

|  |  |
| --- | --- |
| **Approver** | Board |
| **Date Approved** | 5 December 2017 |
| **Classification** | Policy |
| **Title** | Neighbour Disputes And Antisocial Behaviour |
| **Revision Date** | December 2017 |
| **Revised by** | Housing Services Manager |
| **Next Revision Date** | December 2020 |
| **Related Documents** | Scottish Housing Charter – Outcome 6: Estate management, anti-social behaviour, neighbour nuisance and tenancy disputes |
| **Location of Electronic Copy** | F:\LIVE POLICIES |

* 1. INTRODUCTION
  2. We will work to ensure as far as possible that our tenants and other customers live in well- maintained neighbourhoods where they feel safe. This is Outcome 6 of the Scottish Housing Charter. Thus, we will take positive and decisive action to deal with cases of anti-social behaviour, which prove to be detrimental to our tenants’ rights to the peaceful enjoyment of their homes.
  3. We will adopt a consistent, sensitive, and realistic approach when dealing with neighbour complaints. It is our Policy to manage anti-social behaviour by using a comprehensive range of methods and tools available to tackle the diverse issues involved: that is, prevention; involving other agencies; mediation; management transfers and ultimately legal action.
  4. The Association recognises that the misuse of drugs can have a serious effect on those who misuse them, their families and their community. Involvement with drugs can often have a direct link to anti-social behavior, particularly where the supplier’s sale of drugs is taking place. While each case will be considered on its own merits the Association will normally seek eviction in cases where its tenants or members their families have been convicted of the sale or supply to others in the community. Convictions for the possession of drugs for personal use will be reviewed on a case by case basis and legal action may be taken in that regard.
  5. DEFINITION
  6. Anti-social behaviour can be defined as behaviour which affects a person’s quality of life and the peaceful enjoyment of their home. The Anti-Social Behaviour (Scotland) Act 2004, Part 13 defines anti-social conduct as follows “A person engages in anti-social behavior if he/she acts in a manner that causes or is likely to cause alarm or distress or pursues a course of conduct that causes or is likely to cause alarm or distress, to at least one person who is not of the same household.” The Housing (Scotland) Act 2001, paragraph 7(2) of part 1 of Schedule 2 defines “anti-social”, “conduct” and “harassment”. In summary these are as follows:
     + “Anti-social” means causing or likely to cause alarm, distress, nuisance or annoyance to any person, or causing damage to anyone’s property,
     + “Conduct” includes speech, and a course of conduct must involve conduct on at least two occasions,
     + “Harassment” is as defined in section 8 of the Protection of Harassment Act 1997 and includes causing the person alarm or distress.
  7. There are a wide range of issues, which can be classified as neighbour disputes and anti-social behaviour. These can include activities such as excessive noise, vandalism, unkempt gardens, litter, nuisance pets, and clashes of lifestyle/personality. Behaviour that is more serious can include racial and other harassment, threatened or actual violence, criminal activity including drug dealing, malicious damage, theft, and house breaking. This list is not exhaustive, but provides examples of anti-social behaviour.
  8. When dealing with anti-social behaviour, the Association will consider where the anti-social behaviour is taking place and who is affected by it. Generally, the Association should only become involved in dealing with complaints of anti-social behaviour where that conduct either occurred at the tenants rented property or in the locality of the rented property, or impacted a person, residing in or visiting the area where the rented property is located. Tenants will be encouraged to report any instances of serious or extreme instances of anti- social behaviour or alleged criminal activity to Police Scotland.
  9. PREVENTATIVE ACTION
  10. The Association will ensure that new tenants are given a comprehensive explanation of their obligations as a tenant with regard to behaviour. This will be done through:
      + the application assessment process, which takes account of previous tenancy conduct
      + as part of any viewings with prospective tenants, we will discuss and issue our “Acceptable Behaviour” leaflet. This has been developed as an information guide for prospective tenants
      + the use of Short Scottish Secure Tenancy (SST) Agreements, where appropriate and where support may assist a new tenant to manage their behaviour
      + the tenancy sign-up meeting, with an emphasis on the conduct aspects of the Scottish Secure Tenancy Agreement
      + the Tenants’ Handbook, which also forms part of the sign-up process
      + the new tenancy settling in visit, where tenancy obligations are reiterated
  11. Staff will make full use of alternative potential solutions such as mediation and the involvement of appropriate external agencies. At the initial stages of a case, we will discuss and ask tenants to sign up to our “Good Neighbour Agreement”. The use of legal action including Anti- Social Behaviour Orders (ASBO) with conversion of SSTs to Short SSTs and eviction proceedings will be used as a last resort where the tenant has failed after warnings to modify their behaviour or that of their family and/or visitors.
  12. Staff will be pro-active in developing and maintaining partnership approaches to deal with anti-social behaviour in all of the areas we work in. Through those partnerships close working relationships will be maintained with other agencies such as the police, local authority anti-social behaviour teams, environmental health and voluntary support organisations.

4.1 REMEDIES

4.2 Except in cases of serious criminal activity, extreme behaviour or persistent serious anti-social behaviour the Association will attempt to achieve a resolution without recourse to legal action. This will be done with reference to the terms of the Tenancy Agreement and by working with the appropriate voluntary and statutory agencies. Preventative measures such as warnings/advice, acceptable behavior contracts and good neighbour agreements will be used where appropriate. Where preventative or management approaches fail to resolve cases then more formal action will be considered. These legal remedies which the Association might pursue include the following:

* Notice of Proceedings
* Anti-Social Behaviour Orders
* Eviction

5.1 CLASSIFICATION AND TIMESCALES

5.2 Cases of anti-social behaviour and, in general, neighbour complaints, warrant different approaches dependent on the circumstances involved. On receipt of complaints, staff will use a system of categorising complaints which will fall into one of the 3 following categories:

**CATEGORY A - EXTREME BEHAVIOUR:** Includes cases involving actual or threatened racial harassment, drug dealing, assault, and violence. There should be an immediate response to complainants in this category. Timescale: The complainant should be interviewed on the same day the complaint is received and certainly within 1 working day (or at a time which suits the complainant).

**CATEGORY B - SERIOUS ANTI-SOCIAL BEHAVIOUR**: Includes cases of Threatening or abusive behaviour, frequent serious disturbances, vandalism, and damage to property. Timescale: For cases in this Category, the complainant should be interviewed within 2 working days (or at a time which suits the complainant).

**CATEGORY C- NUISANCE CASES:** Includes cases of excessive noise, family disputes affecting neighbours, control of pets, behaviour of visitors or children, infrequent disturbances, litter, unkempt gardens and stair cleaning. Timescale: For complaints received in this category, the complainant should be interviewed within 5 working days (or at a time which suits the complainant).

5.3 CASE RESOLUTION – As agreed with our tenants, we will aim to resolve our anti-social cases within 20 working days. This means we will have taken appropriate measures to address the cause of the complaint or, if we do not have the authority or power to resolve it, we will provide the complainant with a full explanation of our position.

6.1 STAFF GUIDANCE AND TRAINING

6.2 Comprehensive Staff Guidance Notes will be produced for staff and appropriate training and support will also be provided, including legal training and joint training with other Registered Social Landlords.

7.1 MONITORING AND REVIEW

7.2 Comprehensive recording and reporting systems will form a large part of the procedure. This is to ensure that audit trails can be clearly established, which will demonstrate that we have taken account of all relevant considerations and, where appropriate, we can demonstrate that other possible courses of action have been taken before raising eviction proceedings.

7.3 The Housing Services Managers, will have authority to sign Notice of Proceedings (NOP) and to initiate ASBOs and other forms of legal action. The Director of People & Place and Chief Executive Officer (CEO) will have authority to proceed to seek decree to evict. However, Board approval will be required in all cases before eviction can proceed. Where the Board cycle does not allow for this or in extremely serious cases the CEO, in conjunction with the Chairperson, can approve an eviction and in these circumstances a report will be submitted to the next Board meeting for ratification.

7.4 We will report on our management of anti-social behaviour to the Scottish Housing Regulator annually as part of the return on the Scottish Housing Charter. We will inform our tenants on our performance in our tenant report, the “Annual Report on the Charter”.

7.5 This Policy will be reviewed on a 3 yearly cycle unless any changes in legislation or good practice warrant amendments sooner. The Board will approve all amendments to this Policy.

8.1 COMPLAINTS

8.2 Any tenant, sharing owner may submit a complaint, using the Association’s complaints procedure if it is felt that the Association has failed to correctly apply this policy on neighbour disputes and anti-social behaviour.

9.1 DATA PROTECTION AND CONFIDENTIALITY

9.2 We will ensure to adhere to all current Data Protection and confidentiality legislation.