

What this leaflet is about

We have given you this leaflet because you have contacted us about a problem you are having with a neighbour or about something that is happening in your neighbourhood.

This leaflet explains our policy and how we and the legal system can help you. It also gives some practical advice about what you can do yourself.

In your Tenant's Handbook we have outlined what your responsibilities are as a tenant and a neighbour. You are responsible for looking after your home and being a good neighbour to other residents. It is also fair to expect consideration from other people living around you. If this does not happen, inconsiderate behaviour or lack of respect for others can build up to incidents that make day to day life stressful and difficult for those affected.

Sometimes, people can behave in a way that is deliberately annoying or threatening to others. This is known as anti-social behaviour.

What you can do if you have a problem with your neighbour

Try talking to your neighbour face to face. This is much better than pushing notes through the door, or banging on the wall. If possible, choose a good time to make the first approach, when neither you nor your neighbour is busy with other things. Try to arrange a suitable time and place to talk about the problem properly.

Think about what you want to say. Be clear about:

- what the problem is
- how you feel
- what you want

It may help to talk to someone who is not involved, who can help you work out these things before you approach your neighbour.

Meeting your neighbour

DO

- Be calm and friendly. Say you are glad that you have got together to sort things out
- Tell your neighbour what the problem is, how you feel and how it affects you. Non-blaming language will help you get your message across
- Listen to what your neighbour has to say in return: they have a point of view, even if you don't agree with it. By listening as well as talking, you help build a good atmosphere. Problems are often solved when people feel that they have been heard.

DON'T

- Don't let things build up until you are too angry or upset to deal with them reasonably. Avoid interrupting, shouting and verbal abuse. Don't blame, accuse, point your finger or make threats.
- Don't assume that others have the same values as you do.
- Don't assume people are doing things just to annoy you.
- Don't imagine your neighbour must know what is really bothering you if you have never told them.
- Don't retaliate: it will make things worse and put you in the wrong.
- Don't argue about exactly who did it – concentrate on what you want to happen in the future.
- Don't agree to solutions you think are unfair, just for a quiet life.

Reaching an agreement

- Make sure you know who has agreed to what, and by when. It may be a good idea to write this down, and both keep a copy. Decide whether you both want the agreement to be legally binding, and if you do, write it on your agreement.
- Agree a date to check how your agreement is working out.
- Agree how you will let each other know about any future problems.

These tips assume there is no threatening behaviour or danger of physical violence? If there is, you should go to the police?

What if the problem continues?

If you have not solved the problem in the way described, Albyn Housing Society may be able to help you.

You should report the problem to your Allocations and Tenancy Enforcement Officer.

You should also start to collect evidence in case further action becomes necessary. You will need to record times, dates and what has happened (a sample form is included in the middle of this leaflet).

An incident number must be obtained for any incidents reported to the Police.

You may want to take photographs, e.g. if cars are being repaired or rubbish dumped, but you must be careful not to infringe on the privacy of other people when you do this, even if they are causing you nuisance.

Ask other neighbours if they are experiencing similar problems and ask them to keep diaries and contact Albyn as well, supporting evidence will be useful and in some cases essential if legal action has to be taken.

Young People

If it is young people who are causing the problem, there may be a limit to what sort of action we can take if they are under the age of sixteen. However, we will try and work with the parents or carers of these children, who will have a responsibility for all members of their household. We may be able to take action against the tenants as they have a responsibility under the terms of their tenancy agreement to make sure that no one in or visiting their household behaves in an anti-social manner.

Noise

If you are being continually disturbed by noise, e.g. loud music or television, contact the Police. The Police have the power to confiscate noise making equipment if they believe that disturbance is being caused. They will usually only do this after a warning from them has been ignored.

Pets

Our tenants are entitled to keep pets but they are also required to look after them properly and ensure that they do not cause nuisance or annoyance to other people. In law, a dog owner has certain responsibilities and is expected to exert a certain amount of control over the behaviour of the dog. The law does not expect a cat owner to have the same level of control over a cat and so our action against cat owners is also different.

If you believe that an animal is being neglected or has been treated cruelly you should contact the SSPCA. The telephone number is included at the back of this leaflet.

Criminal Behaviour and Harassment

If the behaviour that is causing you nuisance or annoyance is also criminal behaviour you must always report it to the Police. This would include where you or your family have been subject to physical violence or abuse, including racial or other harassment. It may also include circumstances where you believe that some criminal activity is going on. We will work with the Police where we can and may take joint action to stop the behaviour.

Some questions answered

What will happen when I contact the Society?

A member of staff will arrange to discuss the problem with you and discuss the action that we are able to take. An action plan may then be drawn up detailing what both you and the Society will do. This may include:

- Approaching your neighbour
- An officer interviewing or writing to your neighbour

- An officer arranging a joint interview
- Both you and an officer collecting further evidence through:
 - Diaries
 - Photographs
 - Other neighbours
 - Police
 - Other agencies
 - Involving other appropriate agencies (with your agreement)

However, please remember that confidentiality has to be protected for all parties.

What type of action will the Society take?

The Society has various methods of dealing with neighbour problems. These include:

- Using mediation
- Taking legal action
- Providing advice on other action that you can take as an individual

The action taken by the Society will depend on the specific circumstances, for example where there is no clear breach of tenancy or occupancy agreements, neighbours will usually be expected to resolve disputes between themselves. Wherever possible, this will be arranged through mediation with an independent mediator or with a member of staff not previously involved with the case.

What is mediation?

Mediation is an attempt by all parties to discuss the causes of the problems and to seek a solution that is beneficial to both of you. There may be two types of mediation:

- ‘face to face’ – where the staff member will arrange a meeting for the discussion to take place
- ‘brokered’ – where the staff member or mediator acts as a go-between to try and find common ground and a solution to the problems raised.

How mediation can help

If you can't sort things out directly with your neighbour, or you want some help or advice, you should contact your staff member.

Your staff member may recommend mediation. This may involve trained mediators who do not take sides or make any decisions about the problem, helping you and your neighbour to come to an agreement. Mediators listen carefully to both sides, and help you both to talk about how you see the problem, and what you can each do to improve things for the future. As impartial ‘outsiders’, they can sometimes help where communication is difficult or has broken down. Mediation is not always the right way forward, but when both sides agree to try it; there is a 90% success rate.

You should contact your staff member who will be able to provide further details on mediation services.

What happens where the problem cannot be resolved?

The Society will explore many possibilities in an attempt to resolve your concerns. If all these have failed or are found to be impracticable, then legal action will be considered.

Legal action can take three forms: Interdict, Anti-Social Behaviour Order (ASBO) or Eviction.

Interdicts

If we can show that behaviour is affecting a significant number of our tenants or is putting our own property at risk we can apply to the Court to obtain an interdict.

You as an individual can also apply for an interdict. You should get legal advice if you want to know how to do this.

An interdict is an order given by the court to stop somebody from doing something in the future.

If an interdict is broken...

Anti-Social Behaviour Orders (ASBOs)

The Society can ask the council to apply for an ASBO to be taken out against anyone aged sixteen or over who is responsible for serious or persistent anti-social behaviour.

An ASBO is an order given by the Court to stop somebody from continuing to behave in an anti-social way that was causing alarm or distress to people not living in the same household.

Anyone who breaks the conditions of the ASBO awarded against them can be prosecuted and could be put in prison.

Eviction

This may include the possibility of eviction of the individual concerned. Eviction will only be considered as a last resort, where all other options have failed.

Eviction must always be approved by a Sheriff after a court process. The court will decide not only if anti-social behaviour has taken place, but also whether it is reasonable to evict based on the evidence presented. For the Society to repossess its property, it may need your support by becoming a witness in any court action.

The process of building up a successful legal case against a household can be a lengthy one, which involves many agencies. To be fair to all individuals concerned,

the Society must be objective and ensure that whilst it may take time, all parties have an opportunity to either be heard or amend their behaviour.

The Society will always respond quickly to these problems and ensure that you are kept informed of the process as it progresses.

Where else can I get help or advice from?

A list of useful contact numbers are included on leaflet, or can be obtained from your local office.

Useful Organisations

Citizens Advice Bureau

Inverness Tel: (01463) 235345

Nairn Tel: (01667) 456677

Dingwall Tel: (01349) 864850

Police

Inverness Tel: (01463) 715555

Environmental Health

Inverness Tel: (01463) 703968

Planning Department

Inverness Tel: (01463) 724483

Social Work

Inverness Tel: (01463) 246000