



<b>HOUSING MANAGEMENT</b>	
<b>NEIGHBOUR RELATIONS POLICY</b>	
<b>March 2020</b>	
<b>March 2023</b>	

<b>Policy on :</b>	<b>Anti Social Behaviour</b>
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<b>Compliant with Charter :</b>	<b>1. Equalities</b> <b>2. 2. Communication</b> <b>6. Estate Management, anti social behavior, neighbour nuisance &amp; tenancy disputes</b>
<b>Compliant with New Regulatory Framework:</b>	<b>Regulatory Standards of Governance and Financial Management: Standard 2 and 6.</b>
<b>Compliant with Tenant Participation Strategy:</b>	<b>Yes</b>
<b>Compliant with Equal Opportunities :</b>	<b>Yes</b>
<b>Compliant with Budget/Business Plan :</b>	<b>1. Place</b> <b>2. Customer Service</b> <b>7. Partnership</b>

<b>Date of Approval :</b>	<b>29<sup>th</sup> September 2020</b>
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<b>Responsible Officer :</b>	<b>Head of Housing</b>
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## **1.0 Introduction**

This Policy sets out a framework for how Paisley Housing Association (PHA) will deal with neighbour nuisance complaints i.e. Anti Social Behaviour (ASB).

Tenants enter into a Tenancy Agreement, which details the responsibilities of both PHA and tenants regarding 'respect for others'. Failure to adhere to the conditions in relation to conduct may result in the Association seeking eviction.

## **2.0 Definition**

The Anti Social Behaviour etc (Scotland) Act 2004 Section 143 defines anti social behaviour as follows:

A person engages in anti social behaviour if he/ she:

- **Acts** in a manner that causes or is likely to cause alarm or distress or
- Pursues **a course of conduct** that causes or is likely to cause alarm or distress to at least one person who is not of the same household

The Association's Tenancy Agreement defines anti social as "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."

**The Association therefore does not consider one off incidents as anti social behaviour.** The exception to this would be a one off incident is of such seriousness i.e. not just noise, that the Police/ Noise Enforcement Officer have been in attendance and issued a warning/ arrest .

One off incidents are recorded as such and only where there is a further incident within 1 month, will the case be deemed to be nuisance and will be dealt with as a Category C complaint from the date of the second complaint.

We recognise the seriousness of discrimination or "hate crimes" & harassment and complaints of this nature are dealt with under our Harassment Policy.

Complaints relating to breaches of tenancy for the maintenance of common areas e.g. the condition of the close and gardens, vandalism and graffiti, parking issues and rubbish dumping are dealt with under our Estate Management Policy.

Complaints relating to dog fouling where the dog owner is identified will be treated as a category C complaint and will be dealt with in accordance with our Pet Policy.

### **3.0 Legislative Framework**

The Association is required to act in accordance with the law. The key pieces of legislation are;

- Housing (Scotland) Act 2014
- The Housing (Scotland) Act 2010
- Antisocial Behavior etc (Scotland) Act 2004
- Housing (Scotland) Act 2001
- Equality Act 2010
- Data Protection Act 2018
- Human Rights Act 1998

### **4.0 Scottish Housing Charter**

The relevant section with the Scottish Social Housing Charter is:

#### **Neighbourhood & Community**

Outcome 6: Estate management, anti social behaviour, neighbour nuisance & tenancy disputes

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.”

The Association reports annually to the Scottish Housing Regulator (SHR) on its performance in respect to ASB. Indicator 19 dictates each social landlord is required to submit the following to the SHR:

- The number of cases of ASB reported in the last year, Of those;
- The number of cases resolved in the last year

In accordance with the SHR, complaints will be considered to be resolved where;

- The Association has taken appropriate measures to address the cause of the ASB and has advised the complainant of the outcome or;
- The Association does not have the authority or powers to resolve and have provided a full explanation of our position to the complainant.

Where there is a further complaint about the same thing within 3 months the Association will open as a new case and escalate the action to the next stage.

Where there is a pattern emerging that a tenant who receives a warning waits until after the 3 month period and then resumes their action the Association will deem this to be persistent anti social behaviour and escalate to the next stage of action.

Should these cases progress to court stage the Association will provide the complaints history to explain why it is still pursuing the action after there has been a quiet period.

## **5.0 Aims & Objectives**

Our Aims are to:

- Apply terms of our tenancy agreement in relation to respect for others
- Seek to resolve neighbour nuisance complaints
- Clearly define behaviour which would be categorised as ASB and outline the way in which ASB and neighbour disputes will be dealt with.
- Meet legislative & regulatory requirements in dealing with ASB

Our objectives are to:

- Use the powers available to us to deal with anti social behaviour
- Provide staff with clear guidelines on dealing with neighbour disputes and ASB complaints supported by internal procedures.
- Work in partnership with Council services and Police Scotland

## **6.0 Equality and Diversity**

We are committed to preventing discrimination and providing equal opportunities for everyone. In applying this policy we will not discriminate against any individual, household or group on grounds of race, gender, sex, marital status/civil partnership, gender reassignment, sexual orientation, pregnancy or maternity, religion or belief, language, social origin, disability, age or any other personal attribute.

We will make this policy available in alternative formats such as large print or braille on request. Translation services for other languages will also be made available.

## **7.0 Wider Framework**

We recognise that the delivery of other services provided by us can make a positive impact on either resolving or reducing the risk of anti social behaviour. These are;

- Common Allocations Policy
- Short Scottish Secure Tenancy Policy
- Estate Management Policy
- Harassment Policy
- Recharge Policy
- Domestic Abuse Policy

## **8.0 Working in Partnership**

PHA recognises that we cannot prevent or manage ASB without working in partnership with other agencies. The Association will work with various external agencies to resolve neighbour disputes and ASB

These will include:

- Police Scotland
- Renfrewshire Council's;
- Community Safety Partnership (CSP)
- Environmental Services
- Noise Enforcement Officers
- Community Safety Team
- Neighbourhood Wardens
- Youth Officers
- Housing Support
- Social Work & related support agencies

We use the services of Renfrewshire Council's Community Safety Partnership (CSP) to investigate serious and /or persistent ASB.

To facilitate collaborative work we will;

- Complete and maintain data sharing protocols with our partner agencies.
- Attend 6 weekly buddy meetings with a designated ASB Investigator, Mediator and Youth Officer to review active cases
- Attend regular meetings at the Community Safety Hub

The Association's procedures for dealing with neighbour nuisance complaints will take cognisance of the Council with the exception of undertaking investigations into complaints of anti social behaviour about owners/ private tenants within closes where we have tenants. We immediately refer these complaints to the Council's Community Safety Investigator.

Cases of sexual offences are referred to the Renfrewshire Council's MAPPA Housing Liaison Officer from court and/ or Police Scotland.

For complaints regarding drug dealing/cultivation we will categorise these as Category A and refer it immediately to Police Scotland. As this concludes the action we can take, the case will be classed as resolved. Any subsequent information will be passed in confidence to Police Scotland who will route appropriate intelligence through the Community Safety Hub to facilitate case building from the outset of incidents. When the police advise on a drugs conviction the Association will open as a new complaint and take action against the offending tenant.

## **9.0 Preventative Action**

PHA believes preventative action is integral to effective ASB management. We want to try to do everything we can to prevent ASB before it starts. Accordingly we have a number of measures to minimise the circumstances that can give rise to ASB. These include;

- Pre tenancy advice
- Providing information on our website
- Applying secure by design in any new development works including any major environmental works.
- Highlight the section of the SST at sign up relating to respect for others
- Undertake New Tenant Visits/phone calls
- Use of SSST at start of tenancy where appropriate
- Monitoring SSSTs awarded due to previous ASB in preparation for moving to a full SST

## **10.0 Use of SSST**

The Housing (Scotland) Act 2014 introduced new powers to complement existing measures to address ASB.

A summary the changes introduced by the 2014 Act include:

- A new SSST for ASB
- Allowing a landlord, without going to court, to give a SSST to a new or existing tenant where that person, or other specified person, has demonstrated the specified ASB within previous 3 years
- Setting a new term of 12 months for a SSST given on any of the antisocial behaviour grounds
- Giving landlords the flexibility to extend a 12 month SSST given on any of the antisocial behaviour grounds for a further 6 months where housing support services are in place and where for example, sufficient improvement in
- behaviour has not yet been demonstrated
- Automatic conversion to a Scottish Secure Tenancy (SST) at the end of the 12 month term for a SSST given on any of the antisocial behaviour grounds, unless the landlord has taken action to repossess the tenancy;
- New provisions for cases where a landlord is seeking recovery of possession of a house let under a SSST on any grounds and a new right of review for tenants
- A new streamlined eviction ground where there has been a recent criminal conviction punishable by imprisonment for tenancy related ASB within the previous 12 months.

The Association's Common Allocations Policy includes a provision for dealing with the granting of SSSTs for new tenancies.

The 2014 Act powers extends the circumstances in which a landlord can serve a notice on a tenant converting an SST to a SSST;

a) The tenant (or any of joint tenants), a person residing or lodging with, or a subtenant of, the tenant or a person visiting the house has, within the period of 3 years preceding the date of service of the notice-(a) acted in an antisocial behaviour manner in relation to another person residing in, visiting or otherwise engaged in lawful activity in the locality of a house occupied by the person, or

(b) pursued a course of conduct amounting to harassment of such other person, or a course of conduct which is otherwise antisocial conduct in relation to such other person. The changes mean that where a tenant , any one of joint tenants, a person living with or lodging with the tenant, a subtenant of the tenant or any visitors to the house, has within the last 3 years behaved antisocially towards anyone living in , visiting or going about their everyday activities in the locality of a house occupied by the person, or has harassed such a person on more than one occasion , landlords can consider converting an SST to a SSST for antisocial behaviour under the new "other antisocial behaviour" ground.

## **11.0 Categorisation of Complaints**

We categorise complaints so that there is a consistent approach and to clarify the likely response from the Association, however, it should be noted that not all cases will be easily categorised.

The Association will accept verbal or written complaints made by an individual, third party acting with the written permission of an individual and anonymously. Complaints may also originate through partner agencies who attend the Community Safety Hub meetings.

The complainant will be kept informed throughout the investigation but in accordance with GDPR, no confidential information will be released. This means that we can tell a complainant if their complaint was upheld but we cannot tell them what action we have taken against a tenant.

All complaints will be recorded, categorised and a diary sheet created. Staff will take account of the Association's risk register and either parties vulnerability in deciding the correct approach to dealing with the complaint.

Category	Definition	Examples	Investigation Timescale from receipt of complaint



A	Serious ASB	Drug dealing, sex offenders, harassment, violence towards neighbours, association staff or others. Reports of this type of behaviour must be reported to the police	1 working day
B	ASB	Frequent disturbances, excessive noise, persistent noise, nuisance as a result of alcohol or drug abuse and clashes of lifestyle	10 working days
C	Nuisance cases	Nuisance cases which include infrequent disturbances, running a business or vandalism	15 working days
Y	Youth Disorder	Nuisance cases due to youths under age 16	15 working days

Where a tenant is a repeat offender of infrequent nuisance, desisting from causing nuisance for the 3 month period after a warning has been issued and then resumes thereafter the Association will consider a new case as being a frequent disturbance and defining as a Category B complaint and action accordingly.

Where a group of neighbours complain about the same neighbour but are unable to provide corroboration for individual instances of ASB, the Association will offer to set up a meeting with all complainants to discuss the problems and reinforce the importance of neighbours communicating with each other to provide corroboration where required.

Our most common complaint is noise nuisance. To action these complaints we require corroborative evidence. We therefore promote in the first instance that a tenant, if they feel able to do so, approach their neighbour if possible and request that their neighbour reduces the noise. If the noise is excessive they should contact the Police or Noise Enforcement Officers.

Serious cases of ASB are infrequent. However we recognise when they occur they can have a significant impact on the victims of ASB. Our most serious cases include the supply/ intent to supply/ cultivate drugs to others.

Where a group of neighbours complain about drug dealing or other criminal behaviour within their close and the case has been referred to the Police the Housing Officer will invite both the complainants and Police to a meeting.

Complainants will also be directed to Crimestoppers should they wish to report instances of drug dealing or other criminal behaviour should they wish to make reports anonymously.

While each case will be considered on its merits, the Association will normally seek eviction in cases of the sale or the supply/intent to supply/cultivation of drugs with intent to supply to others.

Convictions for the possession of drugs for personal use will not normally result in the Association seeking an eviction unless there are other aspects of ASB involved, such as nuisance to neighbours, damage to property etc.

## **12.0 What is not Anti Social Behaviour**

We understand that people have differing lifestyles, perceptions about behaviour and tolerances. Paisley HA will not normally become involved in situations which are not of a serious nature or are not a direct breach of a condition of our tenancy agreement. Appendix 1 details actions which the Association does not consider being anti social behaviour and therefore will not deal with as such.

In these circumstances complainants will normally be advised to seek resolution of any such problems by;

- Discussion with those allegedly causing the problem
- Assistance of our Housing Officers acting as mediators or
- Self refer/our support by making a referral to Renfrewshire Council's Mediation Service

Complaints regarding breaches of tenancy for the maintenance of common areas are dealt with in accordance with our Estate Management Policy and procedures.

Complaints regarding dog fouling where the dog owner is not identified will be dealt with in accordance with our Estate Management Policy.

Although the Association considers that general household noise is not anti social behaviour, in extreme cases we may become involved. For such cases, the Association will;

- Undertake checks to establish if the property the noise is coming from has adequate floor coverings. Where this is laminate or wooden flooring, we will establish if the tenant has obtained written permission from the Association to install the flooring. Where tenants have not obtained permission they will be required to remove the flooring and fit alternative floor coverings. Tenants will be given a reasonable period of time to carry out this work.

- Where floor coverings are not considered to be the cause of the noise travelling between properties, the Association will refer the complainant to Renfrewshire Council's Noise Enforcement Team to have noise recording equipment installed. This is required to determine if the noise levels are above the legal limits. Where the noise is not above the legal limits, parties will be offered mediation to try to reach an amicable resolution.

### **13.0 Domestic Violence and Anti Social Behaviour**

Any complaints received that are subsequently identified to have occurred as a result of a tenant being a victim of domestic violence will not be categorised as ASB. Staff will refer to our Domestic Abuse Policy for dealing with cases of this nature.

While advice and support is being given, it will not be appropriate to utilise any form of interventions relating to the ASB while the victim is being supported. The Association will resume ASB procedures where it is deemed appropriate.

### **14.0 Communications**

In line with this policy, the Association will communicate the following to the complainant;

- What is and is not within the Association's remit (see Appendix 1)
- If another agency such as police, or Council's CSP need to be involved
- For one off or Category C complaints, encourage the complainant to approach their neighbour in the first instance to try to rectify the situation (only where they considered it safe to do so).
- What action the complainant and/or other tenants need to take to help the Association progress any complaint received and if they fail to follow this the Association may not be able to resolve their complaint.
- Advise of timescales for responding to the initial complaint and advise the complainant of these.
- Keep the complainant informed on the progress of the case, ensuring confidentiality is kept of other parties involved in accordance with GDPR.

### **15.0 Actions**

When there is an established breach of tenancy the Association will issue the relevant warnings. Should the behaviour continue after a final warning, we will refer the case to Renfrewshire Council's CSP for further investigation. Where CSP are unable to resolve the issues with the tenant and anti social behaviour continues, CSP will prepare a report to the Association recommending action to be taken e.g. NOP or court action. The case will then be passed back to the Association to take the action forward. Where CSP

recommend court action this will be authorised by our Housing Manager. The enforcement of a Decree for eviction will be authorised by our Head of Housing.

Where a criminal charge is involved and no other collaborative complaints, the case is sub judice and the offence cannot be discussed or commented on until the legal case is over. The tenant could be warned if found guilty/ pleads guilty to a serious ASB offence committed in the tenancy or the vicinity of the tenancy that they may be in danger of losing their home.

### **16.0 Mediation**

The Association will offer tenants mediation where it considers it an appropriate action to resolve the complaint. Mediation will be undertaken internally by a Housing Officer qualified in mediation who is independent of the case. Alternatively a referral to the Council's mediation service can be made should the parties prefer to deal with an external agency. For all mediation, both parties need to agree to it and for the Council's service agree to the referral.

Mediation will not be considered where criminal charges have been made against either party in relation to the behaviour.

### **17.0 Support**

- On receipt of a complaint identify if either parties to the complaint are vulnerable and if there is a support agency in place, we will, with the permission of the tenant, make contact with their support provider to seek their assistance in resolving the complaint.
- Offer both a perpetrator of anti social behaviour who is vulnerable and a victim of ASB referral to specialist support agencies where the tenant agrees to this.

### **18.0 Enforcement**

PHA will consider the action that best delivers a proportionate and flexible response to the ASB reported. Depending on the nature of the ASB, PHA may consider;

- Warning letters
- Referral to mediation services
- Referral to Renfrewshire Council's Community Safety Partnership
- Anti Social Behaviour Orders (ASBO)
- Interdict
- Action for Specific Implement

- Conversion of a tenancy to SSST
- Recovery of Possession of a tenancy by eviction

## **19.0 Mixed Tenure Properties**

The Association's subsidiary Paisley South Property Services provides a factoring service to owners in closes where we manage rented property. Complaints from an owner about the behaviour of a tenant will be investigated. The table below details the action we will take to address anti social behaviour where both parties are not Association tenants.

Party 1- Complainant	Party 2 Person being complained about	Action	Timescales
PHA Tenant	Owner	<ul style="list-style-type: none"> <li>• Refer to Council Community Safety Investigator</li> </ul>	1 working day
PHA Tenant	Tenant of private landlord	<ul style="list-style-type: none"> <li>• Refer to Council Community Safety Investigator</li> <li>• Contact private landlord to advise of issue with their tenant</li> </ul>	
Tenant of private landlord	Tenant of private landlord	<ul style="list-style-type: none"> <li>• Refer to Council Community Safety Investigator</li> <li>• Contact private landlord to advise of issue with their tenant</li> </ul>	
Owner	Owner	<ul style="list-style-type: none"> <li>• Refer to Council Community Safety Investigator</li> </ul>	
Owner	Tenant of private landlord	<ul style="list-style-type: none"> <li>• Refer to Council Community Safety Investigator</li> <li>• Contact private landlord to advise of issue with their tenant</li> </ul>	

We will support our tenants when complaints have been made about owners or private tenants by liaising with the Council's Community Safety Investigator. The Council will contact our tenants however due to GDPR, the Council will not be able to advise the Association on details of the case other than to say if the complaint was upheld or not.

## **20.0 Reporting Performance**

Performance will be reported to the Board via quarterly KPI reports. The Association will report annually on our performance in the ARC.

We will publish our performance to service users through our Annual Report to Tenants and on our web site.

## **21.0 Training**

The Association will identify individual training and support needs for staff through its annual appraisal process. Training on changes in legislation and good practice will be delivered as required and may be provided in conjunction with other partners.

Our Housing Officers qualified in mediation will provide this service as required.

## **22.0 Responsibility**

The Board is responsible for approving the Policy.

The Head of Housing is responsible for;

- Delegated authority for approving enforcement of decrees for eviction
- Ensuring our partnerships are working
- Reporting on KPIs
- Identifying any risk to the Association through addressing ASB

The Housing Manager is responsible for;

- Delegated authority to take court action and make recommendations to the Head of Housing for undertaking evictions following decree
- Approving conversion of SST to SSST where appropriate
- Ensuring procedures are being followed and identifying any performance issues.

Housing Officers are responsible for applying this Policy & carrying out internal procedures.

## **23.0 Data Protection/GDPR**

When implementing the policies and procedures of Paisley Housing Association all staff and Board members must adhere to and be aware of the requirements of the Data Protection Act 2018 and the General Data Protection Regulation (EU) 2016/679 (“the GDPR”).

In situations where there may be any doubt about the requirements of the above, the Association may seek the views of its legal advisors.

#### **24.0 Equal Opportunities**

The Association promotes equal opportunities and will not discriminate between persons on grounds of gender or marital status, on racial grounds, or on grounds of disability, age, sexual orientation, language or social origin, or of other personal attributes, including beliefs or opinions, such as religious beliefs or political opinions. See our Equalities and Diversity Policy.

#### **25.0 Complaints**

The Association aims to ensure that the service provided to residents is of the highest quality. If this is not the case, a Complaints Policy and Procedure is in place to allow all residents or affected parties to state their grievance. The Scottish Public Services Ombudsman is the final stage of this process.

#### **26.0 Review**

This policy will be reviewed in full by the association every 3 years. Amendments to the policy will be made in the interim to respond to any changes in legislation and to reflect any changes in any of the Association’s related strategies, policies and procedures.

## **Appendix 1**

Everyday living noise or minor lifestyle differences are not classed as anti social behaviour and will not be investigated under the terms of this policy.

Examples:

- Parties where the level of noise nuisance has been such that, Police/noise enforcement team have not been called and no other resident has made a complaint
- Incidents where the Police/ noise enforcement team have been called and don't issue any warnings and any person complaining doesn't have corroboration
- Noise from people walking across wooden/ laminate whilst wearing shoes, doors banging, noise from passage up and down stairs (unless it is proven to be excessive)
- Noise from people using washing machines, tumble driers, vacuum cleaners, lawnmowers etc between 6am & 10pm
- Cooking smells
- Smoking in closes/common areas (*excluding smoking of cannabis, which is considered as drugs offences and referred to police*)
- Balls going into neighbours gardens
- Children falling out with each other
- Noise from children playing in or near their own home including in shared back gardens between 8am & 9pm
- Where children are playing outside in small groups between 8am to 9pm causing no damage to landscaping or property.
- Vehicle nuisance, revving engines, loud music from car/motorbikes, careless driving, racing, parking irresponsibly
- Throwing snowballs
- Looking out of windows
- Dirty looks/rude gestures
- Noise associated with the playing of games
- Children drawing with chalk on paths/pavements in the vicinity of the property
- Fireworks
- Social media/ nuisance calls and/or texts

This list is not exhaustive, each case will be assessed individually on its merits.

When we will not deal with a complaint we will, if possible, give advice on other agencies that may be able to help or may recommend a referral to our/Renfrewshire Council's mediation services.