

Tackling anti-social behaviour/neighbour nuisance

The Housing Service takes seriously all reports of anti-social behaviour/neighbour nuisance received from residents on its estates.

What is neighbour nuisance?

Neighbour nuisance or anti-social behaviour is anything that interferes with the peaceful enjoyment of the home and surrounding area.

Examples of anti-social behaviour include noise nuisance, verbal and physical abuse, harassment and vandalism.

Living in a community

We can all expect a certain amount of noise from other people going about their normal lives. Different work and sleeping patterns, differences of views over behaviour of children, pets, problems of litter and noise can all lead to friction and disputes.

Along with stresses and strains of everyday life, living together can easily give rise to arguments. A lack of consideration on the one hand or lack of tolerance on another can cause problems. Incidents, which appear to be relatively minor, can break down good relationships with neighbours if continued.

The old saying 'treat others as you would like them to treat you' is good advice and should go a long way to avoiding a problem. Ask yourself if someone else was doing it, would you complain? If the answer is 'yes', then stop!

Behaviour which falls outside the terms and conditions of your Tenancy Agreement such as severe noise nuisance, harassment, criminal activity or damage to council property is unacceptable.

Tenants' responsibilities

Your Tenancy Agreement advises you of your responsibility as a Council tenant not to cause a nuisance to others, nor to use the property for illegal or immoral purposes. Remember, you are also responsible for the behaviour of anyone living with you (including your children) and visitors to your home.

The following list details some of the types of anti-social behaviour for which the Council will take action against tenants:

- Causing a noise nuisance for example by playing loud music.
- Verbal abuse for example making racist remarks towards another person.
- Harassment of another person or persons (This may involve threatening behaviour).
- Physical assault of another person or persons.
- Causing damage to any Council property, or the property or possessions of another person.
- The storing and dealing of drugs from a Council dwelling.
- Any nuisance caused by pets belonging to the tenant.

- The parking of vehicles on unauthorised grounds.

What can you do?

- Keep the volume down – whether it's a television, car stereo or conversation – especially at night.
- Place noisy equipment away from partition walls, floors and ceilings.
- Keep noisy jobs and operate noisy equipment when it will cause least disturbance to your neighbours – let them know beforehand and they are less likely to complain.
- Dogs often bark when left alone too long – if you must leave your pet, ask a friend or neighbour to look after it or visit.

People living in flats

Please give special consideration for your neighbour if you live in a flat, particularly in relation to noise. One noisy neighbour in a block of flats can make life miserable for other neighbours. When you turn on your radio, television or hi-fi think about your neighbours and adjust the volume to a level that will not disturb them. Please make sure washing machines and fridges are on a carpet or mat to reduce vibration.

If you are considering fitting laminate or wood flooring to your flat, please be aware that the noise your neighbour experiences may increase significantly. To avoid disturbing your neighbours you should install a resilient underlay under your laminate floor and extensive use of rugs in areas of high foot traffic may help.

Resolving Neighbour Disputes - Initial Action

If you have a problem with a neighbour there are a number of things you should think about before coming to the Council with a complaint:

- Decide whether you would like us to approach your neighbour. Note that this may make things worse, especially if it is a relatively minor problem.
- Talk to the person who is causing the problem and attempt to solve it with a calm and sensible discussion. Most disputes can be sorted out in this way.
- Decide whether or not to approach another agency. For example, you should contact the police if the problem is of a criminal nature i.e. violence or damage.
- Always write down details of the problem as soon as it happens, that is, note the date, time, what happened and who did it.

Making a Complaint to the Council

If, having thought about the above, you still have problems then please contact our Estates Team on 01229 876520 or 876479. We will then decide if your case is serious.

Serious cases are those involving violence, threats, harassment or criminal activity. Other cases such as noise nuisance may become serious if it is persistent.

If your case is considered serious i.e. it involves threats of violence, you will be contacted within 24 hours, otherwise you will be contacted within 10 working days.

How your complaint will be dealt with

All complaints will be treated seriously, recorded and fully investigated. Confidentiality is assured. We will respond to incidents involving threats or actual violence within 24 hours and other problems within 10 working days.

A course of action will then be agreed with you, this may involve us trying to gather evidence from other neighbours or visiting the person you have complained about. Please note that we will not do anything without your consent.

After considering all the facts of the case, such as what the problem is and how persistent it is, we will decide what action to take. Again, we will fully consult you about this. In some cases, this involves a warning being given to the person causing the nuisance (this may be verbally or by letter). However, where appropriate we will try to reach a compromise between both parties.

Incident Diary

You may also be asked to maintain a diary in which to record details of problems as they happen.

Keeping a diary helps you keep track of nuisance behaviour that affects you. You must make sure that to the best of your knowledge, the information is factually correct. The record may be used as evidence in court at a later date.

Incident Diary sheets can be obtained from the Housing Officer who is dealing with your case.

Notes about completing the Incident Diary are given on page 5.

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Legal Action - what we can do

Our aim is to resolve complaints without recourse to legal action. In the vast majority of cases this is achieved. However if a complaint cannot be sorted out, despite warnings being given by the Council, we may consider taking legal action.

Before taking legal action, we will consider if the case is serious enough to warrant legal action; whether residents are prepared to give evidence in court; whether evidence can be gained by other means; if the case can be resolved in any other way; and if legal action can settle the problem.

The Council can consider taking possession proceedings as to action or injunction proceedings. Possession proceedings involve the Council gathering evidence in order to persuade the Court to award a possession order, the Council would then be allowed to evict that person. The Council can only gain possession orders against Council tenants.

Injunction proceedings again involve the Council gathering evidence, in this case to persuade the Court to grant an injunction against a person or persons. An injunction is an order of the Court that places certain restrictions upon a person, for example, not to go within a certain distance of a property and to not harass a named person.

You can take your own legal action if you wish. Contact a solicitor for further advice.

Evidence

Adequate evidence is essential if the Council is to take any court proceedings.

The Court prefers to hear evidence directly from residents who have experienced the problems. This is where an incident diary proves vital. It may be possible for a Housing Officer to give an account of your experiences on your behalf, known as hearsay evidence, however, the Court is less likely to award an Order.

Other courses of action

Public Protection Team (formerly known as Environmental Health)

Staff in the Council's Public Protection Team can investigate any noise complaint they receive. This includes all properties, not just Council properties. They can take legal action to seek an Order from the Court to prevent noise nuisance. Your Housing Officer will work with this department to make sure everything possible is being done to resolve any noise complaint.

Public Protection recommend the use of 'The Noise App'.

Step 1: Download the app from www.thenoiseapp.com or search online for 'The Noise App' at Google Play or the Apple App Store.

Step 2: Create your account and choose the Service Provider Westmorland and Furness Council to investigate your noise nuisance reports.

Step 3: To report a nuisance, simply tap the icon, make a 30 second recording of the noise, complete a form and submit your report online.

Step 4: Await response from the Council investigate your case reports.

Other Agencies

The Council also works with other agencies such as the Police and Social Services in order to resolve problems. This could include an application to the Court for a Criminal Behaviour Order (CBO) against perpetrators. CBOs restrict a person from continuing with anti-social behaviour and breaking such an order leads to criminal proceedings.

We are also keen to work closely with residents to identify and tackle problems on Council estates together.

Please note all initial queries should first be referred to your Housing Officer.

Notes to help you fill in the incident diary booklet

We have an Incident Diary booklet to help you keep a record of the times when a nuisance happens. If you need a copy of this booklet, then please do not hesitate to contact the member of staff who is dealing with your case.

It is important you keep an accurate record of the nuisance in the booklet. This will help us decide whether we can take any action as a result of such incidents. The information in the booklet may be used as evidence in a court of law. We would only use them with your permission and all information will be treated as confidential.

If you have difficulty writing, or there is some other reason why you cannot complete the incident diary, then please talk to the member of staff dealing with your case for advice.

General points

- If it is a serious incident, report it straight away to the police. Do not wait until the incident diary is due to be returned.
- Enter all details at the time the nuisance occurs, or very shortly afterwards—this is essential if the incident diary is to be used as evidence in a court of law.
- Always complete the incident diary yourself. Only record what you experience yourself. If more than one person is keeping record (for example your partner), you should each use a separate incident diary.
- Please do not exaggerate the truth when you fill it in. Keep the original incident diary safe—it is important.

Completing the Incident Diary Booklet

- Complete your name and address details on the front of the booklet if this has not already been completed.
- At the front of the booklet is an example which shows you how to complete the form in the most appropriate way. Put in information which is on the front of the Incident Diary.
- Enter the date the nuisance occurs and time it started and stopped. Please use either a.m. or p.m. after the time or use the 24-hour clock.
- Give as much detail as you can about the incident, e.g. what exactly happened; where it occurred; what did you see or hear (including any swearing that you heard). If known, put the names down of who was involved in the incident.
- Write down if there were any other witnesses to the incident (include members of your family).
- If you reported the incident, write down who you reported it to. If it was the police, please write down the incident number.
- Finally, please sign the incident diary, writing the date and time at which you signed. This will only be able to be used as evidence if it was written soon after the incident.