my neighbour hasn't worked. What next?

If further incidents of noise occur, and you wish the Council to investigate your complaint of noise nuisance you **MUST** complete the noise nuisance diary. You can report the matter online if you are registered with a MySandwell account:

www.sandwell.gov.uk/noise

Alternatively a diary will be provided to you by post if you register a complaint about noise nuisance. Remember to record the date, time, duration and cause of the noise affecting you on the enclosed diary sheet. The diary sheets form an essential part of the investigation. They are used by investigating officers to assess how your complaint can be best investigated and verified. They are used as your evidence in court when formal action is taken against the noise maker. Therefore the information needs to be accurate and truthful. If noise occurs every day diaries can be returned weekly. If the noise only occurs once a week then we may require you to return a diary once every three weeks. This allows the investigating officer to recognise patterns in the noise makers behaviour. Diaries will need to be kept throughout the investigation so that we can check whether our intervention has been effective and also so we can show the Court that an issue has been persistent. Without your diaries the investigation will not continue.

If your written evidence shows that legal action could be taken by the Council an Officer will try to visit your neighbour and then a warning letter will be sent to the person responsible, or to the owner or occupier of the premises from where the noise is being emitted. You will be advised of what action has been taken and invited to fill in more evidence forms.

If these show that there is still a nuisance, we may arrange for you to have noise recording equipment and an Officer will visit you and take a formal statement so that a Statutory Notice can be served under Section 80 Environmental Protection Act 1990.

Once a Statutory Notice is served the person responsible for the noise nuisance is committing an offence if they do not comply with its requirements. More written evidence and noise recordings and measurements are gathered to support a prosecution. If found guilty of an offence the person responsible for the noise nuisance could be fined up to £5,000. The Council also has the power to confiscate noise-making equipment, particularly if a Statutory Notice is repeatedly contravened.

Should the decision be that there is **not** an actionable nuisance we will let you know. You still have the right to make a complaint direct to the Magistrates' Court under Section 82 of the Environmental Protection Act 1990 and take your own action against the person causing the noise (the investigating officer will be able to advise you further should this be the case).

Please bear in mind that not all domestic noise problems can be sorted out using legal powers. The noise must be so excessive that the average person would think it was unreasonable. Threats or harassment, which arise from a dispute with your neighbours should be referred to the Police, and/or your local Neighbourhood Housing Office if you are a Council tenant.

If you are concerned about anti-social behaviour but not in any immediate danger, call the non-emergency police number 101.

If you feel you or your family are in immediate danger due to anti-social behaviour, you should call the police on 999.

If you are a Sandwell Council tenant with anti-social behaviour issues you can report the matter online: www.sandwell.gov.uk/asb Tel:0121 368 1166

Further contact details:

SANDWELL METROPOLITAN BOROUGH COUNCIL
The Basement
Sandwell Council House
Freeth Street, Oldbury
West Midlands
B69 3DE

SANDWELL METROPOLITAN BOROUGH COUNCIL

EXAMPLE

EXAMPLE

RECORD OF NOISE NUISANCE

Name	(YOUR NAME)	Address	(YOUR ADDRESS)
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Address of Property where noise is coming from	(YOUR NEIGHBOUR'S ADDRESS)
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THE RESIDENT KEEPING THIS RECORD SHOULD ENTER **ONLY SPECIFIC INCIDENTS OF NOISE** WHICH HE/SHE HAS HEARD PERSONALLY
GENERAL STATEMENTS ARE OF NO USE - AS THIS RECORD MAY BE USED AS EVIDENCE IN THE MAGISTRATES COURT

DATE	DAY OF WEEK	DURATION OF NOISE		DESCRIBE THE NOISE	HOW YOU ARE INCONVENIENCED <i>(In what way was the normal use of your property affected at that time)</i>
		FROM	TO		
1/9/16	Friday	11.00am	1.00 pm	LOUD MUSIC	STOPPED ME GOING TO SLEEP
2/9/16	Saturday	2.00 am	2.30 am	LOUD MUSIC	WOKE ME UP
4/9/16	Monday	3.00 pm	5.00 pm	LOUD MUSIC AND SHOUTING	HAD TO TURN MY TV VOLUME UP
6/9/16	Wednesday	12.30 am	1.15 am	DOG BARKING	STOPPED ME GOING TO SLEEP
7/9/07	Thursday	10.00 am	4.00 pm	DOG BARKING	UNABLE TO RELAX
8/9/07	Friday	8.00 pm	11.00 pm	CAR REVVING, SHOUTING AND BANGING	HAD TO TURN MY TV VOLUME UP
9/9/07	Saturday	1.00 am	3.00 am	LOUD MUSIC, DOORS SLAMMING	WOKE ME UP
10/9/07	Sunday	1.00pm	3.00 pm	CAR RADIO ON DRIVE	UNABLE TO RELAX

I certify that the entries on this sheet are true and were made by me at the time I heard the noise referred to.

Sandwell Council
The Basement, Sandwell Council House
Freeth Street, Oldbury, B69 3DE

For the Attention of:
Date out:

Complaint Ref:

Signed _____ (YOUR SIGNATURE) Date _____ (DATE FORM RETURNED)