



**"GIVE NEIGHBOUR
NUISANCE THE RED CARD"**

Solving Neighbour Problems

Neighbour nuisance and anti-social behaviour

Our Commitment to you:-

- We are committed to taking proactive action to deal with anti-social behaviour;
- We will do everything we can to support people whose right to peaceable enjoyment of their property and neighbourhood is seriously affected;
- We will take all reasonable steps to ensure that the tenancy agreement is complied with;
- We will work in partnership with the Police and other agencies to deal effectively with perpetrators and help people who are affected by anti-social behaviour.

Most people will try and be good neighbours and don't set out to cause disputes. However, sometimes problems do arise. These may range from annoying nuisance, such as music played too loudly, to serious incidents such as racial or sexual harassment or threats of violence.

Below we have set out some advice and information on:-

- What you can do yourself to try and sort things out.
- When you should seek help & advice from the Council & what we can do.
- Other organisations that can help you, and what they can do.

Vale of Glamorgan Housing Services will investigate your allegations of nuisance from neighbours. Then we can decide the best way of dealing with the problem. Our policy is to try to resolve disputes informally wherever possible and help those involved to resolve any differences they may have.

What you can do yourself to try and sort things out

Try not to rush in! - If this is the first time you've experienced a problem with your neighbour, the right thing to do to start with might be nothing! Maybe they're putting up shelves or having a birthday party. A bit of tolerance on your part might be all that's needed to sort the problem out. If you're too quick to complain, it might make things worse between you both.

Try talking to your neighbour and explaining what the problem is—Preparation is very important. Before approaching your neighbour:-

- Think about what you want to say.
- Have a clear and simple message in mind -it will give you more confidence.
- Be clear about what the problem is and think about how it affects you.
- Do not stray from the main issue.
- Think beforehand what the outcome **is** likely to be.

Before you talk to your neighbour, try talking to another person. This can help to make the problem clearer in your mind. Try talking to friends, your Housing Assistant, the local Residents Board, Citizens advice bureau or solicitor. Remember.....

- **Don't** leave it until you're really angry or things get out of hand, before you complain.
- **Don't** lose your temper or use aggressive body language (eg hands on hips, point-

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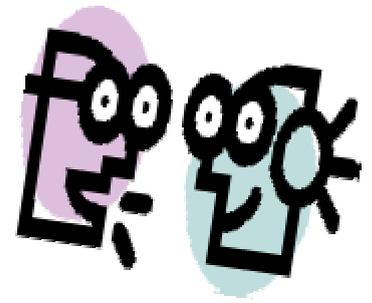
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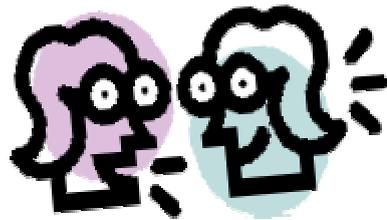
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- ing, staring etc).
- **Do** Wait till you are calm before you speak to the person.
- **Do** Introduce yourself to the person if you don't know each other.
- **Do** Talk to the person face to face and when they are on their own.
- **Do** Work out beforehand what you want to say and explain the problem clearly.
- **Do** Approach the person when they are likely to have time to talk (eg not late at night or when they are off to work).
- **Do** speak quietly and slowly, this helps keep the other person calm.
- **Do** be prepared to listen to their side of the story and don't interrupt.
- **Do** leave straightaway if people are aggressive or threatening. If this happens you will need help from the Council or another organisation, to sort things out.



If your neighbour is unreasonable - leave the discussion. If you think you are in danger or your neighbour threatens you with violence, contact the Police and notify your local neighbourhood office. If the Police are involved, always ask them for a crime number. **This** could be used for further investigations into your complaint. In an emergency, just dial **999**.



Resolving the problem—Resolving the problem means that you have come to an understanding with your neighbour. Having listened to each other's views, you may be able to reach an agreement. If things do not improve get advice from your neighbourhood office. Write down the dates and times of what happened, and how it has affected you and anyone who has witnessed the problem.

Seeking help from the Council Housing Service

Sometimes people are not willing to listen or compromise, or are aggressive or violent. If you have this problem you will need to contact the Council Housing Department to take action on your behalf. You can do this by contacting your Housing Assistant on the phone number on the back page and asking to make an appointment to discuss the problem. Alternatively you can arrange an appointment by calling in at Housing Reception, 2-8 Holton Road, Barry, between 8.30am and 5.00pm Monday to Thursday, and 8.30am to 4.30pm on Friday.

You will need to start to collect evidence of the problem, and to record times and dates of incidents and what happened. You can also take names and addresses of any other witnesses. You may want to take photographs, for example, if cars are being repaired or rubbish is accumulating in the back garden. You should sign and date the back of any photographs you take. You can also approach your other neighbours to see if they are also affected and ask them to keep diaries to provide supporting evidence.

The Council aims to provide the best possible service to tenants. In order to meet this goal the Housing Department recognises that it must successfully tackle problems. Housing Officers will investigate every report of neighbour nuisance and give advice or take action where necessary.

Housing Officers will stress a conciliatory approach wherever possible. They will take action quickly in cases of harassment and victimisation. By its action the Housing Department will show current and prospective tenants it will not tolerate anti-social behaviour. It will take action, which may include seeking injunctions and evictions, to deal with such behaviour.

What will happen when you approach us for Help?

When you approach the Housing Department, your Housing Assistant will make an appointment to see you either in the office or at your home, whichever is most convenient for you. You and your Housing Assistant will discuss the problems and any action which may be taken. This may include:

- You approaching your neighbour yourself
- The Housing Officer approaching your neighbour or writing to them
- The Housing Officer arranging a joint interview with you and your neighbour to see if the problem can be solved by mediation
- Both of you collecting further evidence through such as
 - Keeping diaries of events
 - Independent witnesses
 - Retaining evidence, eg objects thrown
 - Photographs
 - Evidence from other neighbours
 - Police or Other agencies
- Involving other appropriate agencies
- Taking legal advice



All action taken will be agreed with you. Anything you wish to be confidential will remain so, although this might limit the action the Housing Department can take.

What can we do?

The Housing Department has two legal options it may take in the most serious cases. It can apply to Court to ask them to grant:

- **An injunction**—For serious cases of harassment only, a temporary injunction can usually be obtained within 24 hours. An injunction can order your neighbour not to approach or speak to you. Once investigations are complete, which takes about four weeks, a longer term injunction can be sought. To obtain an injunction, you will have to be named in the evidence given to the Court, but you will not necessarily have to attend Court.
- **A possession order to evict your neighbour**— A possession order will not be granted by the Court unless the Council can provide good supporting evidence to prove the case.

And there are several ways that evidence can be gathered without your identify being revealed. You can ask your Housing Assistant for more details.

When can we do it?

The Housing Department can take action against a tenant where the tenant, their lodger, other members of their family or visitors, break a tenancy condition. In the Table overleaf are some examples of when the Housing Service, or another department of the Council, can take action. In all cases there must be sufficient evidence

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The Vale of Glamorgan Council—Public Sector Housing

**Housing & Community Safety
2/8 Holton Road
Barry
Vale of Glamorgan**

**Phone 01446—
709__
504/505/580/750/75
2
Fax 01446—421481**



Solving Neighbour Problems

available to enable the Council to act. Whilst we will deal with petitions we receive from you and your neighbours, without detailed evidence to support and clearly set out the problems you are experiencing, we will not be able to resolve the problem in a Court of Law.

Running a business from home	If someone is constantly using an industrial sewing machine or running a car repair business and is causing a nuisance to their neighbour's.
Harassment	Any form of harassment, including verbal abuse, threats of violence, stone throwing, spitting etc will be treated very seriously. Quick action, usually in the form of an injunction, may be taken and may often be followed up by a possession order. In very serious cases someone may be excluded from an area or property and if violence has occurred an injunction with the power of arrest can be granted by the courts. Don't forget you can now get your own anti-harassment injunction in the civil court.
Dogs	If a dog is constantly barking or fouling the communal areas of flats, the Housing Department can take action, provided it can be proved which dog is causing the nuisance. All Police stations keep a 'Dangerous Dogs Book'. The Police can only take action if they already know a dog 'has a propensity to bite'. Make sure you ask the Police to record any incidents – if a further dog incident occurs they can then take action. The Dangerous Dogs Act controls pit bull terriers and three other breeds of dogs.
Cars	Anyone constantly repairing their cars or other people's cars on the road, pavement or driveway. It is an offence to constantly repair a car/cars on the road.
Repairing or Selling Cars	An example could be where someone is conducting a business in a residential area which is prohibited by the Act, such as where someone is repairing or selling cars from their home. The Planning Officer could take court action to stop this type of illegal activity and the Court may impose fines if the activity does not cease.
Gardens	If there is a dispute about a garden boundary the Housing Department will arbitrate. If someone is storing scrap in their garden. If the garden is very overgrown and unsightly.
Overgrown Hedges	If the hedge is obstructing a pavement or walkway, the Planning and Transportation Department will ask the tenant to cut the hedge back. If they fail to do this, the Council will carry out the work and recharge the tenant.
Driving across pavements	If someone drives their car across the pavement into their garden, without having permission and a properly constructed crossover, this is an offence and action can be taken under the Highways Act 1980. This is also a breach of Conditions of Tenancy.
Planning Enforcement	The Planning Officer may investigate alleged breaches of planning control and in accordance with Town and Country Planning Act 1990 can take enforcement action if planning permission has not been granted in respect of the activity.
Parking on pavements or grass verges	If this causes an obstruction, it is an offence under the Motor Vehicles Regulations Act 1986. This also applies if people park in front of your driveway. The Police will always warn people first.
Harassment, Fear of Violence	The Protection from Harassment Act 1997 makes it a criminal offence to pursue a course of conduct which amounts to harassment and they can seek an anti-harassment injunction under sections 1 and 2 of the Act from the Magistrates Court.
Graffiti	The writer of offensive graffiti can be prosecuted under the Public Order Act 1986 (your Housing Assistant can act as the complainant as well by saying the graffiti offends them. It doesn't have to be the person whom it is aimed at who complains).
Playing football on the road	This is an offence under the Highway Act 1980. The Police will normally first warn someone doing this.
Malicious Phone Calls	These can now be more easily traced by your telephone provider. Under the Telecommunications Act 1984 the Police can take action and will write or fax your telephone provider to ask for a trace to be put in a particular phone.

Getting in Touch with Us

To help us deal with your nuisance issues please complete the form below as fully as possible. You can detach the form from the leaflet by cutting along the line identified. You then simply return it to us at the address overleaf. On receipt we will be able to start working with you to resolve your current difficulties.

Solving Neighbour Problems—Response Form

Who are you complaining about (Name & Address):

What is the Nature of your Problem? (please tick)

- | | |
|--|--|
| <input type="checkbox"/> Untidy garden/hedges (e.g. rubbish dumped, overgrown) | <input type="checkbox"/> Graffiti/Damage/Vandalism (e.g. smashing windows) |
| <input type="checkbox"/> Noise Nuisance (e.g. loud music) | <input type="checkbox"/> Repairing Cars/parking on communal areas (e.g. grass verges) |
| <input type="checkbox"/> Youth annoyance (e.g. children playing football) | <input type="checkbox"/> Malicious Phone Calls (e.g. abusive calls) |
| <input type="checkbox"/> Harassment (e.g. threatening behaviour, Intimidation) | <input type="checkbox"/> Dogs (e.g. barking constantly, fouling area or dangerous behaviour) |
| <input type="checkbox"/> Racial Harassment | <input type="checkbox"/> Other (please state) |

Please briefly outline the problems you are experiencing:-

What do you want us to do?

Action

Yes	No

Is this report for information only?

Do you mind being identified as the complainant?

Are you happy that the Council speaks to the other person?

Do you wish the Council to take Action against the other person? This may require you to attend Court.

Your Name

Your Address

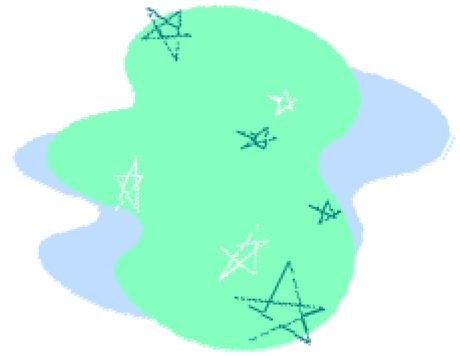
Your Telephone Number

Your Signature:

Date:



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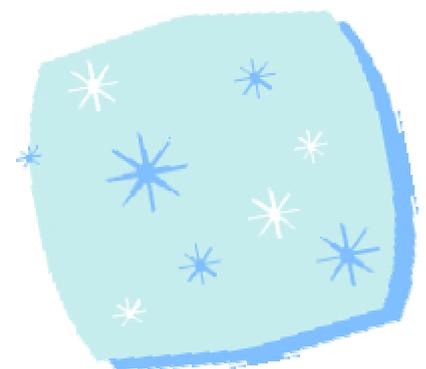
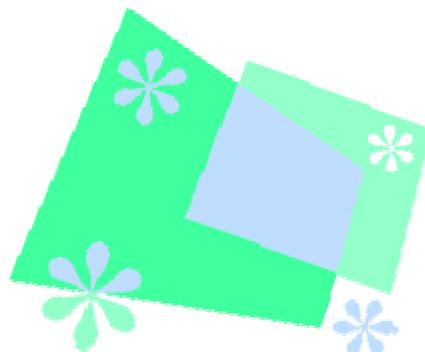
Please return the completed form in an envelope to:-

**The Vale of Glamorgan
Council—Public Sector
Housing Services**

Housing & Community
Safety
2/8 Holton Road
Barry
Vale of Glamorgan

Phone **01446—709**____
504/505/580/750/752
Fax 01446—421481

**Public Sector Housing
Vale of Glamorgan Council
Housing & Community Safety Division
2—8 Holton Road
Barry
Vale of Glamorgan
CF63 4HD**



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