



POLICIES

NUISANCE POLICY AND PROCEDURE

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CONTENTS

1. Introduction
2. Definition
3. Types of Nuisance
4. Service Statement and Performance Standards
5. Expectations of Tenants
6. Disputes
7. Equal Opportunities
8. Confidentiality
9. Procedure

1. Introduction

Stonewall Housing expects all tenants not to cause or permit any member of the tenant's household or guests to behave in such a manner that nuisance or harassment is caused to another person, either in their home, any common area in the vicinity of their home or in the local neighbourhood.

Stonewall Housing will assist tenants with trying to resolve low-level disputes. For example, quarrels regarding differences in lifestyle may result in a breakdown in communication between neighbours. Stonewall Housing has an important role to play in trying to mediate between tenants to prevent a dispute escalating into something more serious.

2. Definition

The legal definition of nuisance is:

" A substantial disturbance to neighbours; a material interference with the ordinary comfort and enjoyment of property".

The Housing Act definition of Anti- social behaviour is:

" Engaging or threatening to engage in conduct causing or likely to cause a nuisance or annoyance to a person residing, visiting or otherwise engaging in lawful activity in the locality".

3. Types of Nuisance

There are many different forms of nuisance including: excessive noise disturbance; abusive behaviour; violence, threats and intimidation; anti-social behaviour; keeping of disruptive pets and dumping of rubbish.

This list is not exhaustive.

4. Service Statement and Performance Standards

Stonewall Housing is committed to achieving Best Value in service provision. We aim to maintain a peaceful and secure environment for tenants by:

1. Providing all tenants will a copy of the Nuisance Policy
2. Responding to complaints quickly and in line with procedure
3. Ensuring that sufficient support and advice is provided to those suffering nuisance.
4. To work in partnership with Landlords when serious cases of nuisance take place with the aim of re- housing the victim where there is a serious threat of violence; supporting and guiding tenants who are to give evidence in Court.
5. Consulting and working in partnership with tenants and other agencies, including mediation services.

5. We expect tenants to:

1. Ensure that visitors are aware of the need for good neighbourly behaviour
2. Noise is kept to a minimum
3. Not to disrupt the lives of other tenants or neighbours.
4. Co- operate with us in trying to resolve nuisance, including attempting mediation.
5. Attend meetings with staff when complaints of nuisance have been made.
6. Abide by nuisance policies and procedures
7. Keep us informed of any on-going problems and keeping records of nuisance.
8. Beware of the limitations we have as support providers when trying to deal with cases of nuisance.

6. Disputes

Stonewall Housing believes that:

1. Everyone has the right to his or her chosen lifestyle providing that this does not interfere or spoil the quality of life of others.
2. Tolerance and respect for the needs of others is required and should be encouraged.
3. When disputes exist between tenants it is important to encourage them to try and resolve their differences themselves.
4. Any involvement in disputes that do not have actual or potential remedies through enforcement of the conditions of tenancy will be limited to advice or mediation.

7. Equal Opportunities

Stonewall housing aim to ensure that all tenants receive a fair and equal standard of service. It s vital that the response we give to those approaching us is based on the principle of equality of service, customer care, good practice and courtesy.

8. Confidentiality

Stonewall Housing is committed to the principle of confidentiality and requires that any information known, written or held about tenants remains confidential. In cases of nuisance we will only divulge information to a third party if we have written consent from the person concerned. However if the victim refuses to give permission the help that Stonewall Housing can give will be limited.

Procedure

1. Dealing with Nuisance

This procedure lays down the detailed stages and timescales to ensure that staff as far as possible, deals with all cases of nuisance consistently. It is important to remember that most cases of nuisance will be difficult to resolve unless we have the fullest co-operation of the tenant complaining and it is essential that tenants are made aware from the initial stage what Stonewall Housing can realistically do.

2. STAGE 1

- 2.1 A reported incident will be acknowledged within 24 hours of receipt
- 2.2 The investigation into serious case of nuisance will commence within 4 hours
- 2.3 Investigations into less serious cases will commence no later than 5 working days after receipt of the initial complaint.
- 2.4 If damage is caused as a result of nuisance the police should be informed and a crime reference number obtained. The landlord responsible for the property should then be informed of any repairs that need to be carried out.
- 2.5 The complainant will be interviewed either at Stonewall Housing head office or at the tenant's home if preferred and through details of the incident should be noted. Appendix 1 should be used and case details carefully noted.
- 2.6 At this stage it is important that the complainant is made aware of Stonewall Housing's nuisance policy and also the restrictions that we may have in dealing with cases.
- 2.7 In addition, the following facts must be established:
 - a) Does the behaviour constitute any form of racial harassment as defined in Stonewall Housing Harassment Policy? If the answer is yes then this policy should be invoked immediately.
 - b) Is the perpetrator another tenant of Stonewall Housing?
 - c) Is anyone else involved are there any witnesses?
 - d) Is the activity or behaviour isolated or does it form part of the persistent pattern?
 - e) Does the activity or behaviour include any of the following: -
 - Dumping of rubbish
 - Noise Nuisance
 - Nuisance from guests
 - f) To what extent does the perpetrator's behaviour take place within the home or outside it?
 - g) How much and what type of contact has the complainant had with the perpetrator regarding the incidents reported?
 - h) Should mediation be attempted at this stage?

- 2.8 If it is clear that a condition of tenancy relating to nuisance has been breached Stonewall Housing should offer appropriate support and contact the relevant landlord. However, it is important to remain impartial as possible at this stage as it may still be necessary to interview the alleged perpetrator who may well have a different version of events.
- 2.9 If a condition of a tenancy has not been broken (i.e. It is a dispute), the Supported Housing officer must advise the complainant verbally and in writing and provide advice on how they could deal with the issues themselves.
- 2.10 The supported Housing Officer dealing with the case must request that tenants keep a record of any incidents including, description of the incident, date, time and if there are any witnesses.

3.0 STAGE 2

- 3.1 When an incident of nuisance is reported, the complainant should be asked how they want Stonewall Housing to deal with their complaint. If the complainant does not want Stonewall Housing to take further action, their wishes must be respected. The supported Housing Officer undertaking the interview should arrange for the complainant to confirm so in writing. It should be made clear to the complainant that no further action will be taken by Stonewall at this stage.
- 3.2 If the complainant wants Stonewall Housing to approach the perpetrator a letter should be sent requesting attendance at a meeting. This should be done within 48 hours of the initial interview. If other agencies are involved then the complainant should complete a form of consent authorising Stonewall Housing to make enquiries with them. The complainant must be kept informed of the progress at all stages.
- 3.3 It is important that the complainant is made aware, at this stage. Of what can and cannot be done by Stonewall Housing and what would be expected of them if we were to pursue the case of nuisance.
- 3.4 The interview should be conducted using Appendix 2. The perpetrator should not be interviewed at home if there is a risk to personal safety. Two members of staff must conduct all interviews and home visits for health and safety reasons and to verify any information received.
- 3.5 If there are witnesses to the incident/s then they should also be interviewed as soon as possible and asked whether they would be willing to give evidence in court if necessary.
- 3.6 If witnesses exist and they are prepared to give evidence it is vital that their statements are comprehensive and accurate. There is a serious risk that any subsequent court case could fail if the witness statements are not carefully prepared and cross - referenced for accuracy and consistency and content.

4.0 The perpetrator interview and action agreed.

- 4.1 The alleged perpetrator should be interviewed using Appendix 2. All the facts and allegations must be clearly put to the alleged perpetrator and he/she must be given an opportunity to respond. Officers should question thoroughly any discrepancies or counter allegations.
- 4.2 If the allegations are denied and no additional evidence exists to support the complainant then no further action can be taken at this stage, apart from emphasising the need to comply with tenancy conditions and have consideration for their neighbours.