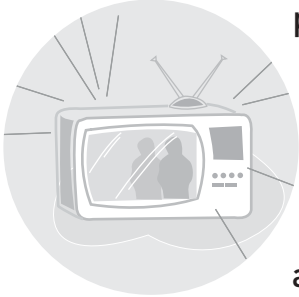


Oh what a nuisance!



Neighbour nuisance and anti-social behaviour is perceived to be a growing social problem. Such behaviour ranges from minor irritation to serious criminal activity. As your landlord, Prospect may be able to deal directly with the offenders in some circumstances. In other cases the problem will be outwith our control and must be dealt with by another agency or directly by tenants. This leaflet seeks to highlight what types of nuisance Prospect can and cannot deal with and summarises the action we may take.

Harassment, which is defined as behaviour deliberately intended to intimidate, dominate or harm an individual or certain group, such as minority ethnic people, may require a different response from general nuisance as discrimination is a key characteristic of the conduct.

- Problems caused by people who are not our tenants, members of their household, or visitors.

What Prospect can't deal with

As a Landlord, Prospect Community Housing is restricted to enforcing tenancy conditions. Whilst we may sympathise with tenants suffering other types of nuisance it has to be recognised that we cannot solve problems outwith our control.

Examples of issues which we CANNOT deal with are:

- Petty arguments between children
- Children playing in the street but not causing damage or severe nuisance
- Children not under parental control
- Nuisance from stray animals
- Maintenance of personal vehicles
- Litter dumped by unknown persons
- Malicious phone calls
- Use of communal car parking spaces
- Traffic matters

What Prospect can do

Where tenants are suffering nuisance which can be appropriately dealt with by the Association, we are committed to doing so wherever possible.

In such cases, staff will normally investigate complaint thoroughly to obtain full details, including names and addresses, and ensure corroboration is obtained. Where incidents are not confirmed by a third party, they cannot be followed up.

It is hoped that in most cases nuisance can be tackled through mediation or informal warnings. However, where necessary Prospect will issue formal warnings to tenants and/or take legal action by seeking interdicts, specific implements or eviction.

It must be recognised that to achieve a solution to some problems may take a long time. Prospect will try to proceed as quickly as possible but time scales are often dictated by other agencies or legal processes which are outwith our control.



Working with other agencies

It is important to note that whilst some activities may be a breach of tenancy, it will often be more appropriate for another agency to take the lead role in enforcement.

This may be because they are able to achieve quicker results or are able to enforce more effective legislation. Prospect will therefore work closely with agencies such as the Police, Environmental Services, Social Work, etc.

It may be that staff will direct tenants to contact these other agencies to deal with their complaint.

Your co-operation is required

We require the co-operation of all tenants and would ask them to ensure that their own household keep the conditions of tenancy and respect their neighbours.

In addition, if tenants are suffering a nuisance, we would ask them to co-operate with the appropriate agencies and/or with Prospect.

Before legal action can be taken we must have a strong case to present to the Court. Tenants will often be required to help prepare the case by keeping a record of incidents and/or appearing in court. If this is required, guidance and advice will be given from staff.

Powers of other agencies

The following list details other agencies which can assist with specific nuisances:

Dog nuisance, barking, fouling, strays:

Environmental Health OR
SSPCA OR
Any aggrieved person under Civic Government (Scotland) Act

Dangerous Dogs:

Police under Dangerous Dogs Act

Litter & Dumping

Environmental Health under Environmental Protection Act

Infestations of mice, rats etc:

Environmental Health under Environmental Protection Act

Children not under parental control:

Social Work under Children's Act

People with mental health problems:

Social work under Social Work Act

Commercial repair of vehicles:

Planning Department under Town and Country Planning Act

Using domestic premises for a business:

Planning Department under Town and Country Planning Act

Malicious phone calls:

British Telecom and Police under Environmental Protection Act

Loud music, TV etc:

Police under Civic Government (Scotland) Act

Dirty Houses:

Environmental Health under Public Health Scotland Act

Prospect Community Housing
6 Westburn Avenue,
Wester Hailes,
Edinburgh
EH14 2TH
tel: 458 5480
fax: 453 2868
email: enquiries@prospectch.org.uk