

## **ADVICE ON DISCUSSING A NUISANCE PROBLEM WITH YOUR NEIGHBOUR**

### **DO NOT RETALIATE**

This will only worsen the problem and increase tension with your neighbours, who may make a counter complaint to the Council. It will undermine any legal action that the Council may want to take on your behalf, even if you have a justified complaint.

### **DO YOUR HOMEWORK!**

Contact the Environmental Protection team, or check our pages on the Council website, to find out what the law says about your problem. Don't assume because you hear some noise from your neighbour's property, or smell some smoke from a garden bonfire, that these actions are breaking the law. Nuisance law does not contain any guidelines relating to times or days when people have to restrict their behaviour or stop doing certain activities. Nor does it specify guidelines about whether a particular noise, odour, smoke or other intrusion constitutes a legal nuisance, or is simply an annoyance you must put up with. Your problem with your neighbours may be due to differences in lifestyle that need to be reconciled somehow. Any decision on whether or not your problem is actionable under the law can only be made by a Council officer with a detailed knowledge of the requirements of the law following an investigation of your complaint. However, some background understanding of the law and how it might relate to your circumstances will help you to discuss your problem with confidence and conviction knowing that, if your neighbour fails to listen, you will be able to fall back on the Council for help. Furthermore, you will have a clear conscience that you have done your best to try and resolve the matter informally and given your neighbour the opportunity to avoid Council involvement that may lead to legal action being taken against them.

### **TELL YOUR NEIGHBOUR ABOUT THE PROBLEM**

Research suggests that in three quarters of all complaints neighbours do not know that their actions are causing problems for others. Discussing the problem, or simply bringing it to their attention, gives your neighbours the opportunity to sort it out themselves. If you are on reasonable terms with your neighbour, and the nuisance involves loud noise, you may feel comfortable about inviting them round to your house to hear this. Approaching the source yourself will also give you the chance to resolve the problem quickly. An investigation by the Council will take some time to conclude and may not successfully stop the nuisance while causing relations with your neighbour to deteriorate. Remember that you have got to continue living next to your neighbours whatever happens. If the matter does go to court your case will be strengthened if you have acted reasonably, discussed the problem with your neighbour and given them the chance to stop the nuisance.

### **THINK ABOUT YOUR NEIGHBOUR'S POSITION!**

Are they likely to be unaware that they are causing you a problem? Perhaps they don't realise that their dog barks when they are at work or their children play loud music if they go out for the evening. Have they recently moved into the property and don't realise that the party wall is not very effective at preventing their loud music or TV from being heard in your property? In these situations your neighbours might be grateful to hear from you first rather than a council officer. People who have a problem that they perceive as being difficult to do something about, e.g. a barking dog or an unruly son or daughter playing loud music, may feel embarrassed about their inability to sort it out and deny that there is a problem or be defensive. If they do, remain composed and point out again how the problem is affecting you

and make it clear that you can always pursue the matter further through the council. However, by raising your concerns with them you will have forced them to acknowledge the issue and the consequences of ignoring it. So on reflection they may realise they need to consider ways to control the problem even if the initial response you get isn't very promising.

### **GUIDELINES FOR DISCUSSING THE PROBLEM WITH YOUR NEIGHBOUR**

Plan what you are going to say beforehand. Describe the nuisance and be prepared to quote some examples of the disturbance if asked, particularly times and dates and how it affects you in your home or garden. Find out from the Council what the law says and what you can reasonably expect under the law. Be realistic about what the law entitles you to; it does not necessarily guarantee absolute freedom from the activities of your neighbours. In many cases there are always going to be intrusions in our domestic lives, it is an unavoidable consequence of the type of society we live in, and there is little that can be done to prevent some level of exposure to unwanted intrusions. For example, if the disturbance is due to unavoidable activities such as DIY noise you may have to be prepared to negotiate times with your neighbour when the noisy work can be carried out.

Try not to go round when you are angry. Be courteous, calm and polite, as you are far more likely to receive a courteous response yourself. Never use threatening behaviour. If this is used against you, walk away immediately, and do not become embroiled in an argument or retaliate if threatened. Do not go round with the sole intention of getting an apology and making them feel guilty and inadequate. Do not use the opportunity to drag up every other issue that you may have with your neighbours, and especially avoid raising past problems. Remember that you are trying to find a solution to a specific problem that you and your neighbours can live with, and are relying on your neighbour's cooperation to achieve this informally.

If you don't fancy going round to the person's property you could try and arrange to bump into them when they are in their garden, or look for them returning to their house. The other option is to write to them, and you will find some advice on this below.

### **SOME SAFETY POINTS TO CONSIDER BEFORE APPROACHING YOUR NEIGHBOUR**

Ideally do not go round if you know or suspect that your neighbours have been drinking or partying heavily. They may not be in the best condition to appreciate your point of view. In addition, if they are hosting a party, they may be resentful of being embarrassed in front of their guests, and your presence may also encourage one or more of the guests to voice their opinion in support of their hosts. However, if you feel the situation is safe enough to approach your neighbours, limit your request to simply asking for the volume to be turned down, and call round on another occasion to discuss the incident as a whole.

If other people are bothered by the same problem, ask one of them to accompany you. Ask a friend or family member to accompany you, but make sure that they understand their role, and leave you to take the lead in the conversation. Avoid ganging-up on your neighbour!

If you go round on your own let someone know where you are going, how long you expect to be and arrange for them to call you on your mobile if you're not back before a pre-arranged time.

## **OTHER OPTIONS FOR APPROACHING YOUR NEIGHBOUR ABOUT A NUISANCE PROBLEM**

If for whatever reason you do not want to speak directly to your neighbour, or you have tried to speak to them but they would not listen, you could try sending them a letter explaining your concern about the problem and suggesting that they try and resolve it. If the problem is affecting other residents you could suggest that they all sign it. Make sure you keep a copy for your records. It is useful evidence that you have tried to resolve the matter on your own and offered the perpetrator the opportunity to address the problem, and may be useful to the Council if they are involved in investigating your complaint and need to resort to legal action. If your neighbour is a tenant in their property, you could also send a copy of your letter to the landlord or housing association for their information. If you need some help in composing a letter you can use our template on our website to guide you.

## **CAUTION; SOME PEOPLE TRY AND USE THE COUNCIL AS A WAY OF GETTING BACK AT THEIR NEIGHBOURS**

If you have fallen out with your neighbour over another matter, and are using a nuisance complaint as an excuse to get back at them, do not contact the Council. We do not want to waste officer time, resources and public money, which could be used more effectively elsewhere, in a private dispute where past actions will undermine our investigation and chances of resolving the matter in court. If you are involved in such a situation we may be able to put you in touch with a mediation service, who can help you sort out the underlying problems in your dispute.