Neighbour Disputes and Antisocial Behaviour Policy

Introduction
This document outlines Ayrshire Housing's policy on neighbor disputes and antisocial behavior. The policy and associated procedures will outline the way in which complaints are dealt with taking account of current legislative provisions for dealing with antisocial and neighbour nuisance.

This policy seeks to comply with good practice guidelines. The policy also reflects Ayrshire Housing's commitment to Outcome 6 of the Scottish Social Housing Charter which states that "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."

Ayrshire Housing will ensure that staff, board members and tenants are consulted on this policy document.

Ayrshire Housing will ensure that staff are provided with the appropriate training on this policy. Specific additional training will be provided for staff directly involved in responding to and in investigating neighbour disputes and antisocial behavior.

Definition of antisocial behaviour
The Antisocial Behaviour (Scotland) Act 2004 defines antisocial behavior in the following terms.

“A person engages in antisocial behaviour if they act in a manner or pursue a course of conduct that causes or is likely to cause alarm or distress. This must be to at least one person who is not a member of their own household.”

Conduct includes speech and to be a course of conduct it must happen on at least two occasions.

The general range and scope of antisocial behaviour can range from relatively minor disputes involving noise and lifestyle clashes to serious and extreme cases including drug dealing, serious harassment, racial abuse and violence. Ayrshire Housing will endeavor to adopt a pragmatic approach reflecting the nature and seriousness of the conduct involved.

Policy Aims and Objectives
In Ayrshire Housing’s Corporate Plan 2013 it is stated that the organisation aims to “enhance the wellbeing of our tenants and the wider communities of Ayrshire through high quality housing and related services”.

Objective 2 of the corporate objectives refers to “Serving our Tenants” and focuses on sustaining tenancies and neighbourhoods.

The key aims and objectives of this policy are as follows:-

To take effective action to assist those who are affected or who are victims of antisocial behaviour.

To provide tenants with the necessary support or help them obtain the necessary support and assistance they require to establish and maintain their tenancies.
To provide tenants with clear information about what we can do in response to a complaint or dispute and also to make information available regarding the assistance that can be provided by our partners such as South Ayrshire Council, the Police, and other agencies and support organisations.

Procedures have been written to ensure that an appropriate and effective response is in place to deal with complaints. Ayrshire Housing will ensure that accurate information and investigatory records are kept. All complaints will be dealt with in a professional manner and performance will be monitored and statistical information provided when required.

**Prevention**
Ayrshire Housing’s approach to the prevention and management of antisocial behaviour is integrated within our management of allocation and estate management.

Procedures are in place to allow a quick turnover in vacancies by pre-allocation. Our houses are allocated to households in relation to their particular housing needs. Prior to offering a tenancy the association may carry out checks on background information to consider whether an offer may be withheld or deemed unsuitable or inappropriate. It should be noted that such checks are limited to those permitted within legislation and the statutory framework for the allocation of social rented housing.

The Tenancy Agreement outlines tenants’ responsibilities with regards to respect for others and these Tenancy Conditions will be enforced.

Good neighbour relations are reinforced at the New Tenant Visit which is carried out within 6 weeks of the tenant moving in.

Effective estate management is regularly monitored and prompt action is taken when there is a failure to meet tenancy conditions.

**Categorisation of Disputes and Response Times**
Ayrshire Housing recognises that antisocial behaviour can range from very minor to very severe. The categorisation is based on the seriousness of the complaint and will determine the processes and timescales which will be followed in responding to the complaint.

**Category 1 (Red) Extreme Cases**
Drug dealing  
Assault or Violent Conduct  
Racial or other Serious Harassment or Abuse  
Criminal Behaviour

**Category 2 (Amber) Serious Cases**
Threatening Behaviour/Harassment  
Serious Breaches of Tenancy e.g. Vandalism or Damage to Property  
Frequent Disturbances

**Category 3 (Green) Nuisance Cases and Minor Disputes**
Noise Complaints  
Infrequent Disturbances  
Running a Business  
Access and/or Boundary Disputes  
Condition of property/gardens  
Minor Breaches of Tenancy e.g. pet nuisance, behaviour of children
The following timescales should apply in responding to the initial complaint.

<table>
<thead>
<tr>
<th>Action</th>
<th>Category Red</th>
<th>Category Amber</th>
<th>Category Green</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contact Complainer</td>
<td>1 working day</td>
<td>3 working days</td>
<td>5 working days</td>
</tr>
<tr>
<td>Contact Neighbours/Witnesses</td>
<td>2 working days</td>
<td>3 working days</td>
<td>5 working days</td>
</tr>
<tr>
<td>Contact Alleged Offender</td>
<td>2 working days</td>
<td>5 working days</td>
<td>7 working days</td>
</tr>
<tr>
<td>Liaise with the Other Agencies if appropriate</td>
<td>2 working days</td>
<td>5 working days</td>
<td>7 working days</td>
</tr>
<tr>
<td>Case Evaluation</td>
<td>3 working days</td>
<td>7 working days</td>
<td>10 working days</td>
</tr>
<tr>
<td>Case Closed/Resolution</td>
<td>12 weeks</td>
<td>8 weeks</td>
<td>4 weeks</td>
</tr>
</tbody>
</table>

The timing and frequency of subsequent contacts will be determined by the severity of the case.

It should be noted that the Scottish Housing Regulator classifies a case resolved when:

- the landlord has taken appropriate measures as set out in its antisocial behaviour policies and procedures to address the cause of the antisocial behaviour.

 Or

- the landlord does not have the authority or powers to resolve the matter but it has provided to the service user a full explanation of the landlord’s position.

**Links with other Services and Agencies**

Liaison with other agencies is a key mechanism to the effective management of antisocial behaviour. Ayrshire Housing work in partnership with South Ayrshire Council’s Community Safety team, Housing Services and the Police. Referrals are made when complaints are of a serious or extreme nature and the housing officer has been unable to resolve the complaint. To provide additional support a referral will be made if appropriate to Victim and Witness Support.

Housing Officers will ensure that any individual(s), who they come in to contact with whilst investigating a neighbour complaint that is in need of support, should make a referral to the appropriate agency that may be able to address their support need. Support needs could range from drug/alcohol related problems, welfare services, money advice, parenting skills or mental health issues.

South Ayrshire Council’s Environment Health 24 Hour Noise Helpline Leaflet is issued to tenants when signing their tenancy agreement and recorded incidents are notified to Ayrshire Housing on a regular basis.

A protocol has been set up with South Ayrshire Council and the Police to assist in information sharing of incidents of Antisocial Behaviour in accordance with section 139 Antisocial Behaviour etc. (Scotland) Act 2004.

Neighbour disputes that meet the required criteria will be referred to South Ayrshire Council’s Mediation Service.

**Record Keeping and Monitoring**

It is essential that good records are kept of complaints made and action taken both for monitoring purposes and to help identify the nature of problems and the type and frequency with which problems occur.
It will be the Head of Housing Services responsibility to ensure that Housing Officers provide relevant statistics on an annual basis so that this information can be reported to Ayrshire Housing’s Board Members and tenants. The Head of Housing Services will also ensure that the cases are being regularly monitored by Housing Officers and closed where appropriate.

Monitoring of antisocial behaviour complaints will permit Ayrshire Housing to measure the occurrence of antisocial behaviour and the success of different actions taken. Ayrshire Housing will monitor action on antisocial behaviour in the following way:

- number of complaints of antisocial behaviour received, by category of complaint.
- number and type of legal remedies sought.
- number of cases referred to mediation.
- number of evictions for antisocial behaviour.
- number of tenancies converted to a Short Scottish Secure Tenancy.
- number of Antisocial Behaviour Orders (ASBO’s).

**Legal Action**
In cases where persistent or serious breaches of tenancy conditions involving any kind of antisocial behaviour occur, Ayrshire Housing will take firm action against any tenant found to be causing such a breach. This may result in legal action, repossession of the tenancy or applying at Court for an Antisocial Behaviour Order against the tenant or member of their household.

If a complaint cannot be satisfactorily resolved, legal action will be taken where appropriate. If this is the case a Notice of Proceedings will be served to alert the tenant and the ‘qualifying occupiers’ within the household that Ayrshire Housing intend to instruct court proceedings. In such cases the evidence gathered will be passed to the Head of Housing Services who will ultimately decide whether legal action is to be raised. Ayrshire Housing’s solicitors may be consulted for advice.

All possible legal remedies will be considered, subject to the level of evidence and the nature of the antisocial behaviour. Ayrshire Housing will view actions involving racial harassment or racially aggravated offending behaviour particularly seriously.

All actions taken will be in accordance with the Housing (Scotland) Act 2001 and the Antisocial Behaviour (Scotland) Act 2004 etc. or in accordance with any updated legislation which comes into force in the future.

An Interdict is a legal remedy which may be used to restrain wrongful behaviour, which is either occurring or is likely to occur. The behaviour could include a breach of tenancy agreement, threat of violence or a pattern of ongoing nuisance. An application for an interdict or interim interdict can be made by either the association or the tenant. The interdict may be used by Ayrshire Housing for example in cases such as playing of loud music, verbal abuse/threats to staff, willful fire damage, flooding of neighbours, damage to property.

The remedy of Specific Implement is an order of the court requiring a person to perform his or her legal obligation for example, obligations under a contract. It can be used by social landlords who require a tenant to take positive action. Ayrshire Housing may use this remedy when tenants fail to maintain their gardens and communal areas such as bin stores, common closes and drying greens.

Ayrshire Housing may apply to the court for an Antisocial Behaviour Order in order to restrain particular individuals from engaging in unreasonable conduct, which adversely affects members of the community.

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Reviewed: June 2013 (Approved at Board Meeting on 26 June 2013)
Current to: June 2018
We may apply for an Antisocial Behaviour Order when for example:

To tackle both behaviour which cumulatively cause considerable alarm or distress to the community, but which do not consist of single acts which are sufficiently serious or sufficiently clear-cut to be prosecuted individually as criminal offences.

- On individuals who intimidate neighbours and others through threats or violence.
- On families whose antisocial behaviour when challenged leads to verbal abuse, vandalism, threats and graffiti.
- On persistent racial harassment or homophobic behaviour.
- On persistent antisocial behaviour as a result of drugs or alcohol misuse.

Different Tenures
Complaints from owner-occupiers or tenants of other landlords about Ayrshire Housing tenants will be dealt with by Ayrshire Housing staff. However, complaints about the behaviour of owner-occupiers or non-Ayrshire Housing tenants will be referred to South Ayrshire Council’s Antisocial Behaviour team.

Equal Opportunities
Ayrshire Housing is committed to tackling discrimination on the grounds of sex, marital status, racial grounds, or grounds of disability, age, sexual orientation, language, social origin, or of other personal attributes, including beliefs or opinions, such as religious beliefs or political opinions.

Ayrshire Housing seeks to embrace diversity, promote equal opportunities for all and eliminate any unlawful discrimination in all areas of our work.

Confidentiality and Data Protection
All complaints will be treated in confidence if the complainant requests this. It will, however, be made clear that if the complaint is followed up, the complainee may be able to identify the complainant, simply from the details of the complaint. In addition if the complainant wishes their name to remain confidential this may limit the action it is possible to take.

The terms of Data Protection Legislation will be adhered to within this Policy.