



Neighbour Disputes & Anti Social Behaviour Policy

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NEIGHBOUR DISPUTES & ANTI SOCIAL BEHAVIOUR POLICY

Ardenglen Housing Association can provide this policy on request, in large print, in Braille and in a variety of languages.

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SECTION 1

INTRODUCTION & POLICY STATEMENT

- 1.1 Ardenglen is a community based Housing Association operating in the East of Castlemilk, which is in South West Glasgow. At the time of writing we own approximately 960 properties. Of these, 541 are rehabilitated tenemental stock, while the remaining are new build houses, cottage flats and tenements.
- 1.2 As a landlord, Ardenglen wants its tenants, sharing owners and other local residents to live safely and peacefully in their own homes without disturbance nuisance or fear.
- 1.3 The association operates a policy of 'Zero Tolerance' towards anti social behaviour and harassment. It will act to prevent such behaviour where possible and have systems in place for early intervention where necessary
- 1.4 The association acknowledges that from time to time neighbour disputes will arise and that antisocial behaviour and harassment may occur. The purpose of this policy is to set down clearly how we will respond to complaints being made
- 1.5 This policy has links to our policies on equal opportunities, allocations, complaints, estate management and tenant participation. The association has a separate policy on dealing with racial harassment.

SECTION 2

AIMS & OBJECTIVES

- 2.1 The Association aims to comply with the outcomes as detailed within the Scottish Social Housing Charter as detailed below;

Outcome 6 – **Neighbourhood and community** “Social landlords, working in partnership with other agencies, help to ensure that tenants and other customers live in well maintained neighbourhoods where they feel safe”

Outcome 11 – **Tenancy sustainment** “Social landlords ensure that tenants get the information they need on how to obtain support to remain in their home; and ensure that suitable support is available, including services provided directly by the landlord and by other organisations”

Outcome 13 – **Value for money** “Social landlords manage all aspects of their business so that; tenants owners and other customers receive services that provide continually improving value for the rent and other charges they pay”

- 2.2 The Association will have regard to Scottish Government policy around Anti Social Behaviour and will adhere to the framework laid out. At this time policy promotes outcomes around prevention, integration, engagement and communication which are reflected in this policy.

- 2.3 The procedures detailed within this section are intended to facilitate the effective management of antisocial behaviour, ensuring that all reasonable steps are taken to comply with the Antisocial Behaviour etc. (Scotland) Act 2004, Housing Scotland Act 2014 and all other relevant pieces of legislation
- 2.4 To ensure this policy complies with our equal opportunity policy and does not discriminate on the grounds of race, colour, ethnic or national origin, religion, age, gender, sex, sexual orientation, marital status, family circumstances, employment status, physical ability and mental health.

SECTION 3

DEFINITIONS

- 3.1 The Antisocial Behaviour Etc. (Scotland) Act 2004 provides the legal definition of antisocial behaviour as:-

“A person engages in antisocial behaviour if the person (a) acts in a manner that causes or is likely to cause alarm, distress, nuisance or annoyance; or (b) pursues a course of conduct that causes or is likely to cause alarm, distress, nuisance or annoyance, to a person residing in, visiting or otherwise engaging in lawful activity at, or in the locality of, a relevant house”

- 3.2 **Neighbour Disputes** -These occur when two or more neighbours cannot agree as to the interpretation or implementation of the tenancy agreement or other rules set down by the association. An example of this is use of common areas. All residents in a close are entitled to use the common areas. Some residents on the ground floor may feel it is their sole right to try and stop children playing there. Such disputes are normally minor and easily resolved through compromise.

- 3.3 **Neighbour Complaint** -A neighbour complaint is normally made by one or more resident about another because a breach of tenancy has occurred. Repeated and consistent complaints about tenancy breaches often lead to situations where antisocial behaviour or harassment is involved. Examples of neighbour complaints are detailed below;

- Tenant’s failure to maintain common parts, such as close and backcourt or bin areas and causing deliberate damage to these areas.
- Failure to maintain the garden adjacent to a ground floor property
- The use of a property for immoral or illegal purposes such as drug dealing, or the use of a property for business purposes, without consent of the association
- Failure to keep domestic pets under control including dog fouling
- Harassment of neighbours on the grounds of race, sexual orientation, gender, disability, colour, religion or for any other reason which causes offence.
- Excessive noise or any other nuisance that disturbs neighbours including rowdy behaviour such as shouting, swearing or fighting

- Any deliberate damage or neglect to the association property such as litter, debris, graffiti or vandalism
 - Rubbish dumping
- 3.4 **Neighbourhood Problems-** Any problem associated with the locality of a house. It is likely this will not be caused by the direct actions of one particular neighbour. An example would be a problem in a street with joy riding
- 3.5 **Crime Problems-** Any neighbour dispute or neighbourhood problems which constitute criminal behavior

SECTION 4 **LANDLORD DUTIES**

- 4.1 Tenants are entitled to live in their homes free of harassment, fear and disruption from others. Landlords are responsible for investigating all allegations relating to antisocial behavior, as well as ensuring that tenants can live in their homes in peace and without unreasonable disturbance. As a result the organisation will:
- Respond promptly to all complaints of antisocial behaviour and will take a firm approach to tackle the issue where necessary
 - Treat all complaints of antisocial behaviour fairly and equally
 - Record all complaints of antisocial behaviour and update when necessary
 - Investigate all allegations of antisocial behaviour in strict confidence and remain impartial throughout
 - Discuss security measures and provide advice if there is a threat to a person's safety
 - Assist the victim with taking the case to the police and/or other appropriate organisations if the perpetrator has committed a criminal offence
 - Rehouse the victim, or the person behaving in an antisocial way if it is deemed necessary
 - Where appropriate offer support to victims/witnesses and perpetrators

SECTION 5 **RESPONSIBILITIES OF TENANTS**

- 5.1 We expect our tenants to take every action possible to resolve antisocial behavior. We always encourage real time reporting of incidents to Glasgow City Council noise team and/or Police Scotland where this is appropriate.
- 5.2 Tenancy agreements are legal contracts which state that a tenant is responsible for their own behaviour, those living with them and for visitors. A list of tenant responsibilities is detailed below:
- Tenants will show consideration for their neighbours at all times
 - Tenants will ensure no damage occurs to the property

- Tenants are responsible for the behaviour of visitors in the home and in the vicinity of the home
- Tenants will ensure that pets are kept under control
- Tenants will ensure that the property, garden and common areas are kept clean and tidy
- Tenants will not behave in an aggressive or intimidating manner
- Tenants should not behave in a way that may cause nuisance or annoyance due to late night use of domestic appliances, stereo equipment and noise caused by raised voices, either by tenants or visitors to the property
- Tenants should aim to discuss the issue with their neighbour to see if the problem can be solved
- Tenants should agree to mediation support if it is offered
- Tenants are encouraged to report any antisocial incidents to their landlord

SECTION 6

STRATEGIC APPROACH TO ANTISOCIAL BEHAVIOUR

- 6.1 The Organisation will analyse antisocial complaints which will establish any emerging trends of problem areas or residents. Following from this, the most appropriate course of action will be decided on individually depending on the circumstances of the particular case.
- 6.2 We will consider the implications of anti social behaviour in all aspects of our business. For example the effect on allocations and void rent loss, financial resources required in terms of maintenance and legal costs and development issues for new build properties.
- 6.3 We recognise that antisocial behaviour can only be tackled effectively by engaging with our customers who will identify problem areas and assist with the gathering of information. We will do this using a number of methods such as newsletters, surveys, texting, facebook, website and meetings. By focusing on addressing the causes of antisocial behaviour and by integrating the views of residents; we can incorporate preventative measures within our anti social strategy.
- 6.4 Solutions to antisocial behavior can only be achieved effectively by a multi agency approach including working with departments such as Police Scotland, Social Work, Glasgow City Council and individual support agencies
- 6.5 The Organisation has signed up to a joint protocol with Strathclyde police to ensure relevant information is provided. Integration with the police allows us to work together to achieve shared outcomes and sustain our community.
- 6.6 Staff dealing with antisocial complaints will be trained in interview techniques, the roles of other agencies and also the legal remedies available to deal with a persistent problem
- 6.7 Ardenglen will, as required, adopt strategic responses to specific local problems as a means of resolving these problems. For example installation of

security doors and burgular alarms within specific closes or localised gang fighting in our area

SECTION 7 **PREVENTATIVE MEASURES**

- 7.1 Ardenglen Housing Association views itself as a proactive landlord. We will not simply react to problems as they arise but will aim to prevent them occurring in the first instance through providing clear information from the tenancy sign up stage. It is during this time that acceptable behavioural expectations will be outlined and agreement for compliance is sought. We will also provide a tenants handbook giving information on how we deal with anti social behaviour. When problems do occur we act to prevent them from escalating from relatively minor incidents to more serious events.
- 7.2 The development of property and open areas along with major repairs contracts will address issues which will minimise opportunities for lifestyle clashes, neighbour disputes and anti social behaviour. An example of this may be substantial boundary fencing or adequate sound insulation in a housing development
- 7.3 Under our Allocation Policy we will have regard to cases where housing applicants may be suspended from any offers of accommodation as a result of previous substantiated antisocial behaviour. These cases are reviewed on a six monthly basis. Within the legal framework of allocating to those in the greatest housing need, we also operate a system of sensitive allocations. All lets, transfers and exchanges are carried out in a way to prevent or minimise the opportunity for neighbour disputes to arise. Issues such as the household, composition of close or street, local support networks of applicants and other relevant criteria are considered.
- 7.4 Within one month of moving in the Organisation will carry out a settling in visit. This provides an opportunity to address any potential neighbour issues including whether the new tenant themselves may be a potential source of problems

SECTION 8 **REPORTING ANTI SOCIAL BEHAVIOUR & RESOLUTION TIMESCALES**

- 8.1 Complaints can be received from tenants, sharing owners, owners and any other local resident who has concerns over the behaviour of a tenant of the association. Reports can also be made via a third party or representative of an individual such as a family member, carer, solicitor, councilor, MSP or Citizen's advice bureau. Complaints may be made by telephone, in writing, in person, or via E Mail

- 8.2 If complaints are received about the tenant of another landlord or an owner occupier, advice will be given to the complainer and information may be taken and passed on to another agency where appropriate.
- 8.3 The Organisation will respect that the complainer may wish to remain anonymous and where appropriate alternative methods to provide evidence will be used. This may not be possible in some circumstances, for example, where a person or child is at risk of serious harm or when required to do so by law or a court order. There is also an acknowledgement that in some instances anonymity is practically not possible, for example, a ground floor tenant complains about noise coming from directly above.
- 8.4 The Organisation will offer assistance where required and a sign or language interpreter can be made available. Complaints will be discussed in a location where the victim feels comfortable and they can have a family member, friend or other representative present with them, if they wish to do so.
- 8.5 When a complaint is received, by any method, it is categorised based on the nature of the incident and the history of the case as follows;

NATURE OF COMPLAINT	CATEGORY
<p>Nuisance complaints repeat behaviour (conduct on at least two occasions)</p> <p>RESOLVE WITHIN 20 WORKING DAYS – INCLUDES MONITORING PERIOD</p>	Category A
<p>Escalated complaints (where further CAT A complaints have been received before resolution timescales have been reached)</p> <p>Repeat complaints where it is the 3rd complaint received within 12 month period</p> <p>Complaints of a more serious nature</p> <p>RESOLVE WITHIN 40 WORKING DAYS – INCLUDES MONITORING PERIOD</p>	Category B
<p>Complex cases involving multi agency approach</p> <p>Escalated complaints from CAT B to CAT C</p> <p>SHOULD BE RESOLVED IN 110 WORKING DAYS – INCLUDES MONITORING PERIOD</p>	Category C
<p>1st incident of antisocial behaviour e.g. noise, misuse of common areas, pets, children etc.</p> <p>Informal reporting of antisocial behaviour</p>	Advice given/ noting

<p>Anonymous complaint where no trace of either the incident or perpetrator can be established</p> <p>Information sharing between us and other agencies but no action is being taken at this time (this includes criminal cases awaiting conviction before action being considered by us)</p> <p>Where a tenant does not want us to action but does want their complaint noted</p> <p>One on one personal dispute not involving any 3rd party e.g. dispute over money</p>	
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- 8.6 Anonymous complaints should only be accepted in exceptional circumstances, such as where the antisocial behaviour relates to serious problems and there is good reason to believe that there will be fear of repercussion
- 8.7 Tenants may want Ardenglen to be aware of a situation but not want any formal action taken. In these circumstances, although no formal action is required, the complaint can be noted informally.
- 8.8 It is recognised that persistent estate problems may result in anti social behaviour. Where appropriate such issues will be dealt with under this policy

SECTION 9 **INVESTIGATING ANTI SOCIAL COMPLAINTS**

- 9.1 In response to complaints, interviews will normally be carried out with the complainer and the alleged perpetrator to establish the facts of a particular case. If there are any witnesses involved, they will also be interviewed and statements recorded
- 9.2 Where it has been established that antisocial behaviour has taken place, the Organisation will challenge the perpetrator about their behaviour and remind them of their tenancy obligations. It will also be explained what action may be taken against them if the pattern of behaviour continues.
- 9.3 We will, wherever possible, aim to resolve a neighbour dispute without any legal action. In the first instance, an assessment of each case will be carried out and the investigating officer may suggest that if the complainer is willing they could approach their neighbour directly to remedy conflict. This would not be advised where the association is aware of any aggressive or intimidating behaviour or the complainer is reluctant to follow this course of action

- 9.4 Some complaints may identify unmet or inadequate support. In such cases, officers will make use of the single point of contact referral system with Social Work Department for support needs to be assessed. In cases where there is inadequate support provision, officers should alert the supporting agency of the problem with a view to increasing support for the tenant.
- 9.5 There may be the need for the involvement with other agencies such as police, social work department, environmental health, other landlords, the reporter to the children's panel, procurator fiscal, Glasgow Community Safety Services (CCTV) or any other relevant partner. In these circumstances the complainer will be provided with full details of the role of other agencies. We may require implementing joint initiatives with the police in the case of solely criminal activity or serious antisocial behaviour
- 9.6 There could be the need for action at estate level to remedy anti social behaviour. An example of this could be the creation of designated play areas for children or the installation of controlled entry doors.
- 9.7 In instances where there are problems within a particular close, officers should carry out door to door enquiries or arrange close meetings to establish the facts and look at various options and solutions to address the problem. Engaging with communities in a meaningful way can develop services which meet local needs and aspirations

SECTION 10

RESOLUTION ALTERNATIVES

- 10.1 The action taken by the association will be decided on a case by case basis based on the nature of the complaint, the history of anti social behaviour and our professional judgment as to what we deem would be an effective solution to the problem
- 10.2 Where a complaint has been investigated and substantiated the course of action taken may include the following;
- Tenancy warning - this could either be a verbal, first, second or final warning
 - An acceptable behaviour contract - this is where the perpetrator willingly agrees to modify their behaviour by signing a witnessed agreement.
 - An unacceptable behaviour contract -This is where the perpetrator refuses to willingly sign an agreement and the association imposes conditions of acceptable behaviour
- 10.3 Where appropriate, we will endorse the use of mediation services to enable the conflict to be resolved peaceably by those involved. Where both parties refuse mediation, they will be told that the association can no longer assist them with their dispute. Where one person refuses, we will find in favour of

the person willing to enter into mediation. In cases where there is a possible threat of violence (from either of the parties), mediation should not be used.

- 10.4 In cases where there is reluctance of neighbours to give evidence or as additional evidence to substantiate a complaint we may consider the use of professional witnesses or private investigators

SECTION 11 **LEGAL OPTIONS**

- 11.1 Legal action will only be considered in the most serious or persistent of anti social cases and only where all informal remedies have failed. There are many legal remedies available and a “one solution fits all” approach is inappropriate. When a case reaches the legal action stage, the most suitable course of action will be discussed and agreed by the association’s solicitor who will offer advice on the reasonableness of the action. Legal action will only begin where suitable evidence has been gathered and the solicitor agrees a substantial case has been built. This emphasises the importance of good record keeping throughout

- 11.2 **Interim Interdicts & Action for Specific Implement** - An interim interdict is an order of the court requiring the person to whom it is addressed to stop doing something that is legally wrong. This could be used when a problem involves damage to property or threats to staff.

An action for specific implement is a court order requiring a person to carry out the terms of their tenancy agreement for example stair cleaning or maintaining common areas

- 11.3 **Antisocial Behaviour Orders** - An anti social behaviour order (or interim ASBO) is issued by the court for individuals over 12 years old who are involved in anti social behaviour within any given area. These can be applied for by either the local authority or the association. They can be sought against tenants, any member of a tenant’s household or any other member of the public. An ASBO can be craved either by civil proceedings or on conviction of a criminal offence. A breach of an ASBO is a criminal offence with powers of arrest

- 11.4 **Action for Repossession (Eviction)** - In certain cases it may be appropriate for the association to seek a repossession order under the terms of the tenancy agreement. This will be sought on the following grounds;

Ground 2 – the tenant, a person staying in the house or a person visiting the house has been convicted of using the house for immoral or illegal purposes or has been convicted of an offence punishable by imprisonment committed in, or the locality of the house

Ground 7 – the tenant, anyone living with him or someone visiting the house has acted in an anti social manner or pursued a course of conduct amounting to harassment of anyone living or visiting the locality

Ground 8 – the tenant or anyone living with him has been guilty of nuisance or annoyance in or around the vicinity of the house or has pursued a course of conduct amounting to harassment of a person in the local community and the landlord believes it is appropriate to require the tenant move to other accommodation

11.5 **Other Agency Remedies** - The Antisocial Behaviour Etc. (Scotland) Act 2004 introduced a number of remedies to antisocial behaviour for which the responsibility for implementation falls with other organisations. This further emphasises the need for multi agency working to establish the appropriate solution to a particular problem. Officers dealing with anti social behaviour will be familiar with the contents of the Act and may advocate solutions contained therein. The following provides examples;

- Dispersal of groups – This is a police power where by a direction to disperse can be granted by the court and contravention is an offence
- Closure of premises – This is a police power for premises at the centre of acute disturbances. Has a time limit of 3 months
- Noise – Power for police and local authority to issue fixed penalty notices, to seize noise equipment and establish 24/7 noise nuisance service
- Fixed penalty notices – New power for the police aimed at low level antisocial behaviour

SECTION 12 **SHORT SCOTTISH SECURE TENANCY**

12.1 The short Scottish secure tenancy (SSST) is based on the Scottish secure tenancy introduced by the Housing (Scotland) Act 2001. A SSST is a short term or probationary tenancy agreement that can be given to tenants.

12.2 The Organisation has the right to change a person who has an Antisocial Behaviour Order (ASBO) against them to a SSST

12.3 The Organisation has the right to provide a SSST to those who have previously been evicted for antisocial behaviour

12.4 The organisation will convert the SSST to a full Scottish secure tenancy at the end of 12 months, provided the tenant has not behaved in a manner deemed unacceptable

12.5 If antisocial behaviour recurs after conversion to a full Scottish secure tenancy, the organisation can seek repossession through the courts or a further ASBO can be sought, and if granted the tenancy can once again be demoted to a SSST

SECTION 13

SUPPORT TO VICTIMS

- 13.1 The Association recognises that taking action to deal with those responsible for anti social behaviour must be complemented by awareness of the needs of the victims of such behaviour. We will aim to this using the following methods;
- Keep the complainer fully informed of progress with actions taken and expected outcomes. Any tenant making a formal complaint will be issued with a leaflet letting them know how their complaint will be dealt with and the various agencies to contact should problems persist. Where appropriate be issued with an incident diary should further problems persist.
 - Follow up each antisocial complaint to ensure that the problem has been resolved. Feedback on how the complaint was handled is valuable information for the Association and forms an analysis of how well the complainer feels supported.
 - Advise on support agencies and make referrals where appropriate
 - Remove racist or obscene graffiti within 24 hours
 - In extremely serious cases offer advice and assistance in rehousing
 - Consider improvements to the physical environment which may assist. For example installation of high quality close entry security doors
 - Where the area is covered by CCTV, staff will ensure the camera operators are aware of any potential problems

SECTION 14

CONFIDENTIALITY, DATA PROTECTION & INFORMATION EXCHANGE

- 14.1 The organisation respects the privacy and confidentiality of each case and is aware of the legal obligations under the Data Protection Act 1988, however, in some cases the Organisation may be required to exchange information with external agencies where it is lawful to do so in order to prevent and protect its communities from antisocial behaviour. The type of information which may be shared includes, but is not limited to:
- The nature and location of incidents of antisocial behaviour
 - Personal information as to the complainants and witnesses
 - Details of relevant visits to the property by agencies including the police
 - Convictions, cautions, reprimands, bail conditions, progress of criminal cases

SECTION 15

DELEGATED AUTHORITY & COMPLAINTS

- 15.1 Housing staff are responsible for the implementation of this policy on an operational basis and will have authority to instigate legal processes in consultation with our solicitors' recommendations

- 15.2 The Board of Management will make decisions on:
- Whether to enforce an eviction decree
 - Whether to convert a Scottish Secure Tenancy to a Short Scottish Secure Tenancy and back again as a result of an Antisocial Behaviour Order being granted
 - Implementing specific strategies for problem areas
- 15.3 All neighbour disputes will be dealt with through this policy. If, however, a complaint arises about the way an anti social complaint has been dealt with, this will be addressed through the Associations complaints policy

SECTION 16

TRAINING, REVIEW AND DISTRIBUTION

- 16.1 The Association is committed to training and developing staff and committee members to their full potential in order to deliver a high quality of service in all areas.
- 16.2 This Policy will be approved by the Board of Management. It will be reviewed on a 3 yearly cycle. The review will incorporate changes in legislation, complaints, comments and feedback from customers.
- 16.3 This policy will be made available to every employee and will be made freely available to any tenant or interested party.

-- END OF POLICY --