

NUISANCE

We've all encountered family disputes - often relating to irritating niggles which blow up out of all proportion and suddenly become "an issue" - so it's no wonder that occasionally our neighbours can cause similar stress. More often than not such disputes are caused by lack of thought or genuine ignorance of the fact that they are causing a problem (the elderly neighbour who doesn't appreciate that she is getting progressively more hard of hearing and who turns up the TV volume to compensate, or the dog owner who isn't aware that their beloved pooch begins to howl as soon as they leave it alone), and when this happens a friendly word can often resolve a problem before it escalates. In fact the two examples cited above illustrate a key point - recent research has shown that in nearly 90% of cases the cause of friction between neighbours is noise nuisance.

But what remedies are open to you if you can't solve the problem by having a quiet word? The first rule is always try to resolve the problem without recourse to law - it's expensive and is sure to create further animosity in an already tense situation.

The Environmental Health Department at your local council have a duty to act in the case of noise nuisance. Remember, they may decide that you are being over-sensitive and that there is no case to answer, but as a first call they will act as an impartial arbiter.

Some councils have a "quick response" service to monitor such instances as late night parties and 'raves'. In some cases the Environmental Health Department may install monitoring recording devices around your home. Whatever their course of action it will help if you keep a diary of the nuisance for the period before you phone them.

If the council determines that a nuisance is being caused they must issue a noise abatement notice which gives the culprit a period of time in which to put the situation right. If the transgressor refuses to comply with the notice, the matter will be taken to the Magistrates Court - where, if convicted, the person may be fined up to £5000 plus £500 for every day the nuisance continues - as well as having the equipment confiscated!

If the transgressor is in rented accommodation, then quite often the tenancy agreement will contain a provision which entitles the landlord to evict the tenant for breach of contract. (The 1996 Housing Act which introduced Assured Shorthold Tenancies specifically listed "conduct likely to cause annoyance to a person in the locality" as a ground for seeking repossession).

Returning to the scenario of the rave or unacceptably noisy party, there is now other legislation which may also be evoked.

The Noise Act 1996 includes an offence of "night noise" between 11pm and 7am. Although the legislation does not apply to "street noises" such as car alarms, Environmental Health Officers do have general powers to turn off car and house alarms - and the police can act if they believe it is causing a breach of the peace. The general consensus is that the problem of noise is *not* getting significantly worse - recent legislation and media interest is more a belated recognition of the real anxiety which such disputes cause, so don't allow a noise problem to get out of perspective.

Think it through. If you really believe you have a valid complaint, talk it through with your neighbours - invite them in to hear the noise from your property and ask if they would accept mediation. At the end of the day, amicable compromise must be better than litigation!

Disclaimer

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