

NOISY NEIGHBOURS

When all make allowances for a little noise from our neighbours now and then, whether you can do anything about noisy neighbours depends on the individual situation.

Before you can act, the noise must be so loud that you can't use your home in the normal way. This might be the case if you are woken up by the noise or you can't hear your own TV above the noise. The action you can take depends upon the type of noise, the time of day or night the noise happens, how often it happens, how long it goes on for and how it affects you. Because older properties have less sound insulation, the type of building you live in can affect what action is open to you.

Every local authority has a department set up to deal with noise and nuisance issues. It's usually called the Environmental Health Department and should offer a 24-hour service.

Enforcement officers can be called out to serve a formal notice on the person making the noise or nuisance. They can be busy and over-worked though, so your patience may be required.

Negotiating with your neighbour

If you haven't done so, speak with your neighbour unless, of course, you are worried for your own safety. Ask them to stop the noise or nuisance. Invite them into your property so that they can agree with you that the level of noise or impact of the nuisance is unsuitable.

Where possible, agree a compromise. For example, that noise is reasonable between the hours of 8am and 10pm. Do this as early as possible before the problem gets too serious and consider using a mediation service.

Talk to the experts

If your neighbours are co-tenants and talking to them directly doesn't work, it may be worth talking to Leaseholder Support as they may be breaking the terms of their tenancy agreement by making the noise. Leaseholder Support

may be able to deal with the problem or warn them that continuing to make the noise could leave them open to being evicted.

What is causing the problem?

If noise is the problem, find out if it is 'impact' sound from a wooden or laminate floor in the flat above you. In older properties where ceiling and floor insulation schemes are not up to modern standards, carpet or underlay will help to decrease noise.

Many leases include a 'keep carpeted' clause. Leaseholders installing a wood floor covering would be breaking this rule. Also, installing a wooden floor may require the landlord's consent.

Taking action with other people

If other people are being affected by the problems your neighbours are causing, you may be able to take action together. There may be other tenants in your block who can help you to do this.

Keeping records

If the noise problem continues, keep notes of: how long it lasts, the time it occurred, how loud it is, whether anyone else heard it, the occasions you spoke to your neighbours about it and the affect it had on you.

Contacting the council

The Environmental Health Department of the council has the power to deal with noise problems. If the problem is serious enough the council may take action to stop your neighbours making noise. In extreme cases the council might be able to take your neighbours to court.

Get your Local Authority on the case. It'll make you feel better. Even if they can't provide an instant solution, the process has begun.

Find out who lives there

Does the legal owner of the flat live there or is it a tenant renting under a tenancy agreement? Sub-letting to a tenant may need to be authorised according to the lease, meaning the leaseholder is in

breach of his or her lease.

The property may have been sub-let on a basis not permitted by the lease - as single bed-sitting rooms, or on an overcrowded basis. If the property is sub-let, contact the owner. They might not even know that they are renting their property to 'rogue tenants'. Hopefully they will take steps to resolve the problem.

■ For more information visit:
www.leaseholdersupport.co.uk

TOP 10 LEASEHOLDER COMPLAINTS

- 1 Late night TV just loud enough to keep you awake, but not enough to hear what's being said.
- 2 Arguments / shouting or, as some people call it, 'talking'
- 3 Loud music: ear-splitting speakers, live instruments, or maybe your neighbour's in-car stereo
- 4 Wooden floors: posh, maybe but infuriating for everyone below.
- 5 Satellite dishes. Some are small, and almost transparent, others are huge and intimidating. Without the permission of your fellow leaseholders they're all illegal.
- 6 Illegal parking and dumped cars. A classic Ford Capri is great, a battered Capri dumped outside your house is not so great. Neither is that mysterious hatchback that keeps parking in 'your' space.
- 7 Outdoor laundry - underwear on the balcony is not good.
- 8 Using a flat for 'illegal purposes'. Has anyone else noticed the number of night-time visitors at Number 3?
- 9 Storing things in communal areas, such as bicycles, prams, wooden planks, and those mystery ladders.
- 10 Unauthorised pets.

Source: leaseholdersupport.co.uk for Noise Action Week, May 21st-25th