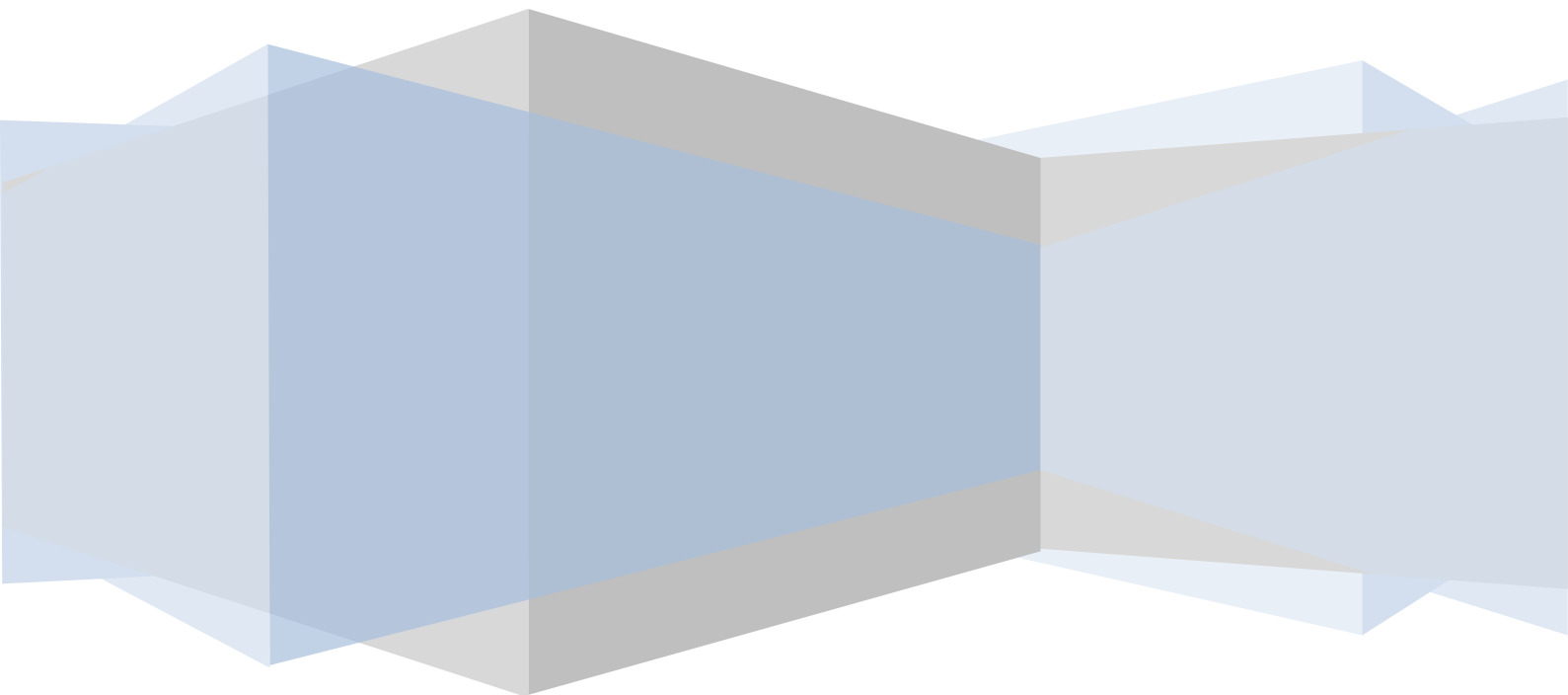




# **NEIGHBOUR RELATIONS POLICY**

August 2020



All Policies are available on tape, in braille and in translation into most languages. Please ask a member of staff if you would like this policy in a different format

Date of Policy Review: August 2020  
Date of Committee Approval: 18 August 2020  
Date of Next Review: August 2023

<b>SCOTTISH HOUSING REGULATOR STANDARDS</b>	STANDARD 1: The governing body leads and directs the RSL to achieve good outcomes for its tenants and other service users  CHARTER 1 EQUALITIES: Every tenant and other customer has their individual needs recognised is treated fairly and with respect and received fair access to housing and housing services  CHARTER 2 COMMUNICATION: Tenants and other customers find it easy to communicate with their landlord and get the information they need about their landlord, how and why it makes decisions and the services it provides  CHARTER 6 ESTATE MANAGEMENT, ANTI-SOCIAL BEHAVIOUR, NEIGHBOUR NUISANCE AND TENANCY DISPUTES: Tenants and other customers live in well maintained neighbourhoods where they feel safe
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## 1. INTRODUCTION

- 1.1 Cathcart & District Housing Association Limited (hereinafter referred to as CDHA) is committed 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.
- 1.2 We believe that these objectives are mutually interdependent and are in line with The Housing Charter which states at Point 6;

***“Social landlords, working in partnership with other agencies, help to ensure that:***

- ***Tenants and other customers live in well-maintained neighbourhood's where they feel safe.”***

- 1.3 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 neighbour's to live without nuisance, annoyance, or harassment. The CDHA 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 for others. Similarly, CDHA expects owner-occupiers to be good neighbour's and will take appropriate action where this is not the case.
- 1.4 CDHA will investigate complaints of anti-social behaviour thoroughly and will identify and implement the most appropriate measures to resolve the complaints.
- 1.5 Our aim in the first instance is to try to resolve disputes wherever possible and to help tenants resolve any differences they have. However, 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 Scottish Secure Tenancies to Short Scottish Secure Tenancies, with the provision of appropriate support.
- 1.6 Ultimately this could result in the eviction of a tenant for perpetrating, permitting, or condoning anti-social behaviour. At every stage, our aim will be to stop the offending behaviour by the best means at our disposal, and to support victims of anti-social behaviour.
- 1.7 CDHA will only consider complaints of anti-social behaviour that are raised within six months of when the anti-social behaviour occurred. Complaints of anti-social behaviour received out with this timescale will not be considered unless there are extenuating circumstances.
- 1.8 Where the complainant is not the tenant but a member of the tenant's household then a signed mandate must be received from the tenant in order that the complaint can be investigated.

## **2. KEY MESSAGE**

- 2.1 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.
- 2.2 To achieve this end CDHA will work positively in partnership with Police Scotland and Community Safety Glasgow (CSG).

## **3. DEFINITIONS OF ANTI-SOCIAL BEHAVIOUR & HARASSMENT**

- 3.1 The CDHA Tenancy Agreement states that anti-social means “causing or likely to cause alarm, distress, nuisance or annoyance to any person or causing damage to anyone’s property. Harassment of a person includes causing the person alarm or distress. Conduct includes speech. A course of conduct must involve conduct on at least two occasions”.
- 3.2 For purposes of this policy racial harassment is regarded as very serious anti-social behaviour as are assaults on employees and Management Committee Members of CDHA.
- 3.3 The following behaviour is excluded from this policy:
  - Lifestyle clashes caused by behaviour that is eccentric or merely different, but which does not unreasonably interfere with other people’s rights or impinge upon their homes
  - One-to-one disputes between neighbour’s of whatever tenure that does not fall within the definitions at 3.1 or 3.2.

## **4 KEY ELEMENTS OF THE POLICY**

- 4.1 The key elements of the Neighbour Relations Policy are:
  - CDHA is committed to using the best housing management policies and procedures to prevent nuisance and anti-social behaviour occurring.
  - Where this fails CDHA will take swift action to try to resolve the problem, involving a structured approach and the use of incremental sanctions culminating ultimately in Court action.
  - Where serious problems occur (especially of a criminal nature) CDHA will engage Police Scotland in working towards a solution.
  - 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 ASBO’s and/or eviction.
  - At every stage CDHA will work with the Police, CSG 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 anti-social behaviour and keep them informed of progress and development

## **5 POLICE INVOLVEMENT: A TRUE PARTNERSHIP APPROACH**

- 5.1 This policy seeks authority to negotiate with Police Scotland an innovative strategy for joint working to tackle the recognised concerns of the future CDHA tenants regarding the persistence of anti-social behaviour.
- 5.2 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 and evidence from CDHA where appropriate).
- 5.3 It is also recognised, however, that there may be other legal mechanisms (e.g. civil actions such as ASBO's) that can be used by both 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). In such instances we must work with CSG and the Police to agree the course of action and jointly pursue such civil actions where these are most appropriate.
- 5.4 To further such an innovative strategy, we need to develop a true partnership between the CDHA tenants, Police Scotland, and the Council (who are responsible for ASBO's).

## **6. AIMS AND OBJECTIVES OF THE POLICY**

- 6.1 The following aims and objectives are set in the context of CDHA's overarching policy in relation to neighbour nuisance and anti-social behaviour.
- 6.2 Specific aims and objectives 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.
  - 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.
  - Adopt a zero-tolerance approach to violence against women or minority groups.
  - Promote and adopt a partnership approach (especially in close liaison with Police Scotland).

- 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.

## **7. FOUR PARTS OF THE STRATEGY**

7.1 The four parts of the strategy are:

- Prevention
- Intervention
- Supporting Victims
- Enforcement

### **Prevention:**

7.2 The main thrust of this policy is to stress the significance of Intervention, Supporting Victims and Enforcement. However, in tandem with the CDHA's Estate Management Policy preventative action is introduced through pro-active and responsive positive measures to reduce the likelihood of anti-social behaviour and nuisance and prevent the escalation of disputes. Sensitive lettings policies are aimed at creating balanced and responsive communities that will help to create a culture of non-tolerance of anti-social behaviour.

7.2.1 The policy should reflect the particular characteristics of the local housing stock and respond to local demand trends. Local housing management procedures and practice should encourage good neighbourly relations.

This will be achieved by:

- Ensuring every CDHA tenant understands their obligations to be a good neighbour at the point of sign-up. This message will be reinforced in the Tenants Handbook.
- Housing Officers having a pivotal role in this process, by 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.
- The use of early intervention and mediation to resolve disputes before they escalate.
- The use of the Short SST agreement as a device with probationary controls to offer tenants with a prior history of anti-social behaviour 'a second chance' with support built-in and leading to an SST agreement.

7.2.2 The behaviour standards expected from tenants and their visitors should be publicised. This will be achieved/assisted by:

- Ensuring that at Tenancy sign up the importance of good neighbour relations is stressed.

- Making adequate provision within the Tenants Handbook for the issue to be highlighted.
- Ensuring that regular newsletters provide prominent coverage of both positive neighbour relations stories and illustrate the consequences of anti-social behaviour.

### **7.3 Intervention**

- When complaints of anti-social behaviour come in, it is important that appropriate action is taken swiftly to resolve the problem where possible and avoid escalation. The key elements of intervention will be:
  - Respond within agreed timescales (see Section 9) 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.
  - Promote effective liaison and joint working arrangements with other agencies, both statutory and voluntary, such as other Housing Associations, the Police, the Health Board, relevant Council Departments such as Social Work and Environmental Services, the Procurator Fiscal's office and the Scottish Children's Reporter's Administration.
  - Work closely with the Police to implement joint initiatives to address persistent problems and offenders in accordance with specific protocols, always being clear that criminal activity is primarily Police responsibility.
  - Use Mediation to enable conflict to be resolved peaceably by those involved in it.
  - Ensure staff are trained, equipped, and supported to deal with the range of problems and issues that emerge.

### **7.4 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:

- Protect and support victims of neighbour nuisance and antisocial

behaviour. Involve Victim Support counselling and Police support and where necessary offer Management Transfers to address the most acute cases to be protected.

- Keep victims and their families or representatives fully informed of progress with actions taken and expected outcomes. Ensure that the Police/CSG maintain an appropriate profile or take action in support of the victim.
- Even where actions are delayed (for example due to court procedures) ensure that victims are kept informed of the reasons for this.

## **7.5 Enforcement:**

Where early intervention has failed to stop the anti-social behaviour or if the initial complaint is of a very serious nature, CDHA staff will take enforcement action as follows:

- Agree with CSG/Police Scotland the most appropriate sanction (criminal or civil action) available.
- Liaise with other agencies as appropriate to ensure that other remedies, such as increased support, have been exhausted.
- 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, Notices of Proceedings will be served on tenants even where the proposed action is to be an application for an ASBO. The serving of such a Notice will be a precautionary measure and does not commit CDHA to any particular Court action).
- If the tenant is the tenant of a Short Scottish Secure Tenancy, serve the correct Notice of Proceedings and Notice to Quit terminating the tenancy.
- Compile and order all of the evidence in anticipation of court action.
- Apply to the court for an interdict where the problem involves damage to property or threats to staff.
- Apply to the Council for an ASBO to be sought from the court (this sanction will also be available where owners are causing problems).
- Where ASBO is granted against a tenant, issue the correct notice to convert the SST to SSST.
- Report breach of an ASBO to the Police and monitor the outcome of Police action.



- Ultimately, seek decree from the court to evict the offending tenant.
- At every stage ensure appropriate support is provided for victims and witnesses and keep them informed of progress.

## **8 ROLES AND RESPONSIBILITIES IN TERMS OF DELIVERY OF POLICY AIMS AND OBJECTIVES**

- 8.1 Aims and objectives will be achieved by adopting an effective approach supported by comprehensive procedures, multi-agency protocols and statements of best practice.
- 8.2 CDHA Staff will be responsible for the day-to-day dealing with neighbour relations and anti-social behaviour. They will give advice and take action where necessary within the timescales laid down in the procedures (See Section 9).

### **Legal Action**

- 8.3 Responsibility for the decision to initiate legal action in an anti-social case will be a matter for the Director of CDHA. The Director should then be instructed to refer the matter to CDHA lawyers and present the evidence to them for initiating Court action.
- 8.4 Housing Management team will carry out such subsequent investigation, update witness statements, and provide such support as is required by the CDHA lawyers to prosecute the case in Court effectively.

### **Specialist Services**

- 8.5 Dealing with anti-social behaviour will on occasion require the use of specialist services to either pursue or help resolve individual cases. CDHA will use the services of CSG for this purpose

## **9 DEFINITIONS AND RESPONSE STANDARDS**

- 9.1 The following definitions 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 three working days of initial complaint.**

### **Category C:**

**Neighbour Nuisance Complaints:** Complaints which concern allegations that involve simple breaches of tenancy conditions.

**Response within ten working days of initial complaint.**

- 9.2 **In responding to an incident staff should inform the complainant of the assessed seriousness of the complaint and this should be recorded in the relevant file**

## **10 PETS**

- 10.1 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 pet(s) may be withdrawn and action may be taken against the tenancy.

## **11 PERFORMANCE MONITORING AND POLICY REVIEW**

- 11.1 In order to track and test the effectiveness of this policy, arrangements will be made to:
- Establish targets for performance monitoring and report the results.
  - Monitor and review the effect of policy and procedure on a regular basis.

This policy will be reviewed within a three-year cycle or as new legislation is enacted this policy will be reviewed to take account of any new measures for tackling anti-social behaviour that become available.