



NEIGHBOUR RELATIONS (ANTI-SOCIAL BEHAVIOUR)

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CONTENTS

PAGE NUMBER

1. INTRODUCTION	3
2. PRINCIPLES, AIMS & OBJECTIVES	3
3. EQUAL OPPORTUNITIES	5
4. LEGAL AND REGULATORY FRAMEWORK	5
5. DEFINITIONS OF ANTI SOCIAL BEHAVIOUR AND HARASSMENT	6
6-11 POLICY	7
12 ROLES AND RESPONSIBILITY	13
13 BEST PRACTICE	13
14 LEGAL ACTION	13
15 OUT OF HOURS	14
16 POLICY REVIEW	14

INTRODUCTION

- 1.1 Cathcart & District Housing Association is a Registered Social Landlord and this policy has been prepared in line with statute, Performance Standards and other Guidance prepared by Communities Scotland, now the Scottish Housing Regulator.
- 1.2 The policy sets down the standards that apply where CDHA owns or directly manages housing stock on behalf of another landlord.
- 1.3 The Neighbour Relations Policy has been agreed by CDHA's Management Committee (or designated sub committee) which will receive periodic reports on its operation. Responsibility for its implementation lies with the designated staff members who are also responsible for reporting to the relevant committee as required.

2. PRINCIPLES, AIMS AND OBJECTIVES

- 2.1 CDHA has a clear commitment to ensuring that its tenants can enjoy quiet and peaceful occupation of their homes without being abused, harassed or subjected to noise, nuisance or anti-social behaviour caused by those around them.
- 2.2 CDHA's practice in relation to anti social behaviour will be governed by the principle that the best means of improving quality of life for residents is to stop the behaviour by the best means at our disposal, and to support victims of anti social behaviour.
- 2.3 CDHA will not tolerate any level or any form of anti social behaviour affecting its tenants. Where necessary CDHA will use the most robust measures available to it to stop anti social behaviour.
- 2.4 To achieve this end CDHA will work positively in partnership with Glasgow City Council and Strathclyde Police who have expressed a strong commitment to this joint policy initiative. Operational protocols with Glasgow City Council and Strathclyde Police have been developed to formalise this approach.
- 2.5 CDHA recognises that it has responsibilities for the welfare of its tenants and for protecting tenants' rights. CDHA expects tenants to respect the rights of their neighbours to live without nuisance annoyance or harassment. The tenancy agreement makes this clear and CDHA will take appropriate remedial action where tenants do not adhere to the conditions of the tenancy agreement regarding respect of others. Similarly CDHA expects owner occupiers to be good neighbours and will take appropriate action where this is not the case.

Aims

- 2.6 Our aim in the first instance is to improve the quality of life for those affected by the anti social behaviour of others. Our primary focus is on serious anti social behaviour of a criminal nature. Where a tenant, member of their household or visitor is responsible for persistent or serious nuisance or anti social behaviour CDHA will take robust early action under its tenancy agreement or other legal remedies available. Such actions may include the use of Anti Social Behaviour Orders in conjunction with the Police and the Council and conversion of SSTs to Short SST with the provision of appropriate support. Ultimately this could result in the eviction of a tenant for perpetrating, permitting or condoning anti social behaviour.
- 2.7 CDHA will also seek to take action against others who behave in an anti social way in relation to our tenants. In such instances we will work with partners including Strathclyde Police and Glasgow City Council, to agree the most appropriate course of action.
- 2.8 We will also assist tenants to resolve any disputes they may have with their neighbours. The use of early intervention and mediation aims to resolve disputes before they escalate.

Objectives

- 2.9 The objectives of this policy are to:
- Adopt a zero tolerance approach to anti-social behaviour affecting CDHA tenants
 - Recognise that neighbour nuisance and anti social behaviour is a multi tenure issue and to ensure that appropriate mechanisms are in place to deal with the complex legal and practical issues associated with this.
 - Use the best housing management policies and procedures to prevent nuisance and anti social behaviour occurring.
 - Pursue early intervention and the use of all available approaches to conflict resolutions to prevent escalation and ultimately to stop the anti social behaviour.
 - Protect individuals and households entitlement to quietly enjoy their home.
 - Promote and adopt a partnership approach with Strathclyde police and Glasgow City Council
 - Provide a high quality accountable and transparent service to meet the needs of all tenants and wider community interests
 - Ensure effective management responses are initiated

3. EQUAL OPPORTUNITIES

- 3.1 CDHA is committed to providing fair and equal treatment to all tenants, applicants and other service users. CDHA will not discriminate on the grounds of race, colour, ethnic or national origin, religion, age, gender, sex, sexual orientation, marital status, family circumstances, employment status or physical ability.
- 3.2 This policy complies fully with CDHA's Equal Opportunities Policy.
- 3.3 CDHA will check its estate management policy and associated procedures regularly for their equal opportunity implications, taking appropriate action to address inequalities likely to result or resulting from the implementation of the policy and procedures.

4. LEGAL AND REGULATORY FRAMEWORK

- 4.4 In formulating and implementing this policy, statutory requirements, performance standards and good practice outlined in documents such as Raising Standards in Housing have been incorporated.
- 4.5 Legislation relevant to this policy includes.
- Human Rights Act 1988
 - The Housing (Scotland) Act 2001
 - Disability Discrimination Act 2005
 - Regulation and investigatory Power (Scotland) Act 2000
 - Crime and Disorder Act 1988
 - Antisocial Behaviour etc (Scotland) Act 2004

4.3 Performance Standards

As a registered social landlord CDHA is subject to regulation and inspection by the Scottish Housing Regulator. Their assessment criteria sets out suggested measures for each of the standards. The following performance standards are relevant to this policy.

Performance Standard AS1.3 Tenancies

We offer the most secure form of tenancy compatible with the purpose of the housing. The agreement makes clear the rights and duties of the tenant and landlord. We act to uphold these rights and duties of the tenant and landlord. We act to uphold these rights and duties in a fair and responsible manner.

Performance Standard AS1.4 Housing Support Needs:

We are responsive to people's individual housing support needs

Performance Standard AS1.9 Anti social behaviour

We deal appropriately with anti social behaviour. Where appropriate we work in partnership with others to manage such behaviour.

5. DEFINITIONS OF ANTI SOCIAL BEHAVIOUR AND HARASSMENT

- 5.1 The CDHA tenancy agreement defines the following as anti social behaviour;
- Behaviour or conduct which is likely to cause alarm, distress, nuisance or annoyance to any person or which causes damage to anyone's property
 - Behaviour or conduct which constitutes harassment of a person, which includes causing the person alarm or distress.
 - Behaviour or conduct which constitutes racial harassment
 - Behaviour or conduct which results in CDHA committee members or staff being assaulted.

Conduct includes speech. A course of conduct must involve conduct on at least two occasions.

- 5.2 Pets can also cause nuisance and annoyance. The SST states that tenants must take all reasonable steps to prevent pets from causing a nuisance, annoyance or presenting a danger to neighbours. This includes fouling, noise or smell from pets. In such cases permission to have such pets may be withdrawn and action may be taken against the tenancy. .
- 5.3 The term harassment in this policy means a type of behaviour that is intended to cause alarm or distress intimidation or harm to an individual, family or group. This includes but is not limited to harassment due to race ethnic background or colour (racial harassment) religion sectarianism, disability gender sexual orientation special needs or age and where the harassment takes place in CDHA's property or in the vicinity of its property.
- 5.4 Harassment can consist of but is not limited to the following:
- Verbal and written abuse
 - Spitting
 - Any abusive threats
 - Offensive items left on doors and posted through letterboxes
 - Physical assault on the victim
 - Offensive literature
 - Offensive graffiti in any form

- Arson
- Obscene telephone calls
- Dumping of rubbish on or near complainants home

5.5 Harassment is regarded as very serious anti-social behaviour as are assaults on employees and Board of Management Committee Members of CDHA

Categories and Response Times

5.6 The following categories and response standards are regarded as crucial in ensuring that anti-social cases are properly assessed and speedily acted upon:

Category A: Very Serious Complaints

Complaints which concern allegations of drug dealing, criminal behaviour involving violence or housebreaking, assault, violence, criminal threats, serious harassment and racial harassment and serious damage to property including fire raising

Response within one working day

Category B: Serious complaints

Complaints which concern allegations of aggressive/abusive behaviour, frequent disturbances, vandalism, drug/solvent/alcohol abuse, verbal/written harassment and frequent and persistent noise pollution.

Response within 3 working days

Category C: Neighbour Nuisance complaints

Complaints which concern allegations that involve simple breaches of tenancy conditions.

Response within 10 working days of initial complaint

5.7 In responding to an incident staff should inform the complainer of the assessed seriousness of the complaint and this should be recorded in the relevant file.

6. **POLICY**

6.1 The key elements of the Neighbour Relations Policy are:

- Prevention: CDHA is committed to using the best housing management policies and procedures to prevent nuisance and anti-social behaviour occurring
- Intervention: the use of early intervention and mediation aims to resolve disputes before they escalate. Where problems are identified, CDHA will take swift action to try to resolve the problem, involving a structured approach and the use of

incremental sanctions. Where serious problems occur (especially of a criminal nature) CDHA will engage with Strathclyde Police in working towards a solution.

- Supporting victims: CDHA recognises that taking action to deal with those responsible for anti-social behaviour must be complemented by awareness of the needs of the victims of such behaviour. An essential element of this policy will therefore be to protect and support victims of neighbour nuisance and anti-social behaviour.
- Enforcement: Where problems persist and there is no clear criminal justice solution CDHA will take appropriate enforcement action under its tenancy agreement or by otherwise using any legal means at its disposal up to and including the use of interim and full ASBOs including ASBOs for children¹² and over and/or eviction
- Partnership Working: At every stage CDHA will work with the police, Glasgow City Council and any other relevant agencies to resolve problems of anti-social behaviour; identify and commission support for people who need it; support the victims of antisocial behaviour and keep them informed about progress and development.

7 PREVENTION

- 7.1 In tandem with the CDHA Estate Management Policy, preventative action is introduced through pro-active and responsive positive measures to reduce the likelihood of antisocial behaviour and nuisance and prevent the escalation of disputes
- 7.2 The Allocation policy may contain local letting plans which provide for sensitive lets to meet local demand. CDHA may make sensitive lets which aim to reduce the potential for lifestyle clashes and create balanced and responsive communities that will help to produce a culture of non-tolerance of anti social behaviour.
- 7.3 The Homelessness Policy recognises that some applicants may have particular needs for accommodation. Where applicants are referred through the Glasgow City Council Homeless Partnership, the caseworker will assess the needs. CDHA will make a similar assessment for transfer and waiting list applicants. Such needs may include (but are not restricted to):
- The need for particular types of accommodation, including properties suitable for those with a disability
 - Assistance to ensure the tenancy is sustained through friends, relatives, and formal and informal support networks.

- The location of the accommodation in relation to the applicants employment, or education or training establishments or health services which are used continuously
 - Avoidance of housing situations where there is a risk of external violence including racial and other harassment or substantial risks to mental or physical health
 - Avoiding placing victims of domestic abuse or external violence and harassment near to the perpetrators
- 7.4 CDHA is committed to ensuring that appropriate support and advice is available to tenants to assist them in conducting their tenancy in an appropriate manner. Where a need for support is identified CDHA staff should contact GCC Social Work to assess the need for a support package.
- 7.5 Housing Officers have a pivotal role in encouraging good behaviour and working to stop anti social behaviour where it occurs. Their role is also crucial to ensure that incidents are properly recorded so that evidence is preserved for any court action ultimately taken
- 7.6 The behaviour standards expected from tenants and their visitors should be publicised. This will be achieved/assisted by :
- Ensuring that the importance of good neighbour relations is stressed at Tenancy sign up
 - Ensuring that regular newsletters provide prominent coverage of both positive neighbour relations stories and illustrate the consequences of anti social behaviour
- 7.7 Where a prospective tenant or member of their household has previously been evicted for anti-social behaviour or has had an ASBO granted against them CDHA may consider the use of a Short Scottish Secure Tenancy Agreement (Short SST) as advice with probationary controls to offer a second chance with support built in. Support will be provided by GCC and it is therefore essential that CDHA contact GCC if they are seeking to make a new let as a short SST

8 **INTERVENTION**

- 8.1 In the first instance CDHA aims to try to resolve disputes wherever possible and to help tenants resolve any differences they have. CDHA and GCC are committed to ensuring that appropriate support and advice is available to tenants to assist them in conducting their tenancy in an appropriate manner.
- 8.2 Where steps agreed with a tenant are not adhered to CDHA will ensure that immediate intervention takes place to prevent the situation from escalating wherever possible, prior to taking any legal action.
- 8.3 When complaints of antisocial behaviour are received it is important that appropriate action is taken swiftly to resolve the problem where

possible and avoid escalation. The key elements to intervention will be to:

- Respond within agreed timescales to complaints in accordance with set procedures
- Undertake thorough investigations and ensure accurate record keeping as detailed within a checklist for potential court action.
- Respond positively to cases where complaints are the result of unidentified support needs or inadequate support provision. In such cases support must be provided if it will stop the anti social behaviour.
- Use the GCC mediation service to enable conflict to be resolved peaceably by those involved in it.
- Use the neighbour relations team to support interventions taken by CDHA
- Ensure staff are trained equipped and supported to deal with the range of problems and issues that emerge.

8.4 CDHA must liaise with other agencies as appropriate to ensure that other remedies such as increased support have been exhausted prior to any legal action being taken to evict the tenant or to seek an ASBO or interim ASBO. CDHA must contact the social work area team in writing to advise them of this. If the tenant or any members of the tenants household are vulnerable then CDHA must request a joint meeting with GCC and the tenant. The purpose of such meetings therefore is to provide a final opportunity for the anti social behaviour to be addressed prior to legal intervention

9 **SUPPORTING VICTIMS**

9.1 CDHA recognises that taking action to deal with those responsible for antisocial behaviour must be complemented by awareness of the needs of the victims of such behaviour. Essential elements of this policy will there be to:

- Protect and support victims of neighbour nuisance and antisocial behaviour, involving victim support counselling and Strathclyde Police support where necessary.
- Keep victims and their families or representatives fully informed of progress with actions taken and expected outcomes. Ensure that the Police maintain an appropriate profile or take action in support of the victim.
- Ensure that victims are kept informed of the reasons where actions are delayed (for example due to court procedures)

9.2 Where there is a complaint of harassment due to a person's race, colour or ethnic origin, nationality, gender, sexuality, disability, age, religion or other belief or other status, CDHA will treat the complaint as

a Category A case. Category A cases are passed from CDHA to the NRT and investigated within 24 hours. The NRT will provide information, advice and support to the complainant and this can be provided on a 24 hours basis where required.

9.3 Where a person whose first language is not English approaches CDHA for help, CDHA will ensure that interpreting services are made available.

9.4 Where a person needs to be re housed CDHA will consider the following:

- Management Transfer, to secure safe permanent accommodation
- Referral to Social Work Services Community Casework Team for a Homelessness Assessment to be carried out.

9.5 Management Transfer can be arranged for cases where a neighbourhood problem has been identified that may lead to an acute situation in the future where it may be unreasonable to expect the tenant to remain in their house. It is therefore a preventative measure to address a threat of homelessness. Where an acute situation has already arisen and it is now unreasonable to expect the tenant to remain in their house, the tenant is potentially homeless and requires a homelessness assessment by the Council's homelessness Service.

9.6 Where the complaint is of a racist nature CDHA will ensure consideration is given to the particular needs of the complainant. This may include but is not limited to the following:

- Proximity to cultural facilities including Mosques
- Isolation importance of community support
- Accessibility of representative groups particularly where language is an issue.

10 **ENFORCEMENT**

10.1 Where early intervention has failed to stop the antisocial behaviour or if the initial complaint is of a very serious nature, CDHA staff in conjunction with the NRT and our legal advisers will take enforcement action as follows:

- Agree with Strathclyde Police, Scottish Children's reporter administration and Glasgow City Council when dealing with children who are 12 and over, the most appropriate sanction (criminal or civil action) available
- Compile and order all of the evidence in anticipation of court action.

- Apply to the courts for an interim ASBO in the first instance followed by a full ASBO. This sanction is also available where owners are causing problems and CDHA has title and interest.
- Where an ASBO is granted against a tenant or household member over 16 issue the correct statutory notice to convert the SST to a SSST
- Report a breach of an ASBO to Strathclyde Police and monitor the outcome of police action
- Serve the correct Notice of Proceedings on the tenant and qualifying occupiers and maintain accurate records including demonstration of all reasonable attempts and efforts to notify qualifying occupiers. (For the avoidance of doubt NOPs will not be served on tenants where the proposed action is to be an application for an ASBO)
- If the tenant is the tenant of a Short Scottish Secure Tenancy serve the correct statutory notice and notice to quit to terminate the tenancy on the ish date.
- Ultimately seek decree from the court to evict the offending tenant at the request of the Committee on the advice of our legal advisers.
- At every stage ensure appropriate support is provided for victims and witnesses and keep them informed of progress.

11 PARTNERSHIP WORKING

- 11.1 Glasgow City Council and Strathclyde Police have a statutory duty to prepare an antisocial behaviour strategy. This will be used to tackle the recognised concerns of CDHA tenants regarding the persistence of anti social behaviour in our properties.
- 11.2 Recognition is given to the fact that much of the behaviour causing concern is criminal behaviour and should be addressed in the first instance by police action and the criminal justice system (with support evidence from CDHA where possible)
- 11.3 It is also recognised however that there are other remedies such as ASBOs Acceptable Behaviour Contracts, Closure orders, fixed penalty notices dispersal of groups and parenting orders that can be used by either GCC or CDHA and the police and these may afford a more effective response in some instances (e.g. where evidence for a criminal conviction is difficult to obtain or the penalty is unlikely to change the behaviour). In such instances we must work with our partners to agree the course of action and jointly pursue such civil actions that are the most appropriate.
- 11.4 To further such an innovative strategy we need to develop a true working partnership between CDHA tenants, Strathclyde Police and Glasgow City Council. This will:

- Promote effective liaison and joint working arrangements with other agencies both statutory and voluntary, such as other housing associations Strathclyde Police the health board relevant council departments such as the social work department and environmental services, the Procurator Fiscal's Office and the Scottish Children's Reporter's administration.
- Work closely with Strathclyde Police and GCC to implement joint initiatives to address persistent problems and offenders in accordance with specific protocols, always being clear that criminal activity is primarily Strathclyde Polices' responsibility. We would encourage the police to ask the procurator fiscal to request Sheriffs to attach an ASBO where appropriate to criminal convictions.

12 ROLES AND RESPONSIBILITIES

12.1 CDHA staff will be responsible for the day to day dealing with neighbour relations and antisocial behaviour. They will give advice and take action where necessary within the timescales laid down in the procedures. CDHA staff will be supported where required or when they request by specialist expertise and assistance available from the GCC NRT

13 BEST PRACTICE

13.1 The key tasks in relation to this role are:

- To ensure that CDHA staff have access to the most up to date information on neighbour relations/antisocial behaviour in terms of legislation and best practice. In this regard as policy and best practice evolves it will be essential that innovative practice and expertise is shared across the CCHA network
- To prepare and circulate guidance and advice on the above as required
- To maintain and up date model procedures for dealing with all neighbour relation/antisocial behaviour work

14 LEGAL ACTION

14.1 When legal action is in contemplation CDHA shall refer the case to the NRT who will gather further evidence in order that the case can be referred to the Association lawyers to consider initiating court action. The lawyers shall assess the sufficiency of the evidence in each case and provide guidance in regard to the likely outcome of court action.

14.2 Dealing with Anti social behaviour and establishing evidence that will meet with legal requirements will on occasion require the use of specialist services to either pursue or help resolve individual cases. The NRT will serve as a resource centre for accessing such skills and services externally. They will be able to provide the following services:

- Professional Witness Service
- Surveillance
- Housing Support service for vulnerable tenants with anti social behaviour problems.
- Witness/Family support service
- Mediation service.

15 **OUT OF HOURS SERVICE**

- 15.1 The NRT will operate an out of hours service for those cases received by CDHA and identified by the NRT as requiring the gathering of out of hours evidence.
- 15.2 Cases will be referred to the NRT by the housing association. NRT will not respond directly to tenants calls. Out with office hours tenants should in the first instance call the police.

16 **POLICY REVIEW/CONSULTATION**

- 16.1 CDHA will review this policy on a 3 year cycle unless there is a need to respond to new legislation/policy guidance. Reviews will consider legislative performance standard and good practice changes.
- 16.2 Reviews will be carried out in consultation with tenants and other service users and account will be taken of any representation.