



WILLIAMSBURGH
HOUSING ASSOCIATION LTD

Neighbour Disputes and Anti Social Behaviour Policy

Endorsed by Committee	29 th June 2022
Next Review Date	29 th June 2025

This policy is available in different languages and other formats such as Braille or tape on request.

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1. Introduction

Antisocial Behaviour etc (Scotland) Act 2004 provides that a person engages in antisocial behaviour if they:

“Act 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 not of the same household as them”.

This policy aims to achieve a comprehensive approach to dealing with problems of neighbour disputes and anti social behaviour, all of which manifest themselves in various forms.

Whilst the Association is successfully tackling the physical environment by modernising and maintaining the properties in our areas to a high standard, many social issues remain contentious and difficult to overcome.

The Association recognises that anti social behaviour may have its roots in many different social factors e.g. unemployment, drug misuse etc. The Association accepts that while our role may be limited in tackling the underlying causes we aim to deal quickly and effectively with all forms of neighbour disputes. In doing so, we will identify any support issues.

2. Equal Opportunities

The Association is committed to the principles of equal opportunities and good practice. In this regard, we acknowledge the Scottish Social Housing Charter (2012): 1 - Equalities, which states:

“every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services”.

Accordingly, we shall ensure that specifically in regard to Complaints, Neighbour Disputes and Anti Social Behaviour, all tenants, current and former are treated equally, irrespective of their sex or marital status, race, disability, age, sexual orientation, language or social origin, or other social attributes, including beliefs or opinions such as religious beliefs or political opinions.

3. Scottish Social Housing Charter and Legal Framework

3.1 Scottish Social Housing Charter

The Association, in preparing this policy and the related procedures has given consideration to and sought compliance with, the following:

Scottish Social Housing Charter, as defined by The Scottish Housing Regulator – the regulatory body for housing associations. The relevant Charter Outcome numbers 6 and 11 state:

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”.

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”.

3.2 Legal Framework

Any legal action taken will be done in accordance with the law. The key pieces of legislation are:

- Housing (Scotland) Act 2001
- Housing (Scotland) Act 2010
- Antisocial Behaviour etc (Scotland) Act 2004
- Housing (Scotland) Act 2014
- Equality Act 2010
- Crime & Disorder Act 1998
- Misuse of Drugs Act 1971
- Anti-Social Behaviour (Scotland) Act 2004
- Human Rights Act 1998
- Regulation of Investigatory Powers (Scotland) Act 2000
- Data Protection Act 1998
- General Data Protection Regulations 2018
- Schedule 7, Housing (Scotland) Act 2001
- Criminal Justice Act (Scotland) Act 2003
- Sex Discrimination Act 1975

4. Aims and Objectives

Williamsburgh Housing Association believes that it is the right of all people to live in their homes without undue disturbance or disruption from others.

- (a) To ensure that tenants are fully informed of the obligations and responsibilities falling to both the Association and themselves, in terms of the tenancy agreement.
- (b) To achieve tenant satisfaction as to how the Association deals with all neighbour complaints whilst recognising that the initial expectations of the complainant may not always be achieved.
- (c) To attempt to resolve as many disputes as possible, by mutual agreement between the parties involved, at an early stage.
- (d) To ensure that all complaints relating to neighbour disputes are dealt with in a sympathetic, effective manner and with the minimum of delay. Every dispute will be responded to within defined timescales, which will be dependent on the severity of the dispute.
- (e) To maintain the confidentiality of the complainant (wherever possible) unless the person concerned specifically gives permission for their identity to be revealed. Similarly if the case involves Renfrewshire Council's Community Safety Partnership and Mediation Service, which may also lead to Court action, at which time their identity will become known.
- (h) To enlist the assistance and co-operation of relevant outside agencies in tackling instances of neighbour disputes and anti social behaviour, where appropriate.
- (i) Building and maintaining good relationships with Police Scotland, Renfrewshire Community Safety partnership and other relevant external agencies. Participate in the protocol for the sharing of information to tackle anti-social behaviour which has been agreed between Police Scotland and Renfrewshire Council.

5. Classification of Complaints

We will request that complaints are made in writing, wherever possible, in order to maintain accurate record keeping. It is accepted however, that this may not always be possible, therefore, complaints will also be accepted by telephone, in person, or via email.

Issues reported to us through the Community Safety Hub will also be recorded and acted upon.

Where complaints received fall into more than one category, they will be recorded and progressed, in accordance with the highest priority.

Complaints regarding neighbour disputes will be categorised as follows:

Category A : Serious Anti Social Behaviour

Complaints classified under this category include drug dealing, assault, sexual offences, harassment, violence towards neighbours, the Association's staff or others.

Category B : Anti Social Behaviour

Complaints classified under this category include frequent disturbances, excessive noise, nuisance as a result of substance abuse and clashes of lifestyle.

Category C : Nuisance Cases

Complaints classified under this category include infrequent disturbances, running a business and vandalism.

Category D : Breach of Tenancy Conditions

A significant number of complaints fall into this category and refer to minor breaches of the tenancy conditions as general estate management issues (e.g. untidy garden, unkempt common areas). Complaints in this category will be dealt with through our Estate Management Policy.

Domestic Violence And Anti-Social Behaviour

Any complaints received that are subsequently identified to have occurred as a result of incidents involving domestic violence will not be categorised as anti-social behaviour. Staff will refer to our Domestic Abuse Policy for dealing with cases of this nature.

6. General day to day noise and lifestyle differences

In order to provide the best service possible to our residents and an efficient use of our limited resources in relation to anti social behaviour, it is important that the resources we have are targeted at dealing with issues that are having serious impacts on lives and our communities. In doing so, it may not be possible for us to intervene in matters that are considered day to day noise and lifestyle differences.

We will, wherever possible, provide details of other agencies who may be able to assist.

The following list provides examples that fall into this category, but is not exhaustive.

- Dogs barking unless penalties have been applied by Noise Enforcement or other recognised authority
- Disputes over washing lines
- Smells emanating from cooking
- Smell of nicotine in close
- People glaring at individuals/hand gestures
- Allegations of low level noise nuisance
- Balls going into neighbours' gardens/ Throwing snowballs
- Noise from children playing in or near their own home including in shared back gardens.
- Vehicle nuisance – unless penalties have been applied by Noise Enforcement or other recognised authority
- Social media - unless action being taken by Police Scotland
- Nuisance calls

7. Pre-Tenancy Advice and Assistance

The Association recognises the importance of communicating effectively with housing applicants and prospective tenants offering pre-tenancy advice and assistance, in relation to good conduct and our commitment to stamping out anti social behaviour. At the lettings verification and sign up interviews, responsibilities and expectations will be explained in detail by the Association's staff.

Information on how we deal with anti social behaviour is also available from our website.

In certain circumstances, where there is concern in relation to anti social behaviour, it may be appropriate to offer a Short Scottish Secure Tenancy Agreement, together with appropriate support.

8. Early Intervention

The Association acknowledges the importance of taking steps to prevent anti social behaviour from taking place. This policy demonstrates that anti social behaviour and harassment will not be tolerated. We will act quickly and effectively in order to resolve complaints and disputes, as early as possible.

Consequently this policy links to other policies such as Allocations, Estate Management, Equal Opportunities, Tenant Participation, Harassment and Voids.

9. Complaints Received

All complaints received relating to neighbour disputes, anti social behaviour etc. will be recorded on the Association's IT systems. Each case will be allocated a reference number, and complaints falling within categories A, B and C, will be acknowledged in writing (see Appendix 1 – Complaint Categories).

Although individuals will be encouraged to put their complaint in writing, it is not always necessary. Verbal complaints will be accepted and recorded, but where the complaint is of a more serious nature or in relation to an ongoing issue, submitting it in writing may be requested.

Where someone has difficulty expressing themselves in writing, they may be asked to make a statement that will be documented by a member of the Association's staff, which they will then be asked to sign.

We will manage complainers' expectations by making them aware of the action that can, and can not be taken, together with the likely timescales involved. In addition, they will be advised that corroboration of incidents is required to allow us to pursue the tenant responsible using the most relevant course of action available to us. Complainers will be advised that corroboration not only includes reports from other residents, but action taken by relevant agencies including Police Scotland and the Renfrewshire Community Safety Partnership. Complainers will be advised to report incidents to all relevant agencies, as and when they arise.

Anonymous complaints will also be recorded, as they may help to corroborate information received from other sources.

File notes of all conversations and decisions will be recorded and held, together with the complaint received and all other related communications.

9.1 Private Owners/Landlords

Complaints made about, or by owner occupiers or tenants of private landlords will be treated in the following way.

Party 1- Complainer	Party 2 Person being complained about	Action
WHA Tenant	Owner	<ul style="list-style-type: none"> • Refer to Council Community Safety Investigator
WHA Tenant	Tenant of private landlord	<ul style="list-style-type: none"> • Refer to Council Community Safety Investigator • Contact private landlord to advise of issue with their tenant
Tenant of private landlord	Tenant of private landlord	<ul style="list-style-type: none"> • Refer to Council Community Safety Investigator • Contact private landlord to advise of issue with their tenant
Tenant of private landlord	Owner	<ul style="list-style-type: none"> • Refer to Council Community Safety Investigator
Owner	Owner	<ul style="list-style-type: none"> • Refer to Council Community Safety Investigator
Owner	Tenant of private landlord	<ul style="list-style-type: none"> • Refer to Council Community Safety Investigator • Contact private landlord to advise of issue with their tenant

We will support our tenants when complaints have been made about owner occupiers or private tenants by liaising with the Council's Community Safety Investigator who will normally contact our tenants and the Association with updates on these cases.

9.2 Procedures

Procedural guidelines for staff on the implementation of this policy, together with standard letters and forms, are held separately in our Neighbour Disputes and Anti Social Behaviour procedures.

Actions

The Association will investigate complaints and seek to resolve issues as quickly as possible to reduce the impact of Anti Social Behaviour in our communities.

During the course of investigating complaints, the following options for action will be considered by us:

- Verbal warning
- First written warning
- Second written warning
- Tenancy Warning
- Notice of Proceedings for Recovery of Possession
- Mediation
- Acceptable Behaviour Contract
- Referrals to Renfrewshire Council's Community Safety Partnership
- Antisocial Behaviour Orders - Interim
- Interdicts
- Action for Specific Implement
- Closure Orders
- Converting tenancy to SSST

Where a Category A case is received and referred to Renfrewshire Council's Community Safety Partnership, written notification will be issued by the Association to the tenant.

9.3 Short Scottish Secure Tenancy

The short Scottish secure tenancy (SSST) is based on the Scottish secure tenancy introduced by the Housing (Scotland) Act 2001. A SSST is a short term or probationary tenancy agreement that can be given to tenants.

The Association has the right to change a person who has an Antisocial Behaviour Order (ASBO) against them to a SSST.

The Association has the right to provide a SSST to those who have previously been evicted for antisocial behaviour.

The Association will convert the SSST to a full Scottish secure tenancy at the end of 12 months, provided the tenant has not behaved in a manner deemed unacceptable.

9.4 Standard Response Times

The table in Appendix 1 contains details of the standard response times that will be applied in respect of progressing complaints in each category.

A case is resolved when:

- the Association has taken the appropriate measures, as set out in this policy to address the cause of the anti-social behaviour complaint and has advised the complainant of the outcome; or
- the Association does not have the authority or powers to resolve, and has provided a full explanation of the Association's position as landlord on the matter to the complainant.

10. Drug Related Offences

Convictions for the possession of drugs for personal use will not normally result in the Association seeking eviction, unless there are additional aspects of anti social behaviour involved.

Where convictions are in relation to supply, intent to supply or the cultivation of drugs, we will normally seek eviction.

Each case, however, will be judged individually on its own merits.

11. Multi Agency Working

In addition to managing complaints ourselves we are committed to working with, and making referrals to, various external agencies, in order to resolve disputes and complaints.

External agencies that we work with include:

- Police Scotland
- Environmental Services
- Noise Enforcement Officers
- Investigators from Renfrewshire Community Partnership
- Mediation Officers
- Neighbourhood Wardens
- Social Work Services and related support agencies
- Scottish Fire and Rescue Service

12. Conclusion

The major challenge for the Association in implementing this policy will be to prove that a breach of tenancy or anti social behaviour exists. The Association recognises that the system may be open to abuse, from those who have a personal dislike for a resident, or who see the policy as a means to improve their current housing circumstances. The Association will, therefore, only take action where we believe it to be justified. A full audit trail of actions taken will be maintained.

The Association also recognises that, in some cases, it may be impossible to prove the allegations made. This could be because of counter allegations being made, denials of allegations supported by other witnesses, lack of police or other agencies involvement, or some other reason. In such cases, the housing officer may refer both parties for Mediation, or have no alternative but to advise both parties that the complaint is not proceeding explaining the basis on which this decision has been made.

13. Reporting

Quarterly complaints reports outlining the details of neighbour disputes, anti social behaviour and estate management, will be presented to the Committee. The reports will including the following information:

- Number of complaints
- Types of complaints
- Performance against the timescale to reach assessment stage
- Timescale to conclude case

14. Training

The Association recognises that anti social behaviour is complex and impacts on all levels of the Association. Suitable training will be identified and promoted to all staff, in order to assist them when dealing with issues of anti social behaviour.

15. Data Protection

The Association will store personal information provided securely on both our computer and filing systems. At all times we will act in compliance with the Data Protection Act 1998 and the EU General Data Protection Regulation (GDPR).

16. Review

This policy will be reviewed by the ~~Housing Management Sub~~ Committee on a 3 yearly basis, to ensure that it responds to any changing circumstances.

This review will take place following the appropriate consultation with tenants as outlined in our Tenant Participation Strategy.

Appendix 1

Complaint Categories

Category	Acknowledge Within	Appropriate Actions	Case Resolved
A	3 working days	Request Police report 3 working days.	Passed to Community Safety Partnership within 21 working days
B	3 working days	Interview parties and gather evidence within 15 days	Issue warning, or no action taken, advice given within 21 working days of receipt
C	3 working days	Interview parties and gather evidence within 15 days	Issue warning, or no action taken, advice given within 21 working days of receipt
D	3 working days	Interview parties and gather evidence within 10 days	Issue warning, or no action taken, advice given within 15 working days of receipt