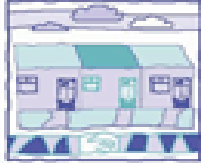


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Help us keep it!

Lochfield Park
Housing Association



Neighbour Nuisance and Anti-Social Behaviour Policy

1. Introduction

- 1.1 Tackling neighbour nuisance and anti-social behaviour is a key priority. We recognise our tenants have the right to a safe, secure and peaceful environment and we understand that anti-social behaviour can be detrimental to quality of life and have a negative effect on communities. We will therefore make every attempt, within our resources, to enable our tenants to enjoy their home without being disturbed by nuisance, harassment or other disruption from other neighbours.
- 1.2 Accordingly, the purpose of this policy is to set out how we will effectively manage problems of neighbour nuisance and anti-social behaviour.

2. Aims and Objectives

- 2.1 This policy has been jointly developed by Easthall Park Housing Co-operative and Lochfield Park Housing Association (here in after referred to as the Landlord) and complies with equalities guidance and current legislation.
- 2.2 The aim of the policy is to provide a clear and consistent framework to ensure a quick, effective and comprehensive approach to neighbour nuisance and anti-social behaviour amongst the two above mentioned landlords. We want to achieve the appropriate balance between prevention and enforcement action. We will do this by:
 - Recognise that neighbour nuisance and anti-social behaviour is a multi-tenure problem and have a range of mechanisms in place to manage the legal and practical issues associated with this;
 - Use best housing management practice to prevent and resolve anti-social behaviour quickly;
 - Develop and maintain a partnership approach with Police Scotland, Glasgow City Council, Community Safety Glasgow and other stakeholders;
 - Provide an accountable and transparent service that meets the needs of all our tenants and community
- 2.3 That all tenants feel confident and able to report problems of neighbour nuisance and anti-social behaviour and understand remedies available to address problems.
- 2.4 Listen sympathetically to all tenants and not pre-judge.
- 2.5 Treat all complaints seriously, consistently and confidentially.
- 2.6 That this policy links with each of the landlords own strategic objectives and organisational values.

3. Equal Opportunities

- 3.1 We are committed to equal opportunities for all sections of the community. Accordingly, no person will be discriminated against during the implementation of this policy on the grounds of sex, marital status, family circumstances, race, ethnic or national origins, disability, age, religion, political or sexual orientation.
- 3.2 In this context, the policy can be made available in a variety of different formats including large print, alternative languages and audiotape.
- 3.3 An equality impact assessment will be carried out prior to the implementation of this policy.

4. The Legal and Regulatory framework

- 4.1 This policy has been developed within a framework that ensures proper compliance with legislation, regulatory advice and good practice.
- 4.2 The main legislative provision relating to the policy is:
- Human Rights Act 1988;
 - Housing (Scotland) Act 2001;
 - 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;
 - Scottish Secure Tenancy Agreement;
 - Short Scottish Secure Tenancy Agreement
- 4.3 This policy has taken into account the requirements set out in the new 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*

Outcome 13: Value for Money

Social landlords manage all aspect of their business so that:

- *tenants, owners and other customers receive services that provide continually improving value for the rent and other charge that they pay.*

5. Definition of Anti-social Behaviour

- 5.1 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”*.
- 5.2 Section 3 of the Tenancy Agreement outlines that tenants are responsible for the behaviour of people who live with them and visit their property.
- 5.3 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.
- 5.4 Neighbour nuisance and anti-social behaviour can also be committed by a lodger or sub tenant.
- 5.5 We understand people have differing lifestyles and perceptions and there are some issues that we will NOT accept or investigate as anti-social behaviour. Examples include, but are not limited to, the following:
 - 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.
- Incidents where no details are provided of the persons involved.

6. Tenants experiencing anti-social behaviour

- 6.1 The first responsibility for resolving a neighbour dispute rests with the tenants concerned who will be advised to consider approaching their neighbour(s) and try to solve the problem in a friendly way.
- 6.2 We will provide as much support and assistance as possible to any tenant experiencing anti-social behaviour. Before investigating a case of anti-social behaviour the Landlord will look to ensure that tenants have:
- Considered whether their neighbour's different lifestyle really is unreasonable
 - Talked to their neighbour
 - Listened to their neighbour's point of view
- 6.3 If a problem persists following this or tenants are worried about approaching their neighbour directly, then the Landlord will look to get involved.
- 6.4 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 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.

7. Making a Complaint

- 7.1 We will accept complaints by letter, by phone, email or in an interview.
- 7.2 Anonymous complaints will be recorded, but it may not be possible to act on such complaints unless it is possible for the Landlord to verify the complaint – e.g. an untidy garden. The Landlord will however take the necessary steps to investigate all complaints where possible.

8. Complaints, Response and Resolution

- 8.1 The initial step on receipt of a complaint will be to correctly categorise the complaint. This process is to help analyse complaints and ensure a quick and

effective response. The categories, response and resolved timeframes are as follows:

Neighbour Nuisance C	Anti-Social Behaviour B	Anti-Social Behaviour A
<ul style="list-style-type: none"> • Infrequent disturbance • Noise complaints • Behaviour of visitors or children • Basic breaches of tenancy i.e. pet nuisance • Family disputes affecting neighbours 	<ul style="list-style-type: none"> • Frequent disturbance • Vandalism/graffiti to property • Verbal harassment 	<ul style="list-style-type: none"> • Drug dealing from the house • Assault • Racial harassment • Violent conduct towards neighbours or staff • Threatening behaviour • Sectarian/religious and homophobic harassment

The above are examples only and not a full list. Staff ultimately decide after taking account of all information received on what category a complaint should be recorded as.

- 8.2 For Neighbour Nuisance C complaints, contact complainant and alleged perpetrator within 3 working days of initial complaint. We aim to have these complaints resolved within 5 working days.
- 8.3 For Anti-Social Behaviour B complaints, contact complainant and alleged perpetrator within 2 working days of initial complaint. We aim to have these complaints resolved within 4 working days.
- 8.4 For Anti-Social Behaviour A complaints, contact complainant and alleged perpetrator within 1 working day of initial complaint. This type of complaint will constitute a serious breach of tenancy. We aim to have these complaints resolved within 3 working days.
- 8.5 Staff have discretion to alter the category of a complaint when appropriate.
- 8.6 We define resolved as meaning; *action has been taken in relation to complaint and closure has been advised and made clear to the complainant – either verbally or by letter/email.*

9. Prevention

- 9.1 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;
- 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;
- Development of local youth diversionary projects;
- Information leaflets that provide advice on neighbour nuisance and anti-social behaviour and what the Landlord can do to help;
- When applicable, use Short Secure Tenancies to deal with appropriate cases of anti-social behaviour;
- Remove graffiti quickly and review security provision as part of ongoing maintenance work;
- Gather information to highlight emerging problems and target preventative measures.

10. Action to Resolve Complaints

10.1 We will use a range of measures to address neighbour nuisance and anti-social problems. This is to ensure a proportionate, flexible and effective response to the challenges of anti-social behaviour.

10.2 Our responses may include one or more of the following:

- Home visits;
- Correspondence with tenants involved;
- Office interviews;
- Recharging tenants for work which they have failed to do or cover the costs of repairs for damage caused by them;
- 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;
- Withdrawal of allocation rights;
- 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.

- 10.3 We will refuse to deal with complaints should tenants fail to follow guidance issued. For example, if a tenant fails to report excessive noise to other agencies like Police Scotland.
- 10.3 The Landlord will only consider eviction action as a last resort and if it is reasonable to do so.
- 10.4 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).
- 10.5 A SSST may be extended for a period of six months where the tenant requires further tenancy support.
- 10.6 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. Multi-Agency Working

- 11.1 We recognise that we will often require the support and assistance of other agencies to resolve neighbour disputes and anti-social behaviour problems. This may include arranging support for a tenant unable to cope with sustaining a tenancy and resolving breach of tenancy conditions or anti-social behaviour.
- 11.2 We will aspire to develop and maintain collaborative working arrangements with key external agencies to successfully achieve the purpose of the policy.
- 11.3 In particular, we will liaise with the following agencies:
- Police Scotland
 - Glasgow City Council (particularly, Homeless and Social Work services)
 - Glasgow Community Safety Services

In exceptional cases, the use of Professional Witnesses and/or noise equipment may be used where all other attempts to obtain independent corroboration have failed or intimidation of witnesses prevents action being pursued.

12. Enforcement

12.1 We are committed to the enforcement of the conditions of tenancy and will use a full range of tools to reach a satisfactory conclusion. We will require full participation from tenants to build up evidence in any particular case and this is very important if we decide to take legal action.

12.2 We are committed to:

- Taking complaints seriously
- Dealing with complaints as quickly as possible
- Discussing the action we are taking with those making the complaint
- Keeping all parties informed

12.3 To enable us to fulfill the above commitment tenants should

- Keep a note of the facts – write down dates and times of incidents. Initial report of incidents should be made to the Landlord within 24 hours of an incident occurring, or the next working day if over a weekend or public holiday.
- Provide as much detail as possible on the perpetrators.
- Let the Police know when incidents are taking place, again noting dates, times and any incident numbers provided.
- Phone 999 if there is an urgent threat from neighbours or their visitors or 101 for non-emergency matters.

13. Management Transfer

13.1 Where a neighbour dispute is deemed to be due to a “clash of personalities or lifestyles” and may be remedied by one party moving, a Management Transfer will be considered.

13.2 Approval of a Management Transfer will be granted by Housing Manager.

13.3 We may also participate in local Management Transfer agreement developed in conjunction with other housing organisations in the area. Whilst such an agreement will not be used as an initial remedy to any dispute, it should be recognised as a possible solution in certain circumstance.

13.4 If a Management Transfer is approved, the tenant would be entitled to move to a similar property-type. However, they can choose less than equivalent if they prefer.

14. Witness Support

14.1 We understand that for many people who provide evidence of anti-social behaviour it can be a frightening and distressing experience. Accordingly, we will support witnesses through this process. We do this by:

- Taking complaints seriously

- Dealing with complaints as quickly as possible
- Discussing the action we are taking with witnesses
- Keeping witnesses informed throughout the case
- Making clear when case closed

14.2 We will examine each case on its merit and ensure witnesses are provided with appropriate support.

15. Communication

15.1 We will raise tenant awareness of reporting mechanisms and build confidence by promoting the service and highlighting successful interventions.

15.2 The policy will be publicly available, an information leaflet has been produced and details of the service are regularly highlighted in the tenant newsletter.

15.3 Measures are in place to collect and analyse the individual's experience of making a complaint.

16. Committee member involved in anti-social behaviour

16.1 Any committee member that legal action has started against in relation to anti-social behaviour will be referred to the Housing Manager, Director and Management Committee as they will no longer be eligible to continue on the committee.

16.2 Committee members must declare and manage openly and appropriately any conflicts of interest and ensure they do not benefit improperly from their position.

17. Monitoring and Reporting

17.1 Each Management Committee will receive regular reports that will monitor and evaluate performance. This will include an analysis of complaints received, performance against target and tenant satisfaction.

17.2 The relevant Scottish Social Housing Charter indicators are as follows:

- Indicator 17: % of tenants satisfied with the management of the neighbour they live in
- Indicator 19: % of anti-social behaviour cases reported in the year which were resolved within locally agreed targets

18. Complaints

18.1 Any user that is dissatisfied with the service experienced should be encourage to provide feedback. Each landlords model complaints procedure sets out how each landlord manages these types of complaints. All landlords follow SPSO model guidance.

19. Training

19.1 Prior to the implementation of this policy, training will be provided to all relevant staff. Ongoing training requirements will also be regularly reviewed.

20. Policy Review

20.1 The Policy will be reviewed every three years from the date of approval, or earlier should the need arise following change in legislation or good practice standards.