

Dealing with neighbourhood conflict

Introduction

This guide is intended to provide information to local communities about how to find solutions to disagreements, tensions and conflict.

Knowing your neighbours and approaching them with understanding will enable you to overcome most situations.

It is important to remember that anyone living in a house, whether it is rented or owned, has a right to live within it and enjoy the property.

This enjoyment can include activities that, as a neighbour, you may find disruptive, but that do not constitute a statutory nuisance¹ necessitating the involvement of the local authority.

For communities to remain cohesive, each individual and household also has responsibilities, which can be boiled down to the golden rule of treating others as you would like to be treated.

This may involve keeping your outside areas clean and tidy or being quiet if you're on the street particularly late at night or early in the morning.

Resolving issues between neighbours can be complex and the authorities are limited in their ability to assist in non-prolific cases. Therefore, it is advised that neighbours speak to each other with empathy, envision how they would feel if roles were switched, and try – where possible – to resolve issues themselves.

Noise

Dealing with noisy neighbours

Most of the housing in Swansea was not built with the 21st Century in mind. Televisions and speakers have got bigger, the work day has become fragmented and communities have become constantly active. An increase in awareness toward safety and a better understanding of healthy living has led to an expansion of regulations that landlords are expected to follow (e.g. fire doors and closers).

Living next to a household that is active at different times to yours can prove to be difficult. If you are having issues with the noise that your neighbours are making; as a first step, you should talk to your neighbour and ask them to reduce the noise.

If the noise is not reduced and your neighbour is a tenant, it may be worth contacting your neighbour's landlord or the managing agency, if you have their details.²

¹ A statutory nuisance is something that, under the Environmental Protection Act 1990, affects a person's health or causes disturbance to them in their property.

² The Housing (Wales) Act 2014 necessitates all landlords/agents in Wales register with Rent Smart Wales. The public register can be found at <https://www.rentsmart.gov.wales/en/check-register/>

If the problem persists, it is useful to keep a record/diary of the disturbances, which can be used as evidence if further action proves necessary.

Local authorities have extensive powers to deal with noise nuisance, but it is important to remember that they can only act against amplified noise – such as televisions and speakers – not vocal noise – such as talking – or noises associated with living in a property – such as doors closing and people using the stairs.

If you feel that your neighbour is creating enough amplified noise to cause a nuisance, you can ask an Environmental Health Officer (EHO) from your local authority to investigate. They are able to measure the level of noise and to give an expert opinion on how it rates as a noise nuisance.

If the EHO considers there is a noise nuisance and has been unable to resolve the matter by discussion, the authority can then serve a notice on the person causing the noise, or on the owner or occupier of the property. If the person causing the noise does not comply with the notice, the local authority can prosecute them, seize noise-making equipment or apply for an injunction.

Noise in the neighbourhood

All local authorities have the power to deal with noise nuisance from vehicle alarms and other street noise.

The local authority has the power to deal immediately with noise coming from licensed premises at night (between 11pm and 7am).

First of all, it will formally warn the person responsible for the noise and then, if they don't stop within the time set out in the warning (usually ten minutes), the local authority can impose a fixed penalty fine on them or prosecute them. The local authority can also seize the equipment making the noise, such as PA systems.

Parking

Unless there are local parking restrictions giving a right to a particular space, residents do not have automatic rights to a parking space on a public road, even if it is outside of their house – rented or owned.

If there is residents' parking on your street, you may be eligible for a parking permit from the local authority. In Swansea, 2 resident permits can be allocated per property for vehicles registered to an address, regardless of how many flats or occupants may live there.

All residents have a right of access to their drive. If there is a shared drive, then each person has a right of access and neither should block the drive.

The local authority and the police have wide powers to remove vehicles that are illegally parked, causing an obstruction on the highway or which are abandoned.

As in all cases, it is recommended that you discuss parking politely with your neighbour if you feel that there is a better arrangement for all parties.

Rubbish and Health

Households in a neighbourhood have a responsibility to maintain their property – whether owned or rented – in such a way that it does not affect the health, safety or enjoyment of their neighbours.

Anything that is harmful to someone's physical or mental health – or is likely to cause harm – may be found to be a statutory nuisance by the local authority. This includes things like mould, damaged asbestos, faulty or dangerous energy supplies, infestations and fumes.

These can be categorised as public nuisances, such as rubbish or sewage, which affects the quality of life of a group of people, or private nuisances, such as a blocked overflow, affecting a neighbouring property.

As with the other parts of this guide, local authorities will send out an EHO to assess whether accumulation of waste or deposits on a premises have become a statutory nuisance. The local authority is able to serve abatement notices to individuals that are causing a statutory nuisance. If someone does not comply with an abatement notice, they may be found guilty of a criminal offence.

Again, it is recommended that neighbours discuss any concerns privately before reporting anything to the authorities, as there may be a legitimate reason for someone's behaviour, the solutions for which may foster better relationships and a greater understanding.

Ways to deal with a neighbour dispute

1. Approach the neighbour

A complaint should first be made to the neighbour. If it seems that one or both parties will be unable to keep their temper during such a meeting, it may be advisable to write.

Sometimes a neighbour may be made to see that their behaviour is anti-social if representations come from a group of neighbours.

2. Contact the landlord

If your neighbour is a tenant and refuses to co-operate when approached directly, it may be appropriate to contact the landlord.³

A landlord might be prepared to talk to the tenant about the problem.

In extreme cases a landlord can apply for possession on the grounds that a tenant has been a nuisance to neighbours or committed a criminal offence. If you think discrimination is involved in your dispute, make sure your landlord knows this.

3. Try mediation

Mediation is a process in which a neutral third party helps 2 or more people in dispute to seek a mutually acceptable solution informally. Community mediation services deal with disputes between neighbours and in the community, including noise, parking and some anti-social behaviour.

Mediation is an appropriate course of action if both parties are willing to go through with it.

4. Contact the environmental health department

In cases where neighbours may be breaching public health or pollution laws, the local authority environmental health department can be approached.

An EHO will usually contact the neighbour and attempt to resolve the matter informally. If this fails, an abatement notice may be served on the neighbour.⁴

5. Consult a solicitor/take court action

Solicitor's letter

A letter from a solicitor may be helpful in making a neighbour realise that you are serious about your complaint. It may be particularly effective in making tenants realise that the next stage might be eviction by their landlord. It may also be necessary when there is genuine disagreement as to who is responsible.

³ If the property is owned by the local authority, the authority's housing department may be prepared to contact the offending neighbour to help resolve the problem.

If the property is owned or run by a housing association, it may have a housing officer who deals with disagreements between tenants.

⁴ This means they are required to stop, or deal with, the nuisance.

Taking court action

Although a particular dispute may be resolved successfully through the courts, the relationship between neighbours may be damaged. It is also an extremely expensive course of action to take unless the complainant is eligible for legal aid.⁵

6. Call the police

The police can be called if it is possible that a criminal offence is being committed. Common offences in the case of neighbour disputes are breach of the peace, assault and harassment.⁶

In the case of an emergency, it is always correct to dial 999 and ask for the police. However, if you are reporting something that does not require immediate assistance or something that has already occurred, it is better to dial 101. In all cases, it is best to request a crime number for reference later.

7. Moving home

If you really can't get on with your neighbour, you may think that your only course of action is to move. If you own your home and you move because of neighbour problems, you must not mislead prospective buyers about the problems that you've had.⁷

⁵ If you are thinking of taking court action you should consult an experienced adviser, for example, at a Citizens Advice Bureau.

⁶ If you think racial or sexual harassment is involved in your neighbour dispute, make sure the police know this.

⁷ A seller has to fill out a form containing standard questions when selling their home. These questions include one about disputes. A buyer can sue a seller who doesn't disclose a dispute, such as a neighbour dispute.

Abusive neighbour disputes and discrimination

Some behaviour by neighbours could amount to discrimination and may be against the law.

Discriminatory attacks can include verbal abuse or threats and abusive slogans painted on a wall or building.

If your neighbours are discriminating against you, you might be able to take action against them for antisocial behaviour or report them to the police if they have committed a crime.

What is anti-social behaviour

In the context of housing, anti-social behaviour is defined as acting in a way that is capable of causing nuisance or annoyance to anyone.

There may be a fine line between anti-social behaviour and disputes between neighbours over relatively minor inconveniences, although these may, if persistent, become anti-social behaviour.

Anti-social behaviour can include:

- intimidation of neighbours and others through threats or actual violence
- harassment
- verbal abuse
- abusive behaviour aimed at causing distress or fear
- noise
- dumping rubbish
- animal nuisance, including dog fouling
- vandalism, property damage and graffiti

What can be done about anti-social behaviour

If you want to take action about anti-social behaviour you should first try to establish who is responsible for the behaviour. It is also important to establish whether the behaviour is deliberate or unintentional.

What you do will depend on the type of behaviour you are complaining about and on the result you want. You may want to try some of the following methods to deal with anti-social behaviour.

1. Take action yourself

If you want to take action about anti-social behaviour you can bring the issue to the attention of the person(s) responsible, as they may be unaware that they are negatively affecting you.

If the behaviour is occurring in public or on your property, you can also collect evidence to support your case, should resolving it yourself not work.

2. Mediation/Restorative Practices

Mediation (as above) may be an appropriate course of action if both parties are willing to engage.

Where there is a clear victim and perpetrator, it may be appropriate to run a restorative conference.⁸

3. Talk to the landlord

Any landlord can take action against anti-social behaviour, although it is more likely that local authorities and housing associations will be willing to do so. Landlords can choose whether or not to take action, but do not have to do so. A landlord could:

- ask the police to intervene
- go to court to get the person behaving in an anti-social way evicted⁹
- apply to the court for an injunction to prevent nuisance and annoyance (if the landlord is a local authority or housing association)

4. Talk to the local authority

As a person who is suffering anti-social behaviour you can ask the local authority to deal with it, regardless of whether you are a local authority tenant or not. The local authority can:

- apply to a court for an order or injunction to stop or prevent someone's anti-social behaviour in its area
- apply to court for an order to close premises where there is ongoing disorder or nuisance
- take action to stop noise, nuisance and threats to health
- prosecute where the behaviour is a criminal offence

5. Talk to the police

The police can take action about any anti-social behaviour which is a criminal offence and can prosecute¹⁰ under certain circumstances. The police can:

- Prosecute someone who has attacked another person, causing physical/psychological damage
- Prosecute someone who has wilfully damaged someone else's property
- Prosecute someone who has behaved in a threatening or abusive way in order to intimidate, frighten or cause harassment, alarm or distress intentionally
- Prosecute someone who has incited racial hatred or violence
- Get a court order to close down premises which are causing disruption to residents because of some serious disorder or nuisance problem
- Issue penalty notices for some types of anti-social behaviour
- Apply to court for an injunction to prevent nuisance and annoyance

⁸ Conferencing is used only when the perpetrator admits guilt. It is not used to determine guilt and is a voluntary process for all involved.

⁹ The person you are complaining about may have a tenancy agreement which forbids certain types of behaviour, for example, harassment, drug dealing or noise. If they break any of these conditions, this could lead to the person being evicted.

¹⁰ You should bear in mind that the police have discretion whether or not to prosecute someone.

What community support officers can do

Police community support officers (PCSO) can take action about anti-social behaviour in certain circumstances. For example:

- they can order people to stop cycling on the pavement
- disperse groups of young people who are gathering in a public place
- issue penalty notices

Useful Numbers

Emergencies

- Emergency Services (Police, Ambulance, Fire Brigade, Coastguard) – 999
- Swansea Council Highways (Emergency) – 01792 841657
- Swansea Council Social Services Emergency Duty Team – 01792 775501
- Emergency Gas Leak Service – 0800111 999
- Western Power Distribution (Electricity Emergency Service) – 0800 052 0400
- Dŵr Cymru Welsh Water (Emergency Service) – 0800 052 0130
- Floodline (24 hour service) – 0345 988 1188

Non-Emergency

- Non-emergency crime reporting – 101
- Community Liaison Officer¹¹ – 01792 604533
- Swansea Council (General) – 01792 636000
- Swansea Council Environmental Health (including HMO¹² licensing) – 01792 635600
- Swansea Council Neighbourhood Support Unit (report anti-social behaviour 24 hours) – 01792 648507
- Rent Smart Wales – 03000 133344

¹¹ Partnership role funded by police, Swansea local authority, University of Wales Trinity St. David and Swansea University sitting within Campus Life, part of Student Services at Swansea University

¹² Houses in Multiple Occupancy