



**POLICY ON NEIGHBOUR DISPUTES AND ANTI SOCIAL
BEHAVIOUR**

Date Policy Approved by Board	April 2013
Review Date	April 2016
Scottish Housing Charter	<p>Outcome 6: Estate management, anti-social behaviour, neighbour nuisance and tenancy disputes: Social landlords, working in partnership with other agencies, help to ensure that:</p> <ul style="list-style-type: none"> • This outcome covers a range of actions that social landlords can take on their own and in partnership with others. It covers action to enforce tenancy conditions on estate management and neighbour nuisance, to resolve neighbour disputes, and to arrange or provide tenancy support where this is needed. It also covers the role of landlords in working with others to tackle anti-social behaviour.
National Care Standards	<p>National Care Standards</p> <p>N/A</p>

1.0 INTRODUCTION

- 1.1 We will work to ensure 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.
- 1.2 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.

2.0 DEFINITION

- 2.1 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 behaviour as "A person who acts in a manner that causes or is likely to cause alarm or distress or pursue 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.
- 2.2 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.

3.0 PREVENTATIVE ACTION

3.1 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

3.2 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 SST’s to Short SST’s 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.

3.3 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 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.

4.0 CLASSIFICATION AND TIMESCALES

4.1 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).

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.

5.0 STAFF GUIDANCE AND TRAINING

5.1 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.

6.0 MONITORING AND REVIEW

6.1 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.

6.2 The Operations Manager, will have authority to sign Notice of Proceedings (NOP) and to initiate ASBO's and other forms of legal action. The Director of Housing & Property Services 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.

6.3 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". Effective management of anti-social behaviour is one of the goals of the Viewpoint Charter, and our monitoring of this will also be reported to our tenants. All of these papers will be reported to our Board. We will also report all cases of serious Anti-Social Behaviour to our Board.

6.4 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.