

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 1 Equalities
Outcome 6 Estate Management, antisocial behaviour, neighbour nuisance and tenancy disputes.
Outcome 13 Tenancy Sustainment

Relevant Legislation: Refer to Section 1.3

Issue Date: October 2021

Review Date: October 2024

Policy Ref No: HSG 005

1.0 Introduction

- 1.1 This Policy sets out how we will effectively manage antisocial behaviour complaints. It should be read in conjunction with the following policies: Domestic Abuse, Estate Management, Harassment, Streamlined Eviction and Unacceptable Behaviour.
- 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
 - Disability Discrimination Act 2010
 - Criminal Justice (Scotland) Act 2003
 - Dangerous Dogs Act 1991
 - Misuse of Drugs Act 1971
 - Domestic Abuse (Protection) (Scotland) Act 2021
- 1.4 We aim to provide a quick and effective resolution to complaints made about antisocial behaviour, to the satisfaction of all concerned. Where possible we aim to reach a compromise solution which is acceptable to all parties.
- 1.5 We will record and investigate all complaints, including those made anonymously as these can be an early sign of a serious problem. However we will encourage those making a complaint to make themselves known so that their complaint can be dealt with more effectively. We also recognise that anonymous complaints may be malicious and a form of harassment.
- 1.6 When dealing with complaints we will respect confidentiality at all times unless there is a perceived risk of harm to one or more of the individuals involved or where it is obvious who the complainant is (for example an adjoining neighbour).
- 1.7 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:
- 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.
 - Looking out of windows.
 - Cooking smells.
 - Disputes over reasonable use of common areas.
 - Incidents where no details are provided of the persons involved.

2.0 Tenant Responsibility

- 2.1 The first responsibility for resolving a neighbour dispute rests with the tenants concerned. We will advise them to consider approaching their neighbour(s) and try to solve the problem in a friendly way.
- 2.2 Before investigating a case of anti-social behaviour we 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
- 2.3 If a problem persists or tenants are worried about approaching their neighbour directly, then we will look to get involved.
- 2.4 Whilst we will always try to act where we can, we cannot get involved in enforcement of the law. Matters of a criminal nature should be reported to the police. We may then be able to take further action secondary to any criminal proceedings.
- 2.5 We will refuse to deal with complaints should tenants fail to follow our guidance. For example, if a tenant fails to report excessive noise to other agencies like Police Scotland.

3.0 Dealing with Anti-Social Behaviour

There are three key aspects to our approach:

3.1 Prevention

We will carry out the following measures to prevent or minimise neighbour disputes:

- Build and maintain our properties to standards that minimise the impact of antisocial behaviour, where possible.
- Recognise that the allocation of properties is key to ensuring sustainable communities. We will allocate our properties based on housing need and in accordance with our Allocation Policy; however, where there have been antisocial problems in the past, we will consider a sensitive let for the purpose of fairness and tenancy sustainment.
- Highlight to new tenants our policy on antisocial behaviour and stress the need for tolerance towards others. We will also make clear the section in our standard Scottish Secure Tenancy Agreement that outlines rights and responsibilities on antisocial behaviour.
- Consult tenants on the antisocial behaviour policy and give advice on how tenants can deal with complaints between neighbours.
- Provide, with other agencies as required, the appropriate level of support needed so that tenants can sustain a tenancy and live peacefully with their neighbours.

- Deal with estate management problems efficiently and effectively to prevent minor issues becoming more serious.
- Take part in multi-agency meetings about antisocial behaviour.
- Work cooperatively and within our legal frameworks with Police Scotland, Scottish Fire and Rescue, local authorities including social work and other partners whose aim is to manage and resolve anti social behaviour.

3.2 Intervention

We have three categories of antisocial behaviour. The list below is not exhaustive but shows clear examples of behaviour types by category:

Category	Definition	Timescales
A	<ul style="list-style-type: none"> • A conviction or criminal charges for drug dealing (supply or intent to supply) or production of a controlled drug • Criminal charges relating to firearms • Criminal behaviour involving serious incidents or threats of violence • Serious assault • Serious harassment • Hate crimes • Serious damage to property including willful fire-raising 	Action within 2 working days
		Resolve within 10 working days
B	<ul style="list-style-type: none"> • Aggressive/abusive behaviour • Behaviour caused by drug/solvent/alcohol abuse • Verbal/written harassment • Persistent noise nuisance • Vandalism • Repeated pet nuisance • Graffiti • Non-accidental bin fires/grass fires 	Action within 5 working days
		Resolve within 20 working days
C	<ul style="list-style-type: none"> • Infrequent disturbances • Boundary disputes • Rubbish dumping • Pet nuisance 	Action within 10 working days
		Resolve within 20 working days

In all categories we will keep complainants informed at every stage.

Our aim is always to avoid eviction and homelessness through intervention. We will employ a range of options to resolve the situation on a case-by-case basis. These include:

Interviewing all relevant parties, where appropriate. We will consider if interviewing a complainant could escalate the problem especially where domestic violence is involved. We will issue warning letters, including solicitor's 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 voluntary agreements between the perpetrator and landlord. They can be 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 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 continue living in their present home. We will arrange to transfer people who are victims of antisocial behaviour where we believe a move will end the problem without moving the problem elsewhere. The Head of Property Services has delegated authority to give permission for transfers out with the transfer policy.

Domestic abuse protection notices. We will work with Police Scotland and our solicitors to ensure victims are protected. This could be through protection notices and orders, ending a tenancy or management transfer.

3.3 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:

Notice of Proceedings. We will issue a Notice of Proceedings for recovery of possession as a warning against continued breaches of tenancy.

Withdrawal of allocation rights. We will suspend anyone on our transfer list who has a Notice of Proceedings for antisocial behaviour.

Compulsory transfer. We may seek a court order to force a transfer for people who cause antisocial 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 an Antisocial Behaviour Order (ASBO). We are required to consult the Principal Reporter if the person is under 16.

Interdicts and specific implements. Interdicts are another option to prevent someone from carrying out a certain course of action. Specific implements can also be used to enforce a tenancy condition. We will liaise with the police and our solicitors wherever necessary 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 an 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.

Decree for eviction. We will only use eviction as a last resort when all other action has failed.

Streamlined evictions. Under 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.

4.0 Domestic Abuse

4.1 New legislation was introduced on 5 May 2021 to protect a person from abusive behaviour by their partner or ex-partner; and to allow the termination of Scottish secure tenancies in cases involving abusive behaviour by a tenant towards a partner or ex-partner. This is covered in our domestic violence policy.

5.0 Target Times

5.1 Target times for all categories are outlined in section 2.3 of this policy.

5.2 Where we take legal action or apply for an ASBO or repossession we will aim to reach a solution within 24 weeks or 120 working days.

6.0 Monitoring and Performance

6.1 Melville Housing Association has a statutory duty to complete an 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
- Number of cases resolved within the year
- Percentage of ASB cases reported which were resolved within the year
- Number of tenancies converted to SSST
- Number of streamlined evictions

6.2 The Housing 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 which we will use to analyse and report on performance annually to our Board.

6.3 The Board will approve any proposal for eviction. They also receive reports at their next meeting following an eviction. These reports will not reveal the identity of the tenants involved.

6.4 We will assess satisfaction with how we are managing neighbour complaints and anti-social behaviour through our wider tenant surveys.

6.5 We will publish information about the impact of this policy in our Voice tenant newsletter, our Tenant Report, on our website, and through social media channels.

7.0 Training

7.1 We will provide appropriate training to staff dealing with neighbour disputes and antisocial behaviour. This may include training on interview skills, the use of legal remedies and mediation skills.

8.0 Appeals

- 8.1 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 Complaints about our service

- 9.1 Anyone has the right to make a complaint if they feel we have not dealt with an allegation of antisocial behaviour or harassment properly. Details of how to make a service complaint are available on our website and in our complaints policy.

10.0 Tenancy sustainment

- 10.1 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.

11.0 Equal Opportunities and Human Rights

- 11.1 In enforcing this policy Melville Housing Association will ensure that nobody will be treated less favourably on the grounds of age, disability, ethnic or national origin, an ex-offence, family circumstances, marital status, political or sexual orientation, race, religion or gender.
- 11.2 We will ensure that nobody's human rights are adversely impacted by this policy.

12.0 Data Protection

- 12.1 Melville Housing Association takes the issues of data security and data protection very seriously and strictly adheres to guidelines published in the Data Protection Act 2018 and the General Data Protection Regulation (EU) 2016/679 (GDPR), together with any domestic laws subsequently enacted.
- 12.2 Information on how we manage our duties is detailed in our Privacy Policy. Details on how we use personal information can be found in our GDPR Fair Processing Notice. Further information is available on our website, www.melville.org.uk or on request from our office.

13.0 Review of Policy

- 13.1 The Housing Manager will ensure this policy is reviewed every three years or earlier if there are any changes to legislation. Melville's Senior Management Team has delegated authority to approve minor changes to this policy. Significant changes will be submitted to the Board for approval.