

MANAGING NOISE NUISANCE: GUIDANCE NOTE

Purpose

- Provide an outline for colleagues about how a new way of handling noise nuisance in a council tenancy and managing a noise nuisance report.
- Test this approach so we can then open it up to other areas of nuisance and anti-social behaviour
- Empower the community by making individual households more confident
- Reduce the number of cases we have to handle as a result
- Take action and close those cases we do handle more quickly
- Test customer satisfaction with the way we handle cases

Introduction

- As a landlord we have a contractual duty to manage breaches of tenancy that specifically include noise. The council has wider duties and powers in its Environmental Health role.
- Our new way of working of working is designed to:
 1. Encourage and support tenants to resolve noise issues in a neighbourly way
 2. Identify where customers are vulnerable and work with other agencies to meet their support needs to help prevent nuisance
 3. Use our own technical resources to gather evidence, which we can present to the households involved and in court
 4. Take much quicker action when we need to with a clear end point
- Noise nuisance is our most frequently report kind of anti social behaviour so we are using it as a starting point.
- The experience of colleagues has been that many customers approach us too late when issues are entrenched. We need to help people approach us sooner or preferably talk to their neighbour as soon as possible
- Colleagues identified blockages on accessing noise measurement through Environmental Health and the difficulty in otherwise gathering definitive evidence.
- Use this note together with the Existing ASB Procedure Note. If there is a conflict this note takes precedence

Housing Legal background:

- Housing Act 1985 as amended
- Housing Act 1996 as amended
- MKC Tenancy Agreement

Preventing Noise Nuisance:

- Sign Up advice to appropriate households
- Circulation of Information Leaflet to all tenants annually
- Nuisance Briefings at TRAs and other community groups

Self and Mediated Resolution of Noise Nuisance:

- Self Resolution and Mediation Leaflets will be readily available at all Council Reception points
- The first course of action when a customer approaches any housing officer about noise nuisance will be to provide them with these leaflets and to ask them to consider this approach.
- You will need to be persuasive at this first contact and also ask questions that help you understand what the blockages are which stops the customer concerned from doing this
 1. Are there incidents /threats or legitimate fear of violence / abuse?
 2. Is there chaotic behaviour that might indicate a mental health problem?
- If the answer to 1 or 2 above is yes: refer the case to the EMO if this is not your role for them to follow up and action plan
- The issue of advice leaflets must be recorded on FLARE with the households name and address

Use of DAT Equipment:

- There is a DAT recorder available for each area tenancy management team
- Do not use DAT equipment without training. This could result in evidence that is useless. Contact Linda Ellen (ext 3498) for further information
- DAT results (in a simple visual form and as a schedule) should be used in discussions with the households which have both reported and have been causing noise to:
 1. Establish whether noise has been taking place
 2. Prompt an agreement about how it can be moderated or stopped

Detailed and Probing Interviewing

- Everyone dealing with customers needs to be trained in appropriate diagnostic interviewing techniques.
- In this area of work you are specifically aiming to find out what is really going on
- Ensure that you understand the vulnerability and support needs of the customer and tailor your approach accordingly
- You will need to use indirect questioning to get the customer to “open up”
- You’ll need a more direct approach when you want to establish and check specific facts
- Use “FIENDS” as a reminder
 1. **Frequency:** how often
 2. **Intensity;** how bad is it / how does it affect people
 3. **Extent:** how many households are affected
 4. **Nature:** exactly what is happening
 5. **Duration:** how long does it go on for each time and how long overall
 6. **Someone:** who appears to be causing the problem, how can they be identified
- Getting people to remember what happened is hard. To try and get to the facts by linking the noise to the events; e.g. ask them
 1. Did they have visitors,
 2. What had they been doing that day,
 3. What was on TV,

4. Had they rented a DVD and when was it due back
5. What kind of music was it
 - Is there an underlying issue: what the complainant says is the problem isn't always the real issue?

Action Planning

- All cases where the Housing Service is involved must have an Action Plan which is reviewed and updated until the case is closed
- An Action Plan is where you bring together the facts which have been able to established, the need which results and the resources available to you.
- You then agree a course of action which you confirm with the customer
- Its best to action plan with someone else (another EMO, a HA, an Area Manager). This builds confidence and experience and helps develop a consistent approach where the circumstances are similar

Keeping Records and Using IT

- Guidance on case records using FLARE to follow from Linda Ellen and Dawn Wilson

Informal Action By MKC Housing

- If there is no way of customers working directly with each other or by Mediation, then alleged perpetrators must be interviewed and agreements reached to change behaviour. (Acceptable Behaviour Contracts)
- Interview with perpetrator should, whenever possible, be preceded by use of DAT to evidence a continuing problem
- The interview should only proceed if the complainant is able to establish clear dates and times
- Changed behaviour confirmed in writing

Overview of Process for Investigating Noise Nuisance

- Investigate complaint without assuming the outcome
- Diagnostic interview to establish FIENDS and any underlying issues
- Seek self or mediated resolution
- Initial Action Plan (with a colleague)
- Install DAT,
- Check for crime numbers etc.
- Consider quality of evidence – dates, times, details of each incident, impact on victim, names of witnesses
- Approach alleged perpetrator
- Keep ongoing detailed file notes and maintain a chronology of all actions
- Negotiate ABC with perpetrator
- Keep complainants informed and supported
- Check if the process was satisfactory

Formal Action Using Tenancy Agreement

KEEP THE CUSTOMER ADVISED OF PROGRESS THROUGHOUT

Introductory Tenancy		Secure Tenancy	
<ul style="list-style-type: none"> • First warning letter: breach of ABC 			
<ul style="list-style-type: none"> • Area Manager advised 			
<ul style="list-style-type: none"> • Reinstall DAT 			
<ul style="list-style-type: none"> • Second warning letter 			
<ul style="list-style-type: none"> • Introductory Tenancy Notice (certified) authorised by Area Manager 		<ul style="list-style-type: none"> • Notice of Intention to Seek Possession authorised in Action Plan by Area Manager who will engage corporate processes as required 	
<ul style="list-style-type: none"> • Advise other agencies as appropriate 			
<ul style="list-style-type: none"> • Tenant has 14 days to appeal. Monitor closely during appeal period including diary sheets from complainant(s) 		<ul style="list-style-type: none"> • Monitor closely during 28 day expiry period including diary log from complainant (s) 	
<ul style="list-style-type: none"> • Review on day 15 • If tenant appeals, invite to IT Appeal Panel Hearing, giving tenant 5 clear days notice to appear. 		<ul style="list-style-type: none"> • Review on day 29 	
<ul style="list-style-type: none"> • Prepare and present report for next Appeal Hearing • If appeal rejected, apply to County Court for a Possession Order which is effectively mandatory 		<ul style="list-style-type: none"> • If noise nuisance has continued begin possession (injunctive) proceedings • If no more noise continue review for reasonable period based on facts of the case 	
<ul style="list-style-type: none"> • Advise introductory tenant to seek independent advice 		<ul style="list-style-type: none"> • If proceeding advise tenant to seek independent advice • If not complete a further ABC: proceed on further evidenced breach 	
<ul style="list-style-type: none"> • Advise other agencies as appropriate 			
<ul style="list-style-type: none"> • Act on outcome of Judicial Review or repossess property as appropriate 		<ul style="list-style-type: none"> • Convene case meeting with legal 	
<ul style="list-style-type: none"> • Advise complainants of outcome 		<ul style="list-style-type: none"> • Support witnesses / complainants 	
		<ul style="list-style-type: none"> • Attend County Court hearings as necessary 	
		<ul style="list-style-type: none"> • Act on outcome of County Court Hearing 	
		<ul style="list-style-type: none"> • Advise complainants of outcome 	
<ul style="list-style-type: none"> • Customer satisfaction measured • Data recorded 			