

## ANTI-SOCIAL BEHAVIOUR DIARY SHEET

**Tenants Name:** [addressee.fullname]

**Issuing Officer:** [username]

**Address:** [addressee.fulladdress]

**Date of Issue:** [sysdate(dth Month yyyy)]

Customer Service Centre Tel No: 0800 970 6363

This Association's policy is to offer help to victims of nuisance and anti-social behaviour, to take firm action against any person found responsible for anti-social behaviour and to provide and maintain an environment for all tenants which allows them quiet enjoyment of their home. In order to do this it is helpful to both yourself and us if you can keep some record of any further incidents which may take place. This record allows the Association to take action under the terms of the Tenancy Agreement and can help to prosecute the offenders, as well as ensuring that the police have all the information.

Could you please try to include as much of the following information as possible in your description of the incident: Identity/description of perpetrators, any witnesses to the incident and details of contact with police ie. Name, rank, number and station of any officers that attend.

DATE	TIME	DETAILS OF INCIDENT	WHAT ACTION DID YOU TAKE? DID YOU CALL THE POLICE OR ENVIRONMENTAL HEALTH DEPARTMENT? (LOG ANY INCIDENT NUMBERS)	WHAT IMPACT DID THIS HAVE ON YOU OR YOUR FAMILY?

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Form Completed by: .....

Signed: .....

Date: .....

## GENERAL ADVICE

### NOISE

#### *Environmental Health Powers*

Local authorities have a duty to investigate and abate statutory nuisances (Environmental Protection Act 1990 as amended by the Noise and Statutory Nuisance Act 1993).

Statutory nuisance is defined as a matter which is prejudicial to health or a nuisance at common law and specifically includes:

- noise emitted from premises such as barking dogs, noisy parties
- noise from vehicles, machinery or equipment in the street
- the state of premises such as damp and verminous conditions
- accumulations or deposits such as rubbish dumping
- smoke, gas, fumes or noise emitted from premises
- nuisance arising from the place or manner in which an animal is kept such as keeping an unreasonable number of dogs or allowing a dog to bark continuously

The authority serves an abatement notice on the person responsible for the nuisance requiring it to stop, or to prohibit or restrict it from happening again. Where the nuisance is not caused by unreasonable behaviour but, for example, by inadequate sound insulation, the landlord can be ordered to carry out works to improve the insulation.

Failure to comply with a notice is an offence carrying a fine on conviction up to level 5 on the standard scale (currently £5,000 in domestic cases), plus a further fine of one tenth of that amount for each day the nuisance continues. If the notice is breached the environmental health department has powers under Section 81(3) of the Act to abate the nuisance and recharge the person responsible.

An individual affected by statutory nuisance can bring proceedings in the magistrates court. This can include a tenant, a housing association or a private landlord. The court can order the person responsible to stop the nuisance, prohibit or restrict its recurrence, and make an order for compensation and punish the perpetrator. The Noise Act 1996 amended the 1990 Act to give authorities specific powers to abate a nuisance by seizing any equipment creating a noise nuisance such as a music system.

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## GROUNDS FOR POSSESSION

Some types of nuisance behaviour will satisfy statutory grounds for possession. The landlord must, however, demonstrate to the court that it is reasonable to make an order. In considering the question of reasonableness the judge takes into account:

The seriousness of the nuisance

- Tenant's personal circumstances, (such as health, age and whether there are dependent children)
- The interests of other tenants
- Whether the tenant has provided any assurances about future conduct
- Balance of interests between tenant, landlord and others
- Any other relevant circumstance