

Your Neighbour *Your* Choice

Options for dealing with
neighbour problems



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Informal ways to deal with the problem

1.0 SPEAK TO YOUR NEIGHBOUR

Our experience shows that people usually respond better to a polite word from a neighbour rather than a letter or visit from an official of the Council. People are often unaware that they are causing a problem and are pleased to have the opportunity to put things right. If you think this approach is right for you, consider the following:

- Approach your neighbour at what should be a convenient time and not in the heat of the moment, but be prepared to agree to meet at a different time if it isn't convenient there and then
- Explain the problem and give specific examples of when the problem has occurred: this will allow your neighbour to understand what is causing the problem
- Don't raise other more minor issues as this will just confuse matters
- Look for a solution with your neighbour
- Be prepared to walk away if the approach doesn't work and don't make threats about taking the matter further as this may only antagonise the situation

We think this approach works best with neighbours with whom you are on reasonable terms and haven't had any previous disagreements but be cautious about taking such an approach if you have reason to believe that your neighbour may react angrily.

2.0 WRITE TO YOUR NEIGHBOUR

If you are not comfortable speaking to your neighbour in person, they may respond better to a polite letter from you rather than an official one from the Council. We have enclosed a sample letter which includes some of the points that you may want to include.

Even if you use a letter, be prepared to talk the problem through with your neighbour. The points mentioned above would still be relevant.



3.0 USE YORKSHIRE MEDIATION SERVICES

Yorkshire Mediation Services can help you and your neighbour to talk about the difficulties you have been experiencing via neutral go-betweens [trained and experienced Mediators] who may be able to bring you to a mutually acceptable and future focussed agreement. This service is confidential and impartial. Residents of Wakefield District Housing and Chevin Housing Association [Together Housing Group] should contact their Housing Officer for details. For Owner Occupiers, Private Tenants and tenants of other Housing Associations, please contact Yorkshire Mediation Services directly for more information and details of costs:

Yorkshire Mediation Services Tel: 0113 242 4110

Email: info@yorkshireremediation.org

Web: www.yorkshireremediation.org

Formal ways to deal with the problem

4.0 CONTACT YOUR NEIGHBOUR'S LANDLORD / REGISTERED SOCIAL LANDLORD (RSL)

This will only apply if your neighbour occupies a rented property. People who rent property usually have to sign a tenancy agreement, which may include conditions about how they agree to behave, such as not causing nuisance to neighbours. The landlord can take action if the tenant breaches the conditions. If your neighbour is a tenant you may wish to contact their landlord or Registered Social Landlord to see if they can help. Some of the main Registered Social Landlords in the district are:

Wakefield District Housing

Tel: 0345 8507507

Chevin Housing (Together Housing Group)

Tel: 0300 5555561

Yorkshire Housing

Tel: 0345 3664404

Guinness Northern Counties

Tel: 0845 6059000

We believe this approach would be appropriate if your neighbour is not responsive to any of the informal methods outlined above. It is particularly suitable if the landlord is one of the registered Social Landlord's listed above



5.0 CONTACT US - THE COUNCIL'S ENVIRONMENTAL HEALTH SERVICE

We can take legal action against your neighbour if they are causing a “statutory nuisance”. This covers problems such as noise, smoke, artificial light etc. The problem must be excessive and unreasonable to the “average” person to be considered a nuisance. Mere “annoyance” is not sufficient and people are also expected to exercise a degree of “give and take” when living alongside their neighbours.

Some of the factors which Environmental Health Officers will take into account when assessing nuisance are:

- The **time** when the problem happens
e.g. noise at night is more disturbing than during the day
- How **often** the problem happens
e.g. the more frequent something happens the more likely it is to be a nuisance
- The nature of the **location**
e.g. more noise may be expected if living in a city centre than in the countryside
- Any **malice** which is involved
e.g. is someone deliberately causing a problem
- Any **public benefit** that the thing complained about provides
e.g. carrying out road repairs.

We cannot deal with issues that arise merely from different lifestyles or everyday living if the activity itself is not unreasonable e.g. family and children noise, cooking smells, noise from footsteps or doors banging. The problem must also be excessive e.g. if you can only just hear a noise, although this may be annoying, it is unlikely to be something that we can deal with formally as a nuisance.

We cannot take into account circumstances which mean you are affected more than the “average” person for example we could not require your neighbour to be especially quiet because you work nights or are poorly. A direct approach by you is more likely to work in these cases.



Some noise problems are experienced because the level of noise insulation is not adequate, but we would not be able to require people to adjust their lifestyle and be quieter because of this. If the property is rented, the landlord may be able to carry out works to improve the noise insulation but this is not something we can insist upon.

If you want Environmental Health to help you, we would initially contact your neighbour, either in person or by letter, to try and resolve the matter informally. Some cases may be more suitable for mediation. If so, we may suggest that you contact Yorkshire Mediation Services to discuss their process.

If the problem continues; we would work with you to gather evidence of the problem and assess whether it is a statutory nuisance. If an Environmental Health Officer is satisfied that it is a statutory nuisance we would take formal action by serving a legal notice (called an Abatement Notice) on your neighbour. If problems were to continue after serving Notice then we would be able to take further action such as prosecuting your neighbour or taking noise making equipment (e.g. hi-fi equipment etc.) away from them.

Your contribution in the evidence gathering process would be vital and you may be asked to keep records of how you are affected by your neighbour, allow officers into your home to assess the level of nuisance and, if necessary, appear as a witness in Court.

If you would like to make a formal complaint to Environmental Health you can do this by completing and returning the enclosed **Nuisance Complaint Form**.

The Environmental Health Service also operates a Night-time Noise Team which will respond to ongoing noise problems on Friday, Saturday and Sunday nights between 8pm and 2am. If you are affected by neighbour noise during these times and want us to help contact the **Council's 24hr Contact Centre: 0345 8 506 506**.



6.0 CONTACT THE COUNCIL'S ANTI SOCIAL BEHAVIOUR UNIT

The Anti Social Behaviour (ASB) Unit may be able to help if your neighbour shows a pattern of behaviour which causes harassment, alarm or distress to you or the community generally. Such behaviour may include minor criminal damage to property, verbal threats and general intimidation to you or your neighbours. The ASB Unit can be contacted through the **Council's 24hr Contact Centre: 0345 8 506 506**.

7.0 CONTACT THE POLICE

If the behaviour of your neighbour is of a criminal nature, such as serious criminal damage, physical or verbal abuse or direct intimidation or harassment, you should contact the **Police on: 101 for non-emergencies or 999 for emergency situations**.

8.0 CONSULT A SOLICITOR

You could contact a solicitor to give you legal advice, write a letter on your behalf or take your neighbour to Court. This route may be appropriate if you are seeking financial compensation for any damage or loss you have incurred from your neighbour's behaviour.

FURTHER INFORMATION

See the Councils' website for more information on how to deal with neighbour problems and links to some useful websites.

<http://www.wakefield.gov.uk/residents/bins-and-environment/environmental-health/pollution>



Council's 24hr Contact Centre:
0345 8 506 506
or email Environmental Health: ep@wakefield.gov.uk