

# Melville Housing Association



## Policy: Neighbour Disputes & Antisocial Behaviour

**Subject:** Neighbour Disputes & Antisocial Behaviour

**Section:** Housing Services

**Objective:** To deal effectively with Neighbour Disputes and Antisocial Behaviour including appropriate liaison with other services and agencies.

**Scottish Social Housing Charter** Outcome 6 Estate Management, antisocial behaviour, neighbour nuisance and tenancy disputes.

**Relevant Legislation** Policy developed to comply with Relevant Legislation.

**Issue Date:** November 2019

**Review Date:** November 2022

**Policy Ref No:** HSG 005

## **1.0 Introduction**

- 1.1 This Policy sets out what we will do to help prevent antisocial behaviour how we will intervene when complaints about antisocial behaviour are received, and how we will enforce our policy.
- 1.2 "Antisocial behaviour" for the purpose of this policy is defined as behaviour which has caused or is likely to cause alarm, distress, nuisance or annoyance to any person, or cause damage to anyone's property. It is behaviour that displays a disregard for the rights and wellbeing of another.
- 1.3 The main legislative provisions relating to the policy are:
  - Housing (Scotland) Act 2014
  - Housing (Scotland) Act 2010.
  - Antisocial Behaviour etc. (Scotland) Act 2004.
  - Housing (Scotland) Act 2001.
  - Equality Act 2010.
  - Data Protection Act 2018.
  - Human Rights Act 1998.
- 1.4 We aim to provide a quick and effective resolution to complaints made about antisocial behaviour. We will try to resolve complaints at an early stage to prevent them escalating into more serious problems. We will be pro-active and supportive in our approach. We will always try to balance the rights of individuals with the expectations of the wider community. We will try and resolve the problem to the satisfaction of all concerned. This may mean reaching a compromise solution which is acceptable to all parties.
- 1.5 Complaints can be made either verbally or in writing. Anonymous complaints will be dealt with as they can be an early sign of a serious problem or may result from intimidation or fear of recrimination. However, complainants are encouraged to make themselves known to us, so that their complaint can be dealt with more effectively. It is recognised that anonymous complaints may be malicious and a form of harassment in themselves.
- 1.6 The confidentiality of a complaint is respected at all times unless there is a perceived risk of harm to one or more of the individuals involved.

## **2.1 There are three key aspects to our approach:**

- Prevention
- Intervention
- Enforcement

## **2.2 Prevention**

We will carry out the following measures to ensure that neighbour disputes are prevented or minimised:

- We will build and maintain our properties to standards that minimise the impact of antisocial behaviour.

**The Association recognises that the allocation of properties is key to ensuring the establishment of sustainable communities. We will allocate our properties on the basis of housing need and in accordance with our Allocation Policy; however, where appropriate we will develop lettings plans, which will aim to create sustainable communities.**

- We have a standard Scottish Secure Tenancy Agreement that outlines rights and responsibilities on antisocial behaviour. Our Policy on antisocial Behaviour is highlighted to new customers. The need for tolerance towards others is stressed and we promise to provide quick and effective response to neighbour complaints or instances of antisocial behaviour.
- New tenants are given our tenants handbook at the time of signing their tenancy agreement. The handbook sets out how a tenant can have good neighbours and be a good neighbour. It explains our responsibilities and the tenant's rights and responsibilities in relation to neighbour complaints and antisocial behaviour.
- We will consult tenants on the antisocial behaviour policy and give advice on how tenants can deal with complaints between neighbours.
- We aim to provide, with other agencies as required, the appropriate level of support needed so that tenants can sustain a tenancy, live peacefully with their neighbours and lead as normal and independent a life as possible.
- We aim to deal with estate management problems efficiently and effectively to prevent minor issues becoming more serious.
- We will take part in multi-agency meetings about antisocial behaviour. We will enter in to any local community agreements on antisocial behaviour where we have tenants.

We work cooperatively and within our legal frameworks with Police Scotland, Fire and Rescue Services, Local Authorities and other partners whose aim is to manage and resolve Anti social behaviour.

### **2.3 Intervention**

We have three categories of antisocial behaviour:

#### **Category A:**

This category includes complaints of a very serious antisocial nature, including physical violence, racism, intimidation and harassment, criminal convictions, escalation or increase in frequency of disturbances or excessive noise, using our properties to grow or sell drugs or for any other illegal purpose.. Threats or attacks on Association staff or representatives. Escalated Cat B behaviour , which has not improved, despite intervention.

#### **Category B:**

This category includes complaints which indicate serious antisocial

behaviour, such as persistent excessive noise, frequent disturbances, threats of violence, vandalism to Association property. Persistent failing to control pets. Verbal abuse.

### **Category C**

Complaints which clearly breach a tenancy condition but which are of a relatively minor nature, e.g. occasional noise, stair cleaning, rubbish dumping and noisy or uncontrolled pets will fall into this category.

### **In All Categories**

We will establish the facts and interview the complainant. We may ask the complainant to keep diary notes of further incidents to help us gather evidence. We will assess each complaint to decide whether it is a tenancy issue, a criminal matter or both. We will assess whether it is a neighbour complaint or a wider neighbourhood issue and respond with action that is reasonable. We will decide what action should be taken within the categories listed above and decide if other agencies need to be involved. We will keep complainants informed at every stage.

Our aim is always to avoid eviction and homelessness by intervening to achieve a positive outcome for all concerned. We will employ a range of options to resolve the situation on a case by case basis. These include:

**Interviewing** all relevant parties to a complaint about or incidence of antisocial behaviour, issuing warning letters as appropriate, including solicitors letters, to those who have been antisocial.

**Mediation.** Where appropriate we will refer parties to independent professional mediators who will attempt to resolve the issues.

**Case conferences** with other agencies including police, social work, other landlords and other council departments. This is appropriate if the antisocial behaviour is more serious and affects the wider community.

**Acceptable Behaviour Contracts.** These are an effective way for tenants and their families to recognise their behaviour is causing problems and set out steps to change this behaviour.

**Management transfers.** We will arrange to transfer people who are victims of antisocial behaviour where we believe such a move will end the problem without moving the problem elsewhere. We will consider management transfers in exceptional circumstances only, for example when a tenant or member of a tenant's family is subject to such serious circumstances, that they are unable to reside in their present home. The Chief Operating Officer has delegated authority to give permissions for transfers outwith the Transfer Policy.

When a complaint appears to be due to a clash of lifestyles rather than a breach of tenancy agreement, the complainant will be given appropriate advice and – subject to the actions outlined above – may be advised that there is no action which the Housing Officer can take.

## **2.4 Enforcement**

Where Prevention or Intervention measures have failed we will make use

of the following enforcement measures depending on the severity, or frequency of the behaviour:

**Compulsory Transfer.** We may seek a court order to force a transfer for people who cause anti social behaviour where we believe such a move will end the problem without moving it elsewhere.

**ASBO** - We will always consult with councils and the police with regard to serving Antisocial Behaviour Orders (ASBOs). If the person is under 16 we are required to consult the Principal Reporter.

**Interdicts and Specific Implements.** Interdicts can be sought to prevent someone from carrying out a certain course of action. Specific Implements can be sought to enforce a tenancy condition. We will liaise with Police and our solicitors wherever necessary should we require to take such action in response to antisocial behaviour.

**Short Scottish Secure tenancies (SSST).** Under the terms of section 7 of the Housing (Scotland) Act 2014, landlords have the right to convert existing tenancy to a SSST where an existing tenant or member of their household or person visiting the house has acted in an antisocial manner within the last three years. We have a separate policy which explains how we decide when to use this power to cover a SST to a SSST.<sup>1</sup>

**Decree for eviction.** Eviction will only be used as a last resort when all other action has failed and where this course of action is reasonable in the circumstances.

**Streamlined evictions.** Under the provisions of the Housing (Scotland) Act 2014, we have the right to pursue a streamlined eviction in cases of serious and ongoing antisocial behaviour, where a tenant has already been served with a Notice seeking possession of the property and has been convicted within the previous 12 months. We have a separate policy for deciding when we will use these powers.

### **3.0 Target Times**

- 3.1 For all categories of complaints we will aim to investigate and reach a solution with all parties within 8 weeks or 40 working days.
- 3.2 Where cases are more complex and require formal police reports, case conferences or ABC's with tenants we will aim to reach a solution within 24 weeks or 120 working days.
- 3.3 Where we take legal action or apply for an ASBO or repossession we will aim to reach a solution within 36 weeks or 180 working days.

### **4.0 Monitoring & Performance**

- 4.1 Melville Housing Association has a statutory duty to complete the Annual Return on the Charter (ARC) to the Scottish Housing Regulator. This provides key information on our performance in responding to antisocial behaviour complaints. This includes the following information:
  - Number of cases reported within the year

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<sup>1</sup> This power comes into force with effect from 1<sup>st</sup> May 2019

- Number of cases resolved within the year
- Number of cases resolved within locally agreed targets
- Percentage of ASB cases reported which were resolved within the locally agreed targets
- Number of tenancies converted to SSST (from May 2019)
- Number of streamlined evictions (from May 2019)

4.2 The Housing Services Manager is responsible for monitoring all neighbour complaints as part of the ongoing reporting and review process. All details of complaints are held on a database and the success of different action taken will be measured and reported annually to the Board. This report includes the number of cases dealt with and the number closed, and the impact of any ASBO's, evictions and management transfers. It will also include details of the area and house type where complaints have been received.

4.3 The Board will monitor ongoing performance through the submission of regular reports to make sure that the aims of this policy are being achieved. The Board will also receive eviction reports at their next meeting following an eviction. These reports will not reveal the tenant's identity.

4.4 A Satisfaction Survey will be sent to all complainants with the letter advising of the outcome of their complaint. This survey will provide feedback and the basis of further review.

4.5 We will publish information about the impact of this policy in Voice, our Annual Report, and on our web site.

## **5.0 Equal Opportunities**

5.1 We are committed to Equality and Diversity and will not discriminate in the operation of this policy on the basis of age, gender, race, colour, ethnic or national origin, religion, marital status, family circumstances, political or sexual orientation, medical condition or disability. We aim to promote equalities and comply with all current legislation. We carry out Equality Impact Assessments when we review our policies. We check policies and associated procedures regularly for their equal opportunity implications. We take appropriate action to address inequalities likely to result or resulting from the implementation of the policy and procedures.

## **6.0 Training**

6.1 Staff dealing with neighbour disputes and antisocial behaviour will require appropriate training. This may include training on interview skills, the use of legal remedies and mediation skills.

## **7.0 Complaints about our service**

All complainants and alleged perpetrators have the right to make a complaint if they feel that an allegation of antisocial behaviour or harassment has not been dealt with properly. Details of how to make a service failure complaint are available on our Website and in our Complaints policy.

## **8.0 Appeals**

All complainants and alleged perpetrators are entitled to appeal against any decision we have made. Appeals, should be made in writing to The Housing Manager.

## **9.0 Tenancy sustainment**

We are committed to assisting tenants, where possible, to remain in their homes. We recognise the individual needs of tenants and take these into account in all aspects of our service. Where we are unable to offer direct assistance we will signpost tenants to other agencies and services. We have a partnership agreement with CHAI (Community Help and Advice Initiative) to provide Tenancy Support and Money Advice services.

## **10.0 Review of Policy**

The Chief Operating Officer will ensure this policy is reviewed every three years or earlier if there are any changes to legislation. The Senior Management Team has delegated authority to approve minor changes to this policy. Significant changes will be submitted to the Board for approval.

## **11.0 Data Protection**

Information on tenants and others will be processed in accordance with our Privacy policy, which observes the requirements of the Data Protection Act 1998, the General Data Protection Regulation (EU) 2016/679 ("the GDPR"); (b) The Data Protection Act; (c) the Privacy and Electronic Communications (EC Directive) Regulations 2003 (as may be amended by the proposed Regulation on Privacy and Electronic Communications); and (d) any legislation that, in respect of the United Kingdom, replaces, or enacts into United Kingdom domestic law, the General Data Protection Regulation (EU) 2016/679, the proposed Regulation on Privacy and Electronic Communications or any other law relating to data protection, the processing of personal data and privacy as a consequence of the United Kingdom leaving the European Union