

Landlord Guide to Tenant Noise and Nuisance



1. Background

As a landlord letting out a property to student tenants, you are likely to receive complaints about noise and antisocial behaviour from time to time. Noise may be caused by tenants, their neighbours, visitors or guests. Most student tenants are considerate residents who do not set out to upset their neighbours and give cause to a complaint being made about them. However, given the high concentration of students living in some areas in Leeds, many of whom have not lived in small groups before; this can cause concern to permanent residents and on occasion other neighbouring student residents.

As such, landlords, Leeds City Council and the City's Universities and Colleges receive high volumes of complaints each year regarding nuisance behaviour and are regularly called upon to act and prevent nuisance becoming a recurring problem. This includes growing numbers of complaints from students whose studies and home life are impacted by noise nuisance.

This guide has been put together to provide landlords with guidance on:

- What a statutory noise nuisance involves.
- Public Space Protection Order.
- Preventing tenant issues.
- Support available through the universities and Leeds City Council for tenant behavioural issues.
- Landlord liabilities and enforcement.

2. What is a Statutory Noise Nuisance?

Noise nuisance is defined as noise that unreasonably affects somebody's use and enjoyment of their home or noise that has a significant impact on the health and wellbeing of those affected. Many factors effect this frequency, time of day, location, duration, how many people are affected and their degree of vulnerability. It is a statutory nuisance at any time, day or night. There are no acceptable times to be noisy.

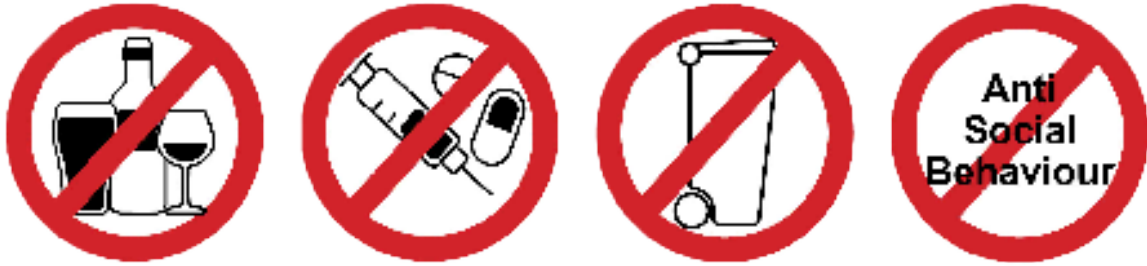
Noise nuisance is not just about large all-night house parties and playing loud music. It can also include loud music at any time, raised voices (including when travelling to and from the property, waiting for taxis, and when smoking outside) practising a musical instrument and any other avoidable noise. This includes noise caused by any guests or visitors that may be in or around a property. Noise nuisance becomes a criminal offence when an abatement notice is breached, and any students who are involved, could face legal action from Leeds City Council or disciplinary action from their University. Legal and enforcement action can be taken for a one-off house party or frequent disruptive noise. Further details on these sanctions is provided below (Section 4).

The universities and Leeds City Council have developed clear guidance for students on what noise nuisance involves and what behaviours should be avoided. This includes discouraging students from holding house parties and to keep noise at acceptable levels at all times, day and night. Large-scale parties, with professional sound systems, are strictly prohibited and will lead to further action against the students in the property.

University of Leeds guidance: https://students.leeds.ac.uk/info/10410/your_time_in_leeds/1261/avoiding_noise_complaints

Leeds City Council guidance: <https://www.leeds.gov.uk/residents/environmental-health/noise-nuisance>

3. Public Space Protection Order



As of 1st July 2020, Leeds City Council have introduced a Public Space Protection Order (PSPO), which covers Headingley and Hyde Park; Weetwood; Little London and Woodhouse.

The PSPO provides additional powers to prohibit and take enforcement action against certain behaviours in public spaces. Continued failure to comply with any requirements contained under the PSPO could result in enforcement action being taken, which could include a fixed penalty notice or action through the courts. Prohibited and enforceable behaviour includes:

- **Anti-social behaviour and criminality.** This means your tenants should not engage in criminal or anti-social behaviour at any time. This includes using abusive language towards others, damaging property (including graffiti) and shouting in the street.
- **Noise nuisance, gatherings or two or more people and parties in residential streets and local parks.** This means that your tenants should not hold gatherings or parties in gardens or streets.



- **Leaving bins and bags of waste on streets and public spaces.**

(From Autumn 2020) This means that your tenants must return their bin within the property boundary after collection and not leave bags of waste in gardens or on the street. It's important that your tenants have the right number of bins and that these can be easily stored on your property. Code landlords are required to ensure that bins are provided at the start of tenancy and that they are labelled with the property number.

- **Being in possession of, and consuming alcohol and using psychoactive substances in public spaces.** This means your tenants should not consume alcohol outside of the property boundary and to not take, or allow others to take, psychoactive or illegal substances in the property.

4. Preventing Tenant Issues

To avoid issues, it is advisable that landlords encourage good neighbourly behaviour from their tenants. This includes encouraging your tenants to get to know their neighbours, raising awareness with them that they are living in a community with people with different lifestyles to their own and to conduct themselves in a considerate way that does not affect the home life of others.

It is best practice to issue guidance on how to be a good neighbour prior to occupation and throughout a tenancy. It is recommended to issue guidance alongside house hunting information and house viewings, the signing of contracts and to include in welcome packs. Think about the key points of the year where we see an increase in ASB, including Halloween and the end of term and whilst wishing your tenants well, remind them to be considerate.

The Universities and Leeds City Council have developed guides that you can access and share with your tenants on living locally and noise.

University of Leeds Guide to Living Locally: <http://sustainability.leeds.ac.uk/wp-content/uploads/2016/07/Your-guide-v1.pdf>

University of Leeds Guidance on Noise Nuisance: https://students.leeds.ac.uk/info/10410/your_time_in_leeds/1261/avoiding_noise_complaints

Leeds City Council guidance on Noise Nuisance: <https://www.leeds.gov.uk/residents/environmental-health/noise-nuisance>

Usually a residential tenancy agreement will contain a provision prohibiting the tenant or their guests, from causing nuisance or annoyance. It is advisable that any provision stipulates that house parties be prohibited without the landlord's consent. Ultimately, this can be enforced by eviction.

In the event of any anti-social behaviour, landlords in the first instance should make reasonable attempts to intervene and engage with their tenants, with a view to ending unneighbourly behaviour. It is accepted that not all intervention will be successful, and assistance can be requested from Leeds City Council and the Universities. Information follows on these services and what support you can expect.

The partnership also welcome intelligence from landlords and agents where they identify issues, particularly around planned events such as house or street parties. We can take pre-emptive action, but rely on information coming through to us with as much notice as possible.

5. Support Available for Tenant Behavioural Issues

The Universities and Leeds City Council deliver support services that are accessible to landlords, their student tenants and members of the general public. The Universities operate a Neighbourhood Helpline service to respond to all issues involving students in communities and Leeds City Council operate a Noise Nuisance Service. These are independent and separate services but work collaboratively to more effectively respond to antisocial behaviour caused by students in the city. Both of these services are open to landlords to use.

5.1 Leeds Universities and Colleges Neighbourhood Helpline

The Helpline is a dedicated service operated by the University of Leeds and Leeds Beckett University in partnership with Leeds Trinity University College and Leeds Conservatoire. It is a service available to report any neighbourhood issues involving our students, so that we can engage our students and change any negative behaviour.

Where students have been identified as being involved in a neighbourhood issue, and substantiated evidence is received, the relevant university or college will take appropriate action to address any issues raised in accordance with their own governance and policies around student's behaviour in the community.

For a minor or first complaint the Universities will write to our student to advise that there is an issue, offer guidance on acceptable behaviour and issue a warning about formal action, should further complaints be received. For severe conduct in the community, such as noise from large and disruptive house parties or frequent antisocial noise and behaviour, the Universities will follow their General Disciplinary Procedures. This could lead to a formal warning, fines and suspensions and in extreme cases, exclusion from their university or college.

Please refer to the Neighbourhood Helpline Code for details of each institution's complaint handling procedures. <http://sustainability.leeds.ac.uk/wp-content/uploads/2019/01/NHelpline-Code-Nov-2018.docx>

Contact Leeds Colleges and Universities Neighbourhood Helpline:

By telephone (24hr voicemail service): **0113 343 1064**

By Email: **neighbourhood.helpline@leeds.ac.uk**

By Web: **<https://sustainability.leeds.ac.uk/neighbourhood-helpline/>**

5.2 Leeds City Council Anti-Social Behaviour Team

Noise from domestic properties is dealt with by the Leeds Anti-social Behaviour Team (LASBT) who are part of Safer Leeds within Leeds City Council. LASBT receives noise reports, through both the Out of Hours Noise Service and daytime reporting routes, including the website customer contact portal webform.



Where a statutory noise nuisance has been witnessed, a Section 80 Noise Abatement Notice is served on all occupants at the address reported as causing a nuisance. Following this, where a further witnessed statutory noise occurs, LASBT will take enforcement action including the seizure of noisemaking equipment and prosecution of each occupant through the courts. The legislation allows the Council to attend the Magistrates Court to obtain a warrant of entry, and once gained, allows entry (by force if necessary) to take any necessary steps, including seizing items believed to have been used in the commission of the offence. For landlords/agents who provide TVs, sound systems etc as part of their furnishings, it is important to be aware that if an item is seized, it is done on that basis rather than ownership as the emphasis is on preventing recurrence.



If any of your tenants has been found to be causing a statutory nuisance, LASBT will contact you to obtain their personal details. This is normally done by service of a notice on the landlord or agent under legislation that allows the Council to obtain details of the occupiers of land. This is commonly referred to as a "Section 16" notice. If you receive this notice, it is important to action it as soon as possible, and whilst most landlords and agents do this, it is worth noting that non-compliance can result in prosecution by the Council.

LASBT also offer support to landlords where it is suspected that tenants are planning to cause a nuisance, for example by holding a house or street party. Prior to an offence being caused, officers can visit and speak with student tenants to advise them on the consequences of nuisance behaviour and issue a legal warning in an attempt to dissuade them. The team will liaise with the Neighbourhood Helpline so that a warning can also be issued to the students from their university or college.

Contact Leeds City Council Anti-Social Behaviour Team

For noise that happens during the day: Contact Leeds anti-social behaviour team through the online webform <https://www.leeds.gov.uk/residents/environmental-health/noise-nuisance> or call **0113 222 4402**, 9am to 5pm, Monday to Friday.

Noise that happens at night or at weekends/bank holidays:

To contact the Out of Hours Noise Service call **0113 376 0337**. This service operates 6pm to 3:30am, 7 days a week.

To pass on intelligence about any possible planned events email: LASBT@Leeds.gov.uk

6. Landlord Liabilities and Enforcement

One off antisocial behaviour and noise issues are typically managed through action taken with the tenants. However, there are certain circumstances when a landlord could be liable for the antisocial behaviour of their tenants and legal action may be pursued by Leeds City Council and West Yorkshire Police. This includes instances where serious or annually recurring issues occur or where a landlord authorises their tenants to host a house party causing noise nuisance.

Leeds City Council and West Yorkshire Police have the statutory powers to deal with anti-social behaviour. Legal and enforcement action can be taken against landlords in the following ways:

6.1 Community Protection Notice

A Community Protection Notice (CPN) is used to prevent unreasonable behaviour that is having a negative impact on the local community's quality of life.

CPNs can deal with a wider range of behaviour, such as noise nuisance and waste on private land. They can be issued to any person aged 16 years or over, including landlords who do not reasonably prevent or actually permit anti-social behaviour in their property.

A written warning must be issued, requesting the conduct to stop and setting out the consequences, before the CPN is issued. Breach of a CPN is a criminal offence and will incur a fixed penalty notice. A notice can be appealed within 21 days to the Magistrates Court. Where breaches are committed by a business/company, fines on conviction can be up to £20,000.

6.2 Licence Conditions

Where a house in multiple occupation (HMO) is subject to mandatory HMO licensing, the licence is subject to conditions in relation to anti-social behaviour by tenants. License holders are required to take steps to tackle antisocial behaviour and work with the Police or Leeds City Council to do so. The conditions require a clause in the tenancy agreement prohibiting unlawful and nuisance behaviour. Failure to comply with licencing conditions is an offence, which could result in a license being revoked and a fine.

For further information on the steps required to reduce antisocial behaviour in accordance with HMO licensing see: **<https://www.leeds.gov.uk/housing/information-for-landlords/conditions-for-licensed-houses>**

6.3 Closure powers

Premises Closure Orders are available to The Police and The Council and are designed to tackle serious or persistent forms of antisocial behaviour. They can also be used to prevent nuisance occurring.

A closure order may be issued to restrict entry to a property, which has been used, or likely to be used, to commit nuisance or disorder. Orders give the power to close a property completely or partially and to prevent access by any persons except the Council, Police or the property owner for a period of up to 6 months.

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A closure order must be applied for through the Courts, and any notices or paperwork relating to the application will be served on the landlord/agent as they have an interest in the property. Closure orders aim to offer quick respite, and therefore the process should ordinarily be completed within 14 days of the first court hearing.

Closure Orders are issued as part of sanctions against households who have engaged in nuisance and disorder. A landlord of a property where an order has been issued, could therefore find themselves having a property closed and having to secure it.

If a full closure order is granted students must immediately move out and the landlord may not then be able to let the property for up to six months.

Breach of a closure notice is a criminal offence and punishable by a fine or imprisonment. An appeal can be brought against the decision to make or extend the Closure Order by any person on whom the notice was served. An appeal can be made to the Crown Court within 21 days