

If you wish to discuss any matter relating to neighbour nuisance or anti-social behaviour you should contact your local ACHA Office where staff will be happy to help.



Helensburgh & Lomond telephone 01436 658700
31 James Street, Helensburgh G84 8AS

Cowal telephone 01369 708688
Dolphin Hall, Manse Avenue, Dunoon PA23 8DQ

Bute telephone 01700 501314
Union Street, Rothesay PA20 0HD

Mid Argyll telephone 01546 604800
Dalriada House, Lochgilphead PA31 8ST

Kintyre telephone 01586 559055
Old Quay Head, Campbeltown PA28 6ED

Islay telephone 01496 301312
Jamieson Street, Bowmore PA43 7HP

Oban, Lorn and Isles telephone 01631 567962
Albany Street, Oban PA34 4AW

Mull telephone 01688 302051
Breadalbane Street, Tobermory, Mull PA75 6PX

This leaflet is available in other formats such as audio cassette, large print, Braille and in other languages. If you require any of these, please contact your local ACHA office

NEIGHBOUR NUISANCE ANTI-SOCIAL BEHAVIOUR

What you can expect of Argyll Community Housing Association if you report this to us

If you are experiencing problems from your neighbour(s), Argyll Community Housing Association will, in most cases, expect you to speak to your neighbour first, before complaining to us. Your neighbour may not be aware of the nuisance they are causing you and in these circumstances contact by a member of staff could make the situation worse.

On receipt of your complaint a member of ACHA staff will discuss the matter with you and ask for additional information to assist with our investigation and you will be asked to sign a complaint form. During the investigation your identity will not be given to anyone without your permission, although you should be aware that sometimes your neighbour will guess who has complained.

If appropriate ACHA will contact other agencies, with your permission, such as the Police, Social Work or Amenity Services Department (Environmental Health).

ACHA will then investigate your complaints thoroughly, which will involve speaking to the neighbour you are experiencing problems from and any other neighbour's who may also have witnessed the anti-social behaviour. If there is sufficient evidence to suggest that nuisance or anti-social behaviour is taking place, we will usually issue a warning to the perpetrator of the nuisance and follow this up in writing. If the nuisance continues following our initial contact with your neighbour, you will usually be asked to complete a Record of Events for a period of six weeks in order to record the level and frequency of the nuisance you are experiencing.

Only in cases of SERIOUS AND PERSISTENT ANTI-SOCIAL BEHAVIOUR, where we have sufficient evidence, will ACHA consider legal action, such as eviction action or applying for an Anti-Social Behaviour Order (ASBO). If the behaviour is not considered to be serious and persistent, it is likely that ACHA will be unable to take any further action after speaking to and writing to your neighbour, other than to offer a mediation service.

Please note ACHA **CANNOT** take action on the following type of complaints.

- Babies crying
- Cooking smells
- One off parties
- Normal household noise (at a reasonable hour)
- DIY (at a reasonable hour)
- Personal disputes

ACHA cannot just evict someone or apply for an ASBO against someone because there have been complaints against them, nor can we force people to behave in a specific way, if they refuse to. Enforcement or legal action can only be taken by ACHA against a tenant where there is **SERIOUS AND PERSISTENT** anti-social behaviour and sufficient evidence to be able to prove this.

If there is evidence to show that you are on the receiving end of very serious and persistent anti-social behaviour and all other avenues have been tried, to resolve the problem, then as a last resort ACHA will proceed with legal action. This may be in the form of eviction action or an interdict or an Anti-social Behaviour Order. If this is necessary then you should be aware that as the complainant you will be required to attend Court to give evidence. You also need to be aware that legal action is not a quick process and may take a long time to resolve, although there may be short-term resolutions which can be taken whilst the Court case is ongoing.

- **Eviction action:** - Action taken against a tenant of Argyll Community Housing Association for possession of their home following a severe and persistent breach of their conditions of tenancy. If successfully proven in the Court this is likely to result in the eviction of the tenant responsible for causing the anti-social behaviour, alternatively the case may be continued to monitor the tenant's behaviour and when the case is recalled the Sheriff will then make their decision as to whether eviction should take place based on the tenant's continuing behaviour.
- **Anti-Social Behaviour Order:-** An order made by a civil Court on application by a Local Authority (Argyll & Bute Council) and would restrain particular individuals from engaging in unreasonable conduct which adversely affects members of the community.
- **Interdicts:-** A legal remedy to restrain wrongful behaviour, which is either occurring or is likely to occur.