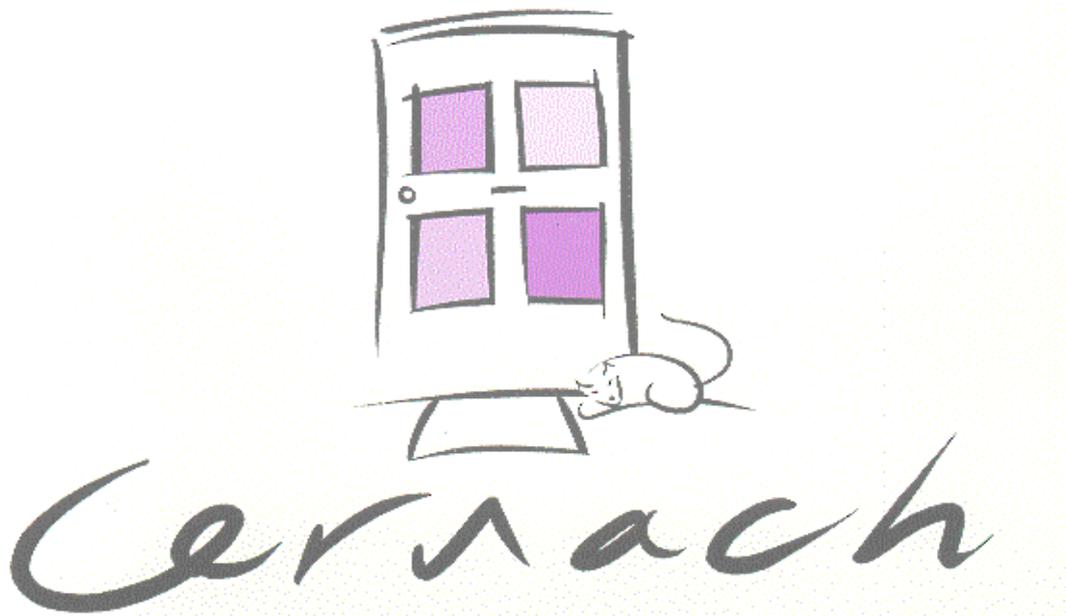


**CERNACH HOUSING ASSOCIATION
LIMITED**



**NEIGHBOUR DISPUTES &
ANTI SOCIAL BEHAVIOUR POLICY**

**Date Approved by Management Committee:
Due for Review:**

August 2018
August 2021



1. INTRODUCTION

- 1.1 Cernach Housing Association is committed to helping tenants to maintain the quiet enjoyment of their homes by operating a policy and procedure, which endeavours to prevent situations arising that might lead to neighbour complaints.
- 1.2 It is the Association's aim to deal promptly and effectively with the complaints, which do arise, making full use of the available legal sanctions as necessary.
- 1.3 This policy and procedure on neighbour disputes and anti social behaviour aims to clearly define behaviour which would be categorised as anti-social and in breach of the tenancy agreement and outlines the way in which neighbour complaints and neighbour disputes should be dealt with.

2. POLICY STATEMENT

- 2.1 Cernach Housing Association will not tolerate any level of neighbour nuisance or any form of anti-social behaviour affecting its tenants. The Association will communicate clearly what standards of behaviour are acceptable. Where necessary the Association will use the most robust measures available to it to stop anti social behaviour.
- 2.2 To achieve this, the Association will develop joint working with Police Scotland, Glasgow City Council and other statutory and voluntary agencies and departments which might have a legal obligation or some other interest in specific cases or in preventative work. We will aim to share any information with these agencies where appropriate and permissible under Data Protection Law.
- 2.3 The Neighbour Disputes and Anti Social Behaviour Policy has clear links to the Racial Harassment Policy and the Estate Management Policy.

3. LEGISLATIVE & REGULATORY FRAMEWORK

- 3.1 This policy has been developed within a framework that ensures proper compliance with legislation, regulatory advice and good practice.
- 3.2 The main legislative provisions relating to the policy are:
 - Human Rights Act 1988;
 - Housing (Scotland) Act 2001;

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- Housing (Scotland) Act 2010;
- Housing (Scotland) Act 2014;
- Equality Act 2010;
- Disability Discrimination Act 1998;
- Crime and Disorder Act 1998;
- Anti-Social Behaviour etc. (Scotland) 2004
- Misuse of Drugs Act 1971;
- Race Relations Act 1976 (Amendment) Regulations 2003;
- Criminal Justice (Scotland) Act 2003;

3.3 This policy has taken into account the requirements set out in the Scottish Social Housing Charter that became effective on 1 April 2012.

Outcome 6: Estate Management, anti-social behaviour, neighbour nuisance and tenancy disputes

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 suitable support is available, including services provided directly by the landlord and by other organisations*

4. DEFINITION OF ANTI SOCIAL BEHAVIOUR

4.1 The Scottish Secure Tenancy Agreement defines anti-social behaviour as: “*any conduct which might reasonably be expected to cause alarm, distress, nuisance or annoyance to any person or causing any damage to anyone’s property*”.

4.2 Section 143 of The Anti-Social Behaviour etc. (Scotland) Act states “conduct” would include speech, and “a course of conduct” must involve conduct on at least two occasions.

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4.3 In many instances, conflicts between residents arise out of a clash of lifestyles and expectations, which cannot be readily resolved. Some examples of these types of disputes are listed below but is not exhaustive:-

- Incidents that involve noise from vehicles such as ice cream vans or taxis which should be reported to the Land and Environmental Services Unit at Glasgow City Council.
- Problems with behaviour of staff from other agencies, for example home helps.
- Door banging or people walking across wooden floors or going up and down stairs.
- Noise from washing machines/driers/vacuums/mowers between 9am-9pm
- Parking disputes/revving engines/music from cars/poor driving.
- Children playing or falling out/noise from games/throwing snowballs.
- Looking out of windows.
- Cooking smells.
- Disputes over reasonable use of common areas.

5. Prevention

5.1 We believe preventative action is integral to effective anti-social behaviour management. We want to do everything we can to prevent anti-social behaviour before it starts. Accordingly, we have established a number of measures to minimise the circumstances that can give rise to anti-social behaviour. This includes:

- The design of new developments informed by need to prevent nuisance and anti-social behaviour problems;
- Effective use of CCTV cameras;
- Promoting awareness of neighbour nuisance and anti-social behaviour and ways of addressing it;
- Housing applications may be suspended where evidence exists of an anti-social behaviour problem and a warning has been issued;

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- The sign-up and settling in visit reinforcing the legal contract between landlord and tenant, explaining how neighbour nuisance and anti-social behaviour is investigated and tackled;
- Information leaflets that provide advice on neighbour nuisance and anti-social behaviour and what the Landlord can do to help;
- Remove graffiti quickly and review security provision as part of ongoing maintenance work;
- Gather information to highlight emerging problems and target preventative measures.

6. KEY ACTIONS

- 6.1 The Key elements of the Neighbour Disputes and Anti social behaviour policy methods are summarised below:
- 6.2
- a) All new tenants will be visited within six weeks of start of tenancy and reminded of their responsibilities to respect their neighbours and not cause undue disturbance or disruption to other residents
 - b) By building good partnerships with the Police, Glasgow City Council and any other relevant agencies who could assist.
 - c) Respond promptly, sympathetically and decisively to any complaints made relating to anti-social behaviour of tenants, their household and any visitors to their home.
 - d) Recording and responding to all complaints made within agreed timescales
 - e) Encourage residents to resolve their disputes by mutual agreement
 - f) Ensure that other relevant agencies such as Police, Social Work, Environmental Health and Glasgow City Council play a full role in resolving behaviour or taking action, particularly where it is more appropriate for them to do so.
 - g) Where serious problems occur (especially of a criminal nature) the Association will engage the Police in working towards a solution.
 - h) Where this fails the Association will take swift action to try to resolve the problem, involving a structured approach and the use of incremental sanctions. Only pursue court action for eviction as a last resort (where behaviour is categorised as serious and/or persistent.
 - i) Where problems persist the Association will take appropriate enforcement action under its Tenancy Agreement, or by otherwise using any legal means at its disposal, up to and including the use of ASBO's and/or eviction.

7. DRUG DEALING

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7.1 Introduction

It is the view of the Association that drug dealing in particular will not be tolerated in its locality and that special initiatives will be in place in order to effectively deal with this issue, including regularly publicising the action which will be taken when drug dealing occurs.

7.2 Dealing from the Property

Any situation whereby a tenant, household member or visitor, who was convicted of being concerned in the supply of drugs from the property, would result in the Association seeking repossession of the property.

7.3 Dealing in the Locality

(DEFINITION: "Locality" to be treated as the whole of the G15 postcode, i.e. Drumchapel/Blairdardie.

- a) Any situation whereby a household member (whether officially resident or not) or visitor was convicted of being concerned in the supply of drugs in the locality, would result in a First and Final Warning letter being issued to the tenant. The Association would also apply for an ASBO in respect of the convicted person. Should that same person be convicted of being concerned in the supply of drugs in the locality for a second time, then this would result in the Association seeking repossession of the property.
- c) Any other incidents involving drugs would be considered individually, within general anti-social behaviour criteria, eg. Where there was no conviction for dealing, but some evidence that there may be dealing taking place.

8. HARASSMENT

8.1 Introduction

Harassment is arguably the most serious of all neighbour and neighbourhood nuisance and is given a separate section within the policy in order to ensure that residents are left in no doubt as to the seriousness in which harassment is viewed by the Association and that staff are made aware of the particular procedures to be followed when a case of harassment occurs.

This section will deal with harassment in general.

8.2 Definition of Harassment

8.2.1 SFHA's "Raising Standards in Housing" (Chpt 16, p45) states that there is no clear definition of harassment, but that it is, essentially:



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“Unacceptable behaviour that is unwanted, unreciprocated and is regarded as offensive by the recipient, whether or not the harasser intended to be offensive.”

8.2.2 Behaviour that can Constitute Harassment;

- Bullying
- Unwelcome attention
- Subjecting someone to insults or ridicule because of their disability, HIV status, race, sex, sexuality, etc.
- Displays of material such as pornographic pictures, offensive literature, etc.
- Insensitive jokes or pranks
- Physical violence
- Verbal abuse
- Incitement by means such as petitions, leaflets etc.
- Damage to property such as graffiti, bricks through windows, etc.
- Threat to life such as lighted materials through the letter box
- Lewd, suggestive or over familiar behaviour
- Deliberate interference with another person's peace, comfort and safety

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8.2.3 Although harassment comes in many forms, particular attention is drawn to the definitions contained within the aforementioned Equal Opportunities Policy and are as follows:

Harassment Grounds

- Race
- Ethnic Origin
- Nationality
- Religion
- Cultural Background
- Gender
- Political or Sexual Orientation
- Family Circumstances
- Marital Status
- Disability
- Illness
- Age
- Ex-offenders

8.2.4 The Association will pay due regard to the above and to any other situations which it considers to constitute harassment.

8.3 Definition of Racial Harassment

8.3.1 Racial harassment is dealt with under a separate policy entitled Racial Harassment.

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8.4 Dealing with Harassment

The Association will attempt to prevent harassment occurring in the first place by taking opportunities to promote the unacceptability of harassment, via policies, newsletters, handbooks, training, allocations and the lettings process.

The Association will also assist victims of harassment in accessing counselling and support services.

9. CATEGORISATION OF DISPUTES

9.1 It is useful to categorise complaint to encourage consistency of approach and to clarify to all concerned the likely response of the Association. It should be recognised however that not all cases will be easily categorised.

9.2 Complaints will be categorised into one of the following three categories:

a) **Nuisance/Disputes (Category C)**

Complaints which clearly breach the tenancy conditions but are of a relatively minor nature e.g. Infrequent disturbances, Noise complaints, behaviour of visitors or children, basic breaches of tenancy i.e. pet nuisance or improper waste disposal, family disputes affecting neighbours.

b) **Serious (Category B)**

Complaints which indicate serious anti social behaviour, e.g. frequent disturbances, excessive and persistent noise, vandalism/damage to Association property, misuse of drugs, harassment, and verbal abuse.

c) **Extreme (Category A)**

Complaints of a very serious anti social nature e.g. drug dealing, violent conduct including un-provoked assault, harassment relating to a protected characteristic as defined by the Equality Act 2010, and serious damage to property, including fire raising.

The above lists are not intended to be exhaustive.

10. THE ROLES OF THE PARTIES INVOLVED IN COMPLAINTS

10.1 Association Tenants

10.1.1 The Association believes that, in general, the most effective way in achieving a favourable outcome at any stage in a neighbour complaint is for the complainant to become directly involved in the case and this will therefore be encouraged, but with due regard to personal safety issues.

10.1.2 Whilst many issues can be directly investigated by The Association, it is imperative that tenants contact the most appropriate agency for their complaint, for example reporting excessive noise complaints to the GCC Noise Team. Where this is advised by Association staff and is not followed by the tenant complaining, the Association may be unable to continue dealing with the complaint further.

10.2 Non-Association Tenants and Others

10.2.1 Where a complaint is received against an Association tenant from persons other than another Association tenant, e.g. tenant of another landlord, visitor, sharing owner, owner, shopkeeper, then such complaints will still be dealt with under the terms of this policy.

10.2.2 Where a complaint is received from an Association tenant against, for example, an owner or sharing owner, or the tenant of another landlord, then the Association will become directly involved where appropriate and provide advice and assistance where it cannot do so. For example, a tenant may require to raise their own interdict against an owner who is, say, harassing them, but the Association can liaise with the other Landlord where the case involves a non-Association tenant.

The Association will, however, take direct action wherever possible. The case may also be referred to Glasgow City Council's Community Relations Unit who provide a mediation service.

10.3 The Association

10.3.1 Whilst we will always endeavour to take action where we can, it is important to recognise that as a housing organisation law enforcement does not fall within our remit. Matters of a criminal

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nature should be reported to the Police in the first instance, as this will allow us to take further action secondary to any criminal proceedings. All complainants should consider if they have taken up the matter with the correct authorities as well as reporting it to us as their landlord.

10.3.2 The Association will consider a number of responses in relation to Anti social behaviour and includes, but is not limited to, some of the following actions

- Home visits;
- Correspondence with tenants involved;
- Office interviews;
- Mediation services;
- Referral to Police Scotland where activity is of a criminal nature;
- Requests to Police Scotland for information in relation to specific incidents where they have been involved;
- Acceptable Behaviour Agreements;
- Unacceptable Behaviour Notices;
- Anti-Social Behaviour Orders;
- Conversion of a Scottish Secure Tenancy to a Short Scottish Secure Tenancy
- Issue a Notice of Proceedings for Recovery of Possession as a warning against continued breach of tenancy;
- Proceeding to Repossession of Tenancy at the Sheriff Court;
- Work with Police Scotland and others using other appropriate enforcement powers as set out in the Anti-Social Behaviour Act 2004 and 2010.

10.4 We will refuse to deal with complaints should tenants fail to follow guidance issued or contact the appropriate agencies. For example, if a tenant fails to report excessive noise to other agencies like Police Scotland.

10.5 The Landlord will only consider eviction action as a last resort and if it is reasonable to do so.

10.6 The Housing (Scotland) Act 2014 gives social landlords the powers to convert an existing tenants Scottish Secure Tenancy Agreement (SST) to a Short Secure Tenancy Agreement (SSST) or to grant SSST to a new tenant in cases where there is evidence that the tenant, a member of their household or a visitor has been involved in anti-social behaviour in or near their home in the last three years. This extends existing powers for the issue of a SSST (which previously required the tenant to have been evicted for anti-social behaviour or subject to an Anti-Social Behaviour Order (ASBO) within the last three years).

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- 10.7 A SSST may be extended for a period of six months where the tenant requires further tenancy support.
- 10.8 Section 14 of The Housing (Scotland) Act 2014 removes the “reasonableness” test in action for recovery of possession whereby the landlord does not require to prove it is reasonable to request recovery of the property in cases where the tenant has been convicted of using the house for immoral or illegal purposes or an offence punishable by imprisonment committed in, or in the locality of, the house within the past year. This can include instances where an Anti-Social Behaviour Order has been breach or drug offences.

11. COMPLAINTS

Complaints against neighbours will be dealt with under this Neighbour Disputes Policy. Complaints about the way neighbour disputes have been dealt with will be considered under the Complaints Procedure.

12. OTHER ISSUES

12.1 Staff Safety

Staff security and safety must be considered at all times with regard to the interviewing of complainants and offenders particularly with regard to complaints in Categories A and B. Accompanied visits will be carried out in these instances. Staff will also carry mobile phones at all times.

12.2 Housing Allocations and Anti-Social Behaviour

In particular circumstances the Association will have discretion to suspend an internal transfer, housing list or nomination applicant for rehousing where there is clear and recent evidence of anti-social behaviour.

13. PROCEDURE AND DELEGATION OF RESPONSIBILITY

- 13.1 The Association's procedure for dealing with neighbour disputes will be governed by a separate internal procedure note.
- 13.2 Housing Management Staff have responsibility for accepting, actioning and monitoring cases in accordance with this Policy. Approval for instigating court proceedings will be following approval by the Property and Development Sub-Committee.
- 13.3 Any eviction or reduction of SST to a Short SST will be approved by the Director and the Property and Development Sub-Committee of the Association.

14. ANTI SOCIAL BEHAVIOUR COMPLAINTS AND COMMITTEE MEMBERS

- 14.1 If an anti-social complaint is made by or about a Committee member or a member of their immediate family it will be treated as any other complaint with the exception noted below: -
 - a) Any Committee members directly involved in such a complaint must not be in attendance at a Committee meeting during discussion of a specific case or discussion of a policy matter which has a direct bearing on the Association's response to the complaint.
 - b) Management Committee members who have an indirect involvement in a specific case e.g. if they are resident in a close where a dispute or incident occurred will consider their attendance during any relevant discussion at a Committee Meeting.
 - c) If upon investigation it is revealed that a committee member is behaving in an anti social manner they will be removed from Committee under the terms of Rule 43.2 and 44.1

15. EQUALITY & DIVERSITY

- 15.1 The Association's Equality and Diversity policy, which was approved by the Committee in April 2018, outlines our commitment to promote a zero tolerance to unfair treatment or discrimination to any person or group of persons, particularly on the basis of any of the protected

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characteristics¹. This includes ensuring that everyone has equal access to information and services and, to this end, the Association will make available a copy of this document in a range of alternative formats including large print, translated into another language or by data transferred to voice.

- 15.2 We are also aware of the potential for policies to inadvertently discriminate against an individual or group of individuals. To help tackle this and ensure that it does not occur, best practice suggests that organisations carry out Equality Impact Assessments to help identify any part of a policy that may be discriminatory so that this can be addressed (please see section 6 of the Equality and Diversity Policy for more information).
- 15.3 In line with section 6.3 of the Equality and Diversity Policy, the Association will apply a screening process based on that recommended by the Equality and Human Rights Commission to ascertain whether each policy requires an Impact Assessment to be carried out. The screening process was applied to this policy and it was decided that an impact assessment is not required.

¹ The Equality Act 2010 identifies the “protected characteristics” as age, disability, marriage and civil partnership, race, religion or belief, gender, gender reassignment and sexual orientation