

What is nuisance?

Nuisance can be, but is not limited to, any of the following:

- Harassment (including racial harassment)
- Barking dogs
- Loud music
- Dumping of rubbish
- Carrying out DIY at unreasonable hours
- Other anti-social behaviour

Most people are affected by occasional problems such as a radio being played too loudly, or a dog barking. The problem usually has to be excessive and unreasonable to be a nuisance in legal terms.

What should be my first step if my neighbour is causing a nuisance?

If the problem is not too serious you should try having a friendly word with your neighbour to tell them what is troubling you, and ask if they can change what they are doing so that it does not cause a problem.

If this does not work try writing them a polite note explaining what is causing the problem. It might be useful to keep a copy of this. If the problem continues, or you are worried in any way about approaching your neighbour, report the problem to your local Rykneld Homes Housing Office, preferably in writing.

Criminal behaviour such as damage to property, violence or threats of violence, or burglary should be reported to the Police. Harassment should be reported to the Police as well as to the Council as it is a criminal offence to deliberately harass someone.

What action can the council take?

If your complaint is against another tenant we may be able to take action under the terms of the tenancy agreement. If the complaint is about someone else, [Rykneld Homes](#) will advise you on what action can be taken. We take problems of neighbour nuisance very seriously and we will act promptly to try and resolve it.

Your Neighbourhood Champion will investigate your complaint and decide which course of action to take. You may be asked to complete monitoring forms to record when the nuisance happens. This is very important evidence should the case proceed to court, and also helps in establishing the degree of the problem and for us to decide the best course of action to follow.

Evidence

Evidence could include monitoring notes provided by the person complaining, or witness statements. In cases where the council is satisfied that a tenant(s) is committing a nuisance or act of anti-social behaviour, we will ask them to modify their behaviour and to keep to the terms of their tenancy agreement.

If this fails we can serve a Notice Seeking Possession. This is a legal document giving the tenant four weeks notice of the intention of the council to take the matter to court. In serious cases the council will apply to the court for an eviction order to have the property repossessed.

Injunctions

In some cases we can ask the court for an injunction to prevent someone from causing a nuisance by:

- Stopping a person committing certain specific acts of nuisance
- Preventing a person from having contact with victims, or even entering areas of the district. A Power of Arrest can be added to an injunction in serious cases where a threat of violence has been made. If the injunction is broken the person can be arrested.

Professional witnesses

Although the person making the complaint must provide evidence, sometimes they feel too frightened to appear in court as witnesses. The law now lets us use 'professional witnesses' who are specialists in gathering the evidence necessary for a court case. We can decide to use professional witnesses where we feel it is necessary.

Working in partnership

Councils are encouraged to work more closely with the police in reducing crime in their areas under the Crime and Disorder Act 1998; and to involve other partners also such as health authorities, the Probation Service, local education authorities, and voluntary and community Groups. At North East Derbyshire we are working closely with the police and other agencies to reduce crime throughout the district. There are examples of initiatives where this partnership is working, providing effective solutions to problems, and sometimes taking action before the issue is apparent to residents.

Task groups have been set up to focus on vehicle crime, burglary, drug misuse, victims and vulnerable groups, fear of crime and nuisance and disorder.

Anti-Social Behaviour Orders (ASBOs)

The police or the council, in consultation with each other, can apply for an Anti-Social Behaviour Order against one or more people who are causing 'harassment, alarm or distress.' Anti-Social Behaviour Orders are to protect the community, not just an individual, against someone causing trouble in the neighbourhood.

The ASBO will make clear what the person subject to the order can or can't do in future. If the terms of the Order are broken, it becomes a criminal offence and the person can be sent to prison. Other options available to the police and councils include:

- Acceptable Behaviour Contracts
- Child Safety Orders
- Local Child Curfews
- Drug Treatment and Testing Orders.

What private action could I take?

If you want to take private action against a noise complaint you can make a complaint direct to the magistrate's court under Section 82 of the Environmental Protection Act 1990. You could also apply to the county court to take out an injunction. Taking your own legal action can be complicated. We recommend that you contact the Chesterfield Law Centre, the Citizen's Advice Bureau or your solicitor for advice before you start any legal proceedings. Contact details can be found at the bottom of this document.