



## Appendix 1

<b>Policy</b>	<b>Noise Nuisance and Good Neighbourhood Management</b>		
<b>Applies to</b>	RPRMO Board	<b>Draft</b>	Yes
		<b>If 'Yes' date of draft</b>	March 2023
<b>Post holder responsible for review</b>	Estate Director	<b>Date approved</b>	March 2023
<b>Approval level</b>	Board	<b>Date for review</b>	March 2026

### 1. Introduction

- 1.1 Roupell Park RMO understands that the age and type of buildings that it manages means that there is very little sound insulation between flats, both horizontally and vertically. This means that residents may be able to hear day to day living noises of their neighbours.
- 1.2 This can be very disturbing can cause conflict. However not all noise nuisance is anti-social behaviour and therefore it must be dealt with in a different way, recognising that in most cases the same legal remedies are not available.
- 1.3 The Housing Ombudsman has issued guidance on the management of noise nuisance and good neighbourhood management and this policy is written taking those principles into account.
- 1.4 It is unfair to both the resident making the complaint and the resident being complained about for the noise to be treated as something it is not, i.e. ASB as this raises expectations and it is to make consistent and reasonable decisions impossible if the right framework is not in place for all types of noise reports.
- 1.5 All relevant RPRMO staff will be given appropriate training in dealing with complaints of noise nuisance. This will include how to deal with difficult conversations and delivering unwelcome news.

- 1.6. For an issue to be considered a statutory nuisance under the Environmental Protection Act 1990, it must either:
- unreasonable and substantially interfere with the use or enjoyment of a home or other premises or:
  - injure health or be likely to injure health

## **2. Scope**

2.1 The existing ASB Policy specifically excludes the following areas from its remit

- Household noise due to everyday living (e.g. babies crying, banging doors, flushing toilets, vacuum cleaning, etc)
- Children playing
- One off parties or celebrations at reasonable times
- Cooking odours or smells
- DIY in reasonable hours (8am – 8pm)
- Young people gathering socially (unless they are being intimidating)
- Minor one off car repairs
- Someone parking lawfully outside your home
- Civic disputes between neighbours (e.g. boundary issues).

2.2 It is however recognised that noise nuisance may become anti-social behaviour, particularly where the remedies set out in this policy are not successful, or where the behaviour is willful, at which point RPRMO's ASB policy will apply.

2.3 It also needs to be recognised that some aspects of noise nuisance are beyond areas that RPRMO can be responsible. This relates to the structure of the building and the overall level of sound insulation between flats which is structural and therefore the responsibility of the Council. It is likely that any revised decent homes standard will include sound insulation and future programs will need to take this into account.

2.4 It also applies to areas in relation to allocations where the ombudsman makes specific recommendations to making allocations that are sensitive to the impact on existing tenants and communities.

## **3. Transparency**

3.1 Transparency is important in maintaining resident's confidence in our ability to manage complaints of noise nuisance. It means helping residents understand what is expected of them and their visitors and what they should expect from us. It also means that the complainant is clear as to the limits of actions and enforcement that we as a landlord can take. It also means making clear what has been carried out and that this is done in a clear and timely fashion.

## **4. Prevention and Management of Noise Nuisance**

4.1 The prevention of noise nuisance in the first place is as important as the management of complaints. This policy therefore covers both areas and these can be broken down into several areas.

4.2. Our void standard will be updated to ensure that:

- carpets are not removed unless they are in a poor state of repair

- hard flooring is removed when there have been reports of noise linked to the property
- properties have adequate insulation from transference noise and;
- anti-vibration mats are fitted into the washing machine space as standard.

If we assess the condition of the carpets as good, they should ask the prospective tenant if they wish to keep them and if so, to sign a liability waiver.

#### 4.3 Our record keeping process will ensure that:

- Records will be kept so that noise reports relate to both the person the report has been made against and the property from which the noise comes from. Where the investigation concludes that it is in part the nature of the address, rather than the person occupying it, that is the reason the noise is occurring this must be recorded on the property data base. However, this does not mean that remedial action cannot be taken to reduce the impact of noise.
- Records will be kept in a safe and secure way so that the evidence of noise that a resident submits are securely kept within the requirements of GDPR for the retention and processing of data.

#### 4.4 When communicating with residents RPRMO will:

- Ensure the tone of communication does not result in perceptions of bias against, or being dismissive of, the resident reporting noise.
- Ensure staff show professional courtesy and respect for residents in internal and external communication.

#### 4.5 In managing tenancies:

- RPRMO will provide information leaflets on 'how to be a good neighbour' as standard with the new tenancy induction pack.
- Where hard flooring has been fitted without permission and/or with conditions (such as appropriate underlay or that permission will be rescinded if a noise report is made), if a noise report is made enforcement action will be taken under the term of the tenancy.
- For new or existing tenants where carpets were removed or where none are present, RPRMO will signpost residents to where appropriate to funding for carpets and rugs can be found.

## 5. Managing complaints about noise

- 5.1 RPRMO will use a clear suite of options in dealing with complains of noise nuisance. These will center on encouraging dialogue and ensuring that there is mutual understanding of the impact of actions and differences in circumstances. This will include the use of mediation, both by RPRMO staff and by outside agencies to reach an agreement on appropriate behaviors and expectations.
- 5.2. RPRMO will be clear whether the complaint is dealt with through this policy and not the ASB policy. This will be communicated to the complainant along with an explanation of what the outcomes can be.
- 5.3. RPRMO will use community building events to encourage understanding and reduce neighbourhood frictions whilst building a wider sense of community.
- 5.4 RPRMO will ensure that it is clear to residents when and how to report noise nuisance.

- 5.5 If RPRMO staff are aware there is going to be a delay in addressing a noise report and the timescales provided to the resident will not be met, this will be explained as soon as possible, and a revised timescale provided.
- 5.6. Full records will be kept of all communications and actions taken, and where appropriate why a course of action was not pursued.
- 5.7 All actions taken will be fully explained to the complainant, including why a possible remedy was not pursued.
- 5.8 Noise recordings submitted by residents should always be listened to by officer managing the complaint to ensure robust investigations that are informed by a true understanding of the noise being reported.
- 5.9 RPRMO will ensure that information is provided to residents who make noise reports about their right to make a complaint if they are dissatisfied with its handling of the report of noise nuisance. The member of staff who has been handling the noise report that is being complained about should never be allocated the complaint to investigate.
- 5.10 It should also be noted that the assessment of any complaint must be measured against the Regulators new Consumer Standards.

## **6 The Noise Exposure Hierarchy**

- 6.1 When dealing with a complaint of noise nuisance and deciding whether the complaints should be dealt with under this policy or the ASB policy, consideration should be given to the noise exposure hierarchy below.

<b>Response</b>	<b>Examples of outcomes</b>	<b>Increasing effect level</b>	<b>Action</b>
<b>No Observed Effect Level</b>			
Not present	No Effect	No Observed Effect	No specific measures required
<b>No Observed Adverse Effect Level</b>			
Present and not intrusive	Noise can be heard, but does not cause any change in behaviour, attitude or other physiological response. Can slightly affect the acoustic character of the area but not such that there is a change in the quality of life.	No Observed Adverse Effect	No specific measures required
<b>Lowest Observed Adverse Effect Level</b>			
Present and intrusive	Noise can be heard and causes small changes in behaviour, attitude or other physiological response, e.g. turning up volume of television; speaking more loudly; where there is no alternative ventilation, having to close	Observed Adverse Effect	Mitigate and reduce to a minimum

windows for some of the time because of the noise. Potential for some reported sleep disturbance. Affects the acoustic character of the area such that there is a small actual or perceived change in the quality of life.

**Significant Observed Adverse Effect Level**

Present and disruptive

The noise causes a material change in behaviour, attitude or other physiological response, e.g. avoiding certain activities during periods of intrusion; where there is no alternative ventilation, having to keep windows closed most of the time because of the noise. Potential for sleep disturbance resulting in difficulty in getting to sleep, premature awakening and difficulty in getting back to sleep. Quality of life diminished due to change in acoustic character of the area.

Significant Observed Adverse Effect

Avoid

Present and very disruptive

Extensive and regular changes in behaviour, attitude or other physiological response and/or an inability to mitigate effect of noise leading to psychological stress, e.g. regular sleep deprivation/awakening; loss of appetite, significant, medically definable harm, e.g. auditory and non-auditory.

Unacceptable Adverse Effect

Prevent