

# Nuisance Solutions



# Introduction

- From time to time difficulties may arise as a result of unreasonable behaviour by a neighbour, their family or others living with them or visiting them.
- What makes a 'good' neighbour is difficult to define. We often have different life styles and ideas about what we want from our neighbours and how we expect them to behave.
- What makes a 'bad' neighbour is also difficult to define, but sometimes certain behaviour can disrupt our lives and bring misery and despair.
- We have produced this leaflet for people who are having problems with their neighbours and who need some advice as to what they can do.
- As your landlord we are here to help you with any problems you may be having. Details of how we can help are described and useful names and telephone numbers are included in this leaflet.

## What is a nuisance?

Some common examples of neighbour disputes involve:

- **Noise** – Complaints about noise are common. The problem may be caused by a dog barking, loud music, loud arguments or noisy cars and motorbikes.
- **Waste disposal** – This type of problem includes leaving refuse and other unwanted items anywhere other than in the refuse bins provided.



- **Vehicles** – The most common complaints of this type are about inconsiderate parking, major repairs and the dumping of unroadworthy and unwanted vehicles.

Neighbour problems can be varied and everyone has a different idea of what is 'disturbance' – so the neighbour who is causing you a nuisance may not even realise that they are doing anything wrong.

## What should I do first?

- **Trying to resolve the problem - The personal approach**

Many neighbour problems can be sorted by talking to your neighbour in a reasonable way. You should talk to the person concerned and point out that you are being disturbed by their activity. Politely try to agree a solution to the problem.

It is important that you try to stay on speaking terms with your neighbours – co-operation is almost always the best policy.

## What if the problem continues?

If the personal approach does not work, then you will need to consider what to do next.

- **Outside Assistance**

<b>Problem</b>	<b>Who to contact</b>	<b>Solution</b>
Dog nuisance – fouling public areas	The Council	Council by-laws state to keep dogs on a lead and not let them foul in public areas
Constant barking, keeping a dog in unhygienic conditions	The Council – Environmental Health Department	Abatement order to stop the nuisance, or a fine
Dangerous dogs	The Police	Prosecute dog owners
Stray dogs	Environmental Health Department	Dog wardens must round up stray dogs
Litter - in public areas	The Council	The Council must keep its land free of litter
Piles of rubbish	Environmental Health Department	Abatement order to remove rubbish, or a fine
Rubbish with rats/mice	Environmental Health Department	Remove the rats/mice

<b>Problem</b>	<b>Who to contact</b>	<b>Solution</b>
Noise nuisance	The Environmental Health Department	Abatement order to stop noise pollution, or a fine
Repairing vehicles on domestic property to make a profit	The Council – Planning Department	Enforce planning controls
Using a home for business purposes	The Council – Planning Department	Enforce planning controls
Racial harassment	The Police	Arrestable offence
Malicious phone calls/letters	The Police	Arrestable offence
Criminal activity eg drugs	The Police	Arrestable offence



# What can we do to help?

To make sure that every complaint receives the proper attention, there are certain steps that need to be followed:

- Wherever possible, we need the information from you in writing. Please include all the relevant details, names and addresses of people concerned.
- We cannot always take action and if this is the case we will write and tell you.
- If there is a serious breach of tenancy then we can consider taking legal action through the courts. Action can only be taken if you keep a written 'diary' of incidents and are prepared to give evidence in court.
- All neighbour complaints we receive will be carefully looked at and classified into one of three categories:

## I. Harassment

Examples include –

- Violence or threats of violence
- Persistently abusive or insulting words or behaviour
- Damage or threats to damage property
- Aggressive groups on communal ground or areas
- Racist or sexist threats or behaviour



## 2. Nuisance

Examples include –

- Failure to keep the garden tidy
- Dumping of rubbish
- Disagreement over shared parking
- Parties
- Barking dogs/failure to control dogs
- Loud music
- Repeated disturbances at night (eg arguments or doors slamming)
- Children playing games around communal areas



## 3. No action to be taken

Examples include –

- Where you are in dispute with your neighbour but your complaint cannot be sustained. You may disagree with your neighbour, but a difference of opinion between individuals does not count as conclusive evidence of nuisance
- Where you are unwilling or unable to provide information we need to take the complaint further
- If you and other people wishing to complain are not prepared to go to a County Court



- If your complaint is made in writing your Housing Officer will contact you within five working days to tell you what will happen next. You will probably be requested to keep a record of events by completing 'diary' sheets. This will help to build up a picture of the problem, assist to identify possible solutions and act as evidence in any future legal action.
- If appropriate, your Housing Officer will visit the person causing you the problem to tell them a complaint has been made and to explain why. Although your name would not be mentioned, they may be able to guess who made the complaint.
- Your Housing Officer will then write to the person causing you the problem, confirming what was said during the visit. Your Housing Officer will also tell you of any further action to be taken.
- When appropriate, your Housing Officer will liaise with other agencies, eg Police, Environmental Health Department, Social Services to provide support and information.
- If a complaint is of a very serious nature, particularly where there have been a number of complaints about the same problem, we may consider taking legal action against the offending person/s.

In such cases, as landlord, we may seek possession of the property concerned. This will be as a last resort after all other measures have failed.

However, before we take such serious steps, a great deal of evidence must be collected from those who have complained. This will be in the form of diary sheets, photographs, tape recordings, video tapes, medical evidence etc. You will need to help in preparing a statement giving details of what has happened and how this affected you. This information will be presented in the court to enable the Judge to make a decision.

- If we take the case to court, much would depend on your evidence. You may need to give evidence in court, which would be presented in addition to the reports from our officers.
- After having heard all the evidence on both sides the court will then decide the case and make the necessary orders. In suitable cases the court can make orders that, for example:
  - Require the person causing the nuisance to stop
  - Take action to ensure that the nuisance does not start up again.
  - Allow the landlord to evict the person/s from their home



# What else can I do?

## **MEDIATION**

Mediation can be an effective means of dealing with some types of neighbour dispute. A mediation service helps people who are in dispute to come to an agreement themselves rather than have a solution imposed by the landlord or by the courts.



The mediator does not make judgments or take sides, but helps people to listen to each other's point of view to find common ground, and to jointly agree ways of dealing with the problem.

More than 50% of people who choose mediation manage to agree on at least one issue.

Mediation is free, quick and you only agree to something if you feel okay about it – without any pressure. If you wish to know more about mediation please contact your Housing Officer who can arrange this service for you.

## **THE ENVIRONMENTAL HEALTH DEPARTMENT**

You can contact the Environmental Health Department of the Council direct. This is often the best way of dealing with complaints about noise, because the Environmental Protection Act 1990 gives councils the power to deal with such complaints.

An Environmental Health Officer will consider any disturbances, especially noise nuisance caused by regular DIY or loud music, particularly if it takes place after 11.00pm.

## **HANDLING YOUR OWN COMPLAINT**

You may decide that you wish to take your own legal proceedings. Before commencing proceedings you should take advice from your solicitor as the law of nuisance is complicated. You may be eligible for Legal Aid so ask your solicitor to check. Alternatively, speak to the Citizens Advice Bureau.



If you or someone you know would like this document on audio tape, in large print, in Braille or translated into another language, please contact us on 01237 428080 or email [info@tarkahousing.org.uk](mailto:info@tarkahousing.org.uk)

**Si vous, ou une personne de votre connaissance, désirez obtenir ce dépliant « Solutions aux nuisances » sur CD, en cassette audio, gros caractères, Braille ou dans une langue étrangère, veuillez nous contacter au 01237 428080 ou par e-mail à [info@tarkahousing.org.uk](mailto:info@tarkahousing.org.uk)**

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