



# 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 958 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 anti social 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 To provide definitions of what is meant by anti social behaviour and all related terms
- 2.4 Enforce this policy in a way which is non discriminatory and promotes equality of opportunity to those making a complaint or against whom the complaint is made.
- 2.5 To categorise complaints, analyse the trends of anti social behaviour and take a strategic approach when dealing with specific local issues
- 2.6 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 **Anti Social Behaviour & Harassment** -For the purposes of this policy, anti social behaviour and harassment are defined according to section 3.2 of the associations Scottish Secure Tenancy Agreement which states;

“Anti social means causing or likely to cause alarm, distress, nuisance or annoyance to any person or causing damage to anyone’s property. Harassment of a person includes causing the person alarm or distress. Conduct includes speech. A course of conduct must involve conduct on at least 2 occasions”

- 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 anti social 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, or the use of a property for business purposes, without consent of the association
  - Failure to keep domestic pets under control
  - 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
  - Any deliberate damage or neglect to the association property such as litter, debris, graffiti or vandalism
- 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 behaviour

## **SECTION 4**

### **STRATEGIC APPROACH TO ANTI SOCIAL BEHAVIOUR**

- 4.1 The association will keep records of all anti social complaints which will be analysed to 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.
- 4.2 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.
- 4.3 We recognise that anti social 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 anti-social behaviour and by integrating the views of residents; we can incorporate preventative measures within our anti social strategy.

- 4.4 Solutions to anti social behavior can only be achieved effectively by a multi agency approach including working with departments such as Police, Social Work, Glasgow City Council and individual support agencies
- 4.5 The association 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.
- 4.6 Staff dealing with anti social complaints will be trained in interview techniques, the roles of other agencies and also the legal remedies available to deal with a persistent problem
- 4.7 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 5**

### **PREVENTATIVE MEASURES**

- 5.1 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.
- 5.2 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
- 5.3 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 anti social 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.
- 5.4 Within one month of moving in the housing officer 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 6**

### **REPORTING ANTI SOCIAL BEHAVIOUR & RESOLUTION TIMESCALES**

- 6.1 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
- 6.2 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 to on to another agency where appropriate.
- 6.3 All complaints will be handled in line with the association's policies on confidentiality and data protection. There may be, however, extreme circumstances where information may require to be divulged to an appropriate third party, for example where child safety is a concern and social work department require to be contacted.
- 6.4 Wherever, possible the association will endeavour to protect the identity of a complainant, particularly where disclosure of their identity may put them at risk. In some instances, it may be obvious to the alleged perpetrator who has made the complaint. This is out with our control. For example, a ground floor tenant in a close complains about noise coming from the flat directly above them.
- 6.5 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;

#### **CATEGORY A**

**Very serious complaints:** Complaints which concern the allegations of drug dealing, criminal behaviour involving violence or housebreaking, assault, violence, criminal threats, serious harassment and racial harassment, and serious damage to property, including fire raising

*Resolution within 5 working days*

#### **CATEGORY B**

**Serious complaints:** Complaints which concern allegations of aggressive/abusive behaviour, frequent disturbances, vandalism, drug/solvent/alcohol abuse, verbal /written harassment, and frequent and persistent noise pollution

*Resolution within 10 working days*

### **CATEGORY C**

**Neighbour nuisance complaints:** Complaints which concern allegations that involve simple breaches of tenancy conditions. This includes first time noise complaints

*Resolution within 10 working days*

- 6.6 Anonymous complaints should only be accepted in exceptional circumstances, such as where the anti social behaviour relates to serious problems and there is good reason to believe that there will be fear of repercussion
- 6.7 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.
- 6.8 Our quarterly estate management meetings generally focus on estate issues, however 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 7**

### **INVESTIGATING ANTI SOCIAL COMPLAINTS**

- 7.1 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. All interviews will be recorded in writing in the event that evidence at court is required.
- 7.2 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
- 7.3 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.
- 7.4 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 to implement joint initiatives with the police in the case of solely criminal activity or serious anti social behaviour

- 7.5 There could be the need for action at estate level to remedy anti social behaviour. An example of this could be wider action initiatives such as the creation of designated play areas for children or the installation of controlled entry doors.
- 7.6 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 8**

### **RESOLUTION ALTERNATIVES**

- 8.1 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
- 8.2 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
- 8.3 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.
- 8.4 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 9**

### **LEGAL OPTIONS**

9.1 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

9.2 **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

9.3 **Anti Social 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

Where an ASBO has been granted against a tenant or any member of their household, the association will convert the existing Scottish Secure Tenancy to a Short Scottish Secure Tenancy as introduced in the Housing (Scotland) Act 2001. The SSST must be for a minimum of 6 months and may be continued thereafter on a month to month basis. This will provide a period to monitor behaviour and allow the association to decide whether to end the tenancy or convert back to an SST

9.4 **Action for Repossession** - 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

**9.5 Legal Remedies Other Agencies-** The Anti Social Behaviour Etc (Scotland) Act 2004 introduced a number of remedies to anti social 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 anti social behaviour

## **SECTION 10**

### **SUPPORT TO VICTIMS**

8.1 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 acknowledged by letter or e-mail and 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 anti social complaint within 28 days 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 11**

### **RECORDS, COMPLAINTS & REPORTING**

- 11.1 Computer records will be maintained up to date to show details of our neighbour complaints, investigations, actions and all other associated anti social work.
- 11.2 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
- 11.3 The housing services subcommittee will receive reports on a monthly basis that will detail the number of complaints received in each category, the response targets and the timescales taken to deal with complaints or complaint follow up
- 11.4 On a quarterly basis, the housing services subcommittee will receive an analysis of complaints received in the quarter, with a particular focus on any trends emerging, hotspot areas, any legal remedies being used or persistent offenders of anti social behaviour
- 11.5 The housing services subcommittee will have the delegated authority to make decisions on;
- Whether to enforce an eviction decree
  - Whether to convert a Scottish Secure Tenancy to a Short Scottish Secure Tenancy as a result of an Anti Social Behaviour Order being granted
  - Whether to convert a Short Scottish Secure Tenancy back to a Scottish Secure Tenancy or terminate the Short Scottish Secure Tenancy as a result of an anti social behaviour order being granted
  - Implementing specific strategies for problem areas

## **SECTION 12**

### **TRAINING REVIEW AND DISTRIBUTION**

- 12.1 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.
- 12.2 This Policy will be approved by the Housing Services Sub Committee. It will be reviewed on a 3 yearly cycle. The review will incorporate changes in legislation, complaints, comments and feedback from customers.
- 12.3 This policy will be made available to every employee and committee member and will be made freely available to any tenant or interested party.

## **SECTION 13**

### **EQAULITY IMPACT ASSESMENTS**

- 13.1 An Equality Impact Assessment involves assessing the likely or actual effects of policies or services to our customers in respect of their disability, age, gender, race, religion/belief, sexual orientation or gender identity to ensure equal and fair access for all. It helps us make sure the needs of people are taken into account when we develop and implement a new policy or service or when we make a change to a current policy or service.

**--- END OF POLICY ---**