



southessexhomes

working together



Management of your Block

Section 4

Management of Your Block

Living in a flat

Living with your neighbours

Living in a flat can be difficult. You may have people above or below you, and you may have to share landings and other areas. You have a right to the 'quiet enjoyment' of your flat, and so do your neighbours. We will try to deal with people who cause a nuisance to you, but equally you must not cause a nuisance to them. People who cause serious harassment to their neighbours can lose their home, even if they are leaseholders!

If you live in a flat or maisonette, it is important to bear in mind that what you do affects your neighbours. So please remember

- Not to make too much noise, especially at night or early in the morning;
- To help keep the shared areas clean and tidy;
- To be a good neighbour. Remember that under your lease agreement you have a duty not to cause a nuisance or annoyance to your neighbours. You are also responsible for making sure that your family and visitors to your home do not annoy your neighbours.

Shared areas and services

We are responsible for maintaining the shared areas in your block, but everyone living in the block has a duty to keep them clean and use them properly. Remember that you pay a share of the cost of maintaining shared areas, so if you see someone causing damage to or misusing stairways, landings, parking areas, drying areas, security doors and other shared facilities, please tell the Area Housing Office at once. See back of handbook for full address and contact details.

If you can get evidence of who caused the damage, we can charge them for it so that none of the cost will fall on you in your service charges.

If a repair needs doing to the shared areas in your block, tell the Area Housing Office or report it direct to the Repairs department. Do not assume that someone else will do it. If the lights are out on the stairs, please report this immediately.

Legal definition of Anti Social Behaviour

In dealing with issues of Anti Social Behaviour South Essex Homes uses the following legal definitions:

- Crime and Disorder Act 1998 – 'Acting in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as himself'
- Housing Act 1996 Section 153A(1) and 153B(2) – 'Conduct which is capable of causing nuisance or annoyance to any person, and directly or indirectly relates to or affects the housing management functions of a relevant landlord or consists of or involves using threatening behaviour, or to use housing accommodation owned or managed by a relevant landlord for an unlawful purpose'

You and your neighbours

As a leaseholder of Southend Borough Council, you have the right to live in your home in peace and quiet, and so do your neighbours.

You have the right to expect South Essex Homes, as managing agents on behalf of the Council, to deal with problems in your block, such as neighbour nuisance, rubbish and so on.

If you cause a nuisance or annoy your neighbours, you are breaking the terms of your lease agreement. You may also be breaking the law.

It is important to remember that legal action in nuisance cases can be a long and difficult process so be friendly and do not lose your temper. But remember you do not have to put up with inconsiderate behaviour.

Noise -how we can help you.

Noise nuisance is probably the most difficult issue to sort. We all make noise; it is part of life. The sort of noise we are referring to here is excessive noise. It could be teenagers playing their music loudly or it could be an elderly person's television interfering with your peace and quiet. It could even be children running up and down uncarpeted stairs, and doors slamming.

Try to remember that the person causing the noise may not be aware that their normal living is causing annoyance to other people. Very rarely is noise nuisance a deliberate act.

If you cannot sort out your problem by talking to your neighbour, then you should report it to the Area Housing Office or the Council's Technical & Environmental Services at the Civic Centre who have power to act in these cases. They will be able to advise you of your rights and explain what we can and cannot do to help. See back of handbook for full address and contact details.

In most cases an Estate Officer will talk to your neighbour about the problem. If the Officer feels it is needed and will help the situation, a written warning can also be sent.

If the situation is serious, you will need to keep diary records of the nuisance. Your Estate Officer can give you a form on which to keep a diary record. In such cases it is usually essential to have these records as evidence in court. We will always try to take action where there is good evidence of a serious nuisance, or where a council tenant or leaseholder is the victim (or the cause) of the nuisance. However, there is little we can do if you don't collect this evidence.

Legal action is used as a last resort, and it could mean that the person causing the nuisance is evicted from their home. If legal action is required, you may need to attend court to give evidence. You could also take legal action yourself by asking the County Court to grant an injunction to stop the noise, if you can prove your health, comfort and convenience have been upset. To do this you would need to see a solicitor. As a first step you could talk to the Citizens Advice Bureau.

Harassment

If you or anyone living in your home is suffering harassment from a neighbour, report it to the Area Housing Office and they will try to help you. You may need to collect evidence in the same way as described for noise nuisance above. You must also make sure that neither you, your family, nor any visitor to your home, causes harassment to your neighbours. This includes

- Violence or threats of violence;
- Abusive or insulting words or behaviour;
- Damage or threats of damage to property;
- Any action which interferes with peace, comfort or convenience.

Harassment of our staff or representatives

You, members of your household or visitors invited to your home must not harass, threaten violence or be violent towards our staff or representatives. If this happens we will take the strongest legal action possible against you.

Racial harassment

Racial harassment is a serious offence. If you, your family or any visitor to your home threatens, abuses or insults your neighbours in a racist manner, you risk prosecution. In serious cases you could lose your home. We will help any council tenant or leaseholder who is the victim of racial harassment.

If you are the victim of racial harassment, you should report it to the Area Housing Office. You should also think about telling the police.

Vandalism and graffiti

We need your help to stop vandalism and damage. You should report any incident to the Area Housing Office (we will treat all reports confidentially) and to the Police.

Vandalism is a crime. It costs money to repair damage or remove graffiti, and it is your money. As a leaseholder you have to contribute to the cost of repairing damage caused by others. It also makes your estate or your road a less pleasant place to live for everyone and may affect the resale value of your property.

Pets

A condition of your lease is that you must not keep pets in your flat. Some leases, especially in Tower Blocks, do not allow pets. However if the landlord has given you discretionary permission to keep a pet in a flat, you must make sure that it is kept under control; does not annoy neighbours and is not allowed to roam the estate or foul the communal areas. If your pet does cause a nuisance, we will ask you to control its behaviour or if this does not solve the problem, to find a new home for your pet.

If you are thinking of getting a pet, you should think carefully whether it is suitable for living in a flat and then seek the written approval of the Right to Buy and Service Charge Officer or your local Area Housing Office. See back of handbook for full address and contact details.

If you are having problems with dogs (your own or someone else's), you can ask the Council's dog warden to help.

Gardens

If your flat has a garden, you are responsible for keeping it tidy. You should not allow rubbish to build up, as it may cause a health hazard and encourage mice and other pests.

If there are communal gardens round your block, we will maintain them, but you can help by not dropping litter or parking your vehicle on the grass. Remember that you pay service charges towards maintenance of communal gardens, so please help us to keep maintenance costs down.

Satellite dishes

If you want to fit a satellite dish on the outside of your flat, you must obtain our permission in writing. You may also need planning permission. See Section 3 Repairs and Maintenance on 'Making your own alterations', which explains how you go about getting permission from us. If you live in a tower block, you should be aware that satellite dishes are not allowed on these buildings.

Car Parking

Most blocks of flats have shared parking areas. Some flats and maisonettes have their own driveway to park on. Parking in shared areas is on a 'first come -first served' basis. No-one has their own parking space. Please consider others when you park.

Do not

- Cause an obstruction as you could prevent emergency vehicles from getting through;
- Park in front of entrance doors and fire exits;
- Park on the footpath, it is an offence;
- Park in your garden, unless you have hard standing and a dropped-kerb;
- Park lorries and trucks on residential streets and especially in shared parking areas.

You can carry out minor repairs to your own vehicle in a shared parking area, at the roadside or in your garage, provided that you do not disturb your neighbours, soil the roadway or parking surface or leave rubbish. You should not do major repairs to your own vehicle or do repairs for other people, whether for money or not.

Garages

Near most blocks of flats there are garages available for rental. As a leaseholder you do not have to pay VAT on the rent of a garage from us, provided it is close to your home.

If you would like to put your name down for a garage please contact your local Area Housing Office. See back of handbook for full address and contact details.

Refuse

Depending upon the type of property you live in, there will be differing arrangements to take away your rubbish. Please be aware of the collection schedule for your home, and do not leave rubbish in a position where it is likely to cause a problem for others.

The Council will take away all normal household rubbish as part of the weekly refuse collection service. In addition, newspaper, plastic bottles and glass can be collected for recycling. Garden Waste can also be recycled, provided it is placed in the sacks designated for garden waste. These can be obtained for a small charge from the Civic Centre or the Area Offices.

If you have a **bulky item**, such as a fridge or sideboard you no longer require, **do not** leave it in a communal area or in the street – contact Cory, the Council's Refuse Contractor on 01702 617766; they will arrange safe removal for you. **Note a fee will be charged for this service.** Or take the items to the Council tip in Southend or Leigh.

If you see someone leaving rubbish, whether bagged or a single large item, where it should not be (fly tipping), and you know their name, address or even vehicle registration number, report those details to the Environmental Health Officers. There is a good chance that person can be charged for the removal of their refuse and could even receive a court summons and subsequently a fine. If the Council does not know whom to charge, the cost of removing the items will be charged to the block or estate from where it was removed, and consequently onto your Service Charge accounts.

Condensation

If you do not have proper ventilation, condensation can be a problem in flats, and can cause damage to the walls, windows and general decorations of your home.

Condensation occurs when moist air meets a cold surface, such as windows and walls, and is often caused by cooking, washing, hot baths and drying clothes indoors. Cavity wall insulation and double glazing can help to reduce the problem, but will not solve it completely.

To limit condensation, try to make sure that

- There is enough constant heat in your home, so there are no cold surfaces for moisture to settle on;
- There is some ventilation in each room by opening windows or by turning on extractor fans where fitted. When cooking, put lids on saucepans, close the kitchen door and open a window or turn on the extractor fan;
- You reduce the amount of water in the air by drying clothes outside if possible. If it has to be done indoors, keep a window open and vent any tumble driers to the outside;
- When running a bath, run the cold water before the hot to reduce the amount of steam, and keep the bathroom door closed. Afterwards, keep the window open and leave extractor fans running until walls and windows are dry. Don't let the moisture escape into other rooms;
- Avoid using paraffin and liquid gas heaters which emit water vapour as they burn and make condensation worse. Paraffin heaters can also be dangerous.

Rats, mice and other pests

If you have rats, mice, fleas, cockroaches or any other type of household pest in your home, you should contact the Environmental Health Department at the Council Offices. See back of handbook for full address and contact details.

General rights of entry

You must allow staff employed by the ALMO and its contractors to enter the flat to examine the state and condition of it, following reasonable prior written notice by the ALMO.