



This document is available in other languages or formats.
Please contact the office for details.



Policy:	Anti-social Behaviour & Neighbour Nuisance
Legal Requirements:	Antisocial Behaviour Etc, (Scotland) Act 2004 Housing (Scotland) Act 2001 Housing (Scotland) Act 2010 Housing (Scotland) Act 2014 Crime and Disorder Act 1998 Human Rights Act 1998 Equality Act 2010
Regulatory Standards:	The Scottish Housing Regulator has set out Regulatory Standards for all Registered Social Landlords (RSLs) to ensure that RSLs deliver good outcomes and services for its tenants and service users through good governance and financial management. This policy evidences that the following Regulatory Standards are being met: Standard 2. The RSL is open about and accountable for what it does. It understands and takes account of the needs and priorities of its tenants, service users and stakeholders. And its primary focus is the sustainable achievement of these priorities. Standard 5. The RSL conducts its affairs with honesty and integrity.
Notifiable Events Guidance	In compiling this policy, consideration has been given to the Notifiable Events Guidance issued by the Scottish Housing Regulator and the impact of that guidance on the policy.
Equality and Diversity:	The Association is committed to Equal Opportunities and will endeavour to ensure that all services are carried out in an undiscriminating manner in line with the Association's Equality and Diversity Policy. In particular, the Association will not discriminate on the grounds of age, disability, marriage and civil partnership, pregnancy and maternity, race, religion or belief, gender, gender reassignment or sexual orientation.
Human Rights	In compiling this policy, consideration has been given to "The Right to Adequate Housing" (Fact Sheet No. 21/Rev.1) published by the Office of the United Nations High Commissioner for Human Rights and the impact of that guidance on the policy. In particular, the Association is satisfied that this policy promotes the key aspects of the right to adequate housing – that it contains freedoms; entitlements; provides more than four walls and a roof; and protects against forced evictions.
Complaints:	Although the Association is committed to providing high levels of service, we accept that there may be occasions where customers may not be satisfied with the service they have received. The Association values all complaints and uses this information to improve the services that it provides. The Association's Complaints Policy describes our complaints handling procedure and how to make a complaint.
General Data Protection Regulation (GDPR):	The Association will treat all customers' personal data in line with its obligations under the current data protection regulations and our Privacy Policy. Information regarding how data will be used and the basis for processing data is provided in the Association's Fair Processing Notice.



Policy Author:	Kevin Freeman
Policy Review:	In order to ensure that any change in circumstances is accommodated this policy will be subject to review every three years in the month of March.
Policy Approval:	This policy was last reviewed / approved by the Management Committee of Yoker Housing Association Limited at its meeting held on Thursday the 31st of March 2022.



Statement of Policy Aims and Principles

5 This policy aims to clearly outline the measures Yoker Housing Association will adopt in tackling reports of neighbour nuisance and anti-social behaviour. The Association recognises the detrimental effect that anti-social behaviour can have on residents and believes that taking the appropriate action, in dealing with neighbour disputes and anti-social behaviour, is vital in its efforts to achieve the objective of creating and maintaining a stable, balanced community where people feel safe and secure.

10 This policy applies where a tenant of the Association, a member of their household or a visitor to their home is involved in anti-social behaviour. This policy should be read in conjunction with the Association's Estate Management Policy, Harassment Policy and other relevant policies and procedures. The main aims and objectives of the policy are:

- To allow residents the opportunity to live peacefully in well maintained neighbourhoods, where they feel safe within their own home free from harassment, threats or unnecessary or deliberate disturbance.
- To deliver an efficient and effective anti-social behaviour service, in a sensitive and consistent manner, and ensure that the management of the service complies with legislation and best practice.
- To provide good quality information, advice and assistance about the anti-social behaviour service to encourage good tenancy relations.
- To take positive and decisive action in responding to and investigating complaints of anti-social behaviour and make use of the appropriate measures for the early resolution.
- To facilitate appropriate partnership working with Police Scotland, Glasgow City Council Community Relations Unit, Social Work Services, Health Services, Fire Services and other community support agencies to resolve behaviours or take action.

Legislation and Guidance

25 This policy has been written using best practice guidance and aims to comply fully with these and the requirements of legislation.

This policy reflects the Association's commitment to fully comply with Outcome 6 of the Scottish Social Housing Charter (SSHC) which states that:

Estate management, anti-social behaviour, neighbour nuisance and tenancy disputes

30 "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".

35 The Association has considered the following legislation in the development of this policy:

- Antisocial Behaviour Etc. (Scotland) Act 2004
- Housing (Scotland) Act 2001
- Housing (Scotland) Act 2010
- Housing (Scotland) Act 2014
- Crime and Disorder Act 1998
- Equality Act 2010
- Human Rights Act 1998
- Adult Support and Protection (Scotland) Act 2007
- The Mental Health (care and treatment) (Scotland) Act 2003

45 The Association subscribes to Glasgow City Council's Community Relations Unit Silver Service for the provision of specialist services in the investigation and tackling of anti-social behaviour.



POLICY STATEMENT

Risk Management

By having an Anti-social Behaviour and Neighbour Nuisance Policy the Association is ensuring that its responsibilities in this area and their commitments are stated and that the seriousness of this issue is acknowledged and understood.

The risk of not investigating reports of anti-social behaviour thoroughly and taking corrective action is that it would have a detrimental impact on tenants' quality of life, the Association's reputation and ultimately leading to the Association's area becoming undesirable and as a consequence causing the housing stock to become difficult to let.

Policy Details

Definition of Anti-social Behaviour

The Antisocial Behaviour etc. (Scotland) Act 2004 sets out the interpretation of anti-social behaviour in relation to the Act. This Act defines that a person engages in anti-social behaviour if they

- Act in a manner that causes or is likely to cause alarm or distress; or
- Pursue 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 as them, where "conduct" includes speech and "course of conduct" includes at least two occasions.

Anti-social behaviour is a very complex issue involving many factors. These may include, but are not limited to, drug and alcohol dependency, family breakdown or mental health issues. The types of complaints and anti-social behaviour that can cause offence to residents covers a wide range of behaviours from minor disagreements (domestic noise or dog nuisance) to serious criminal offences (vandalism, noise pollution, verbal / physical abuse, threats of violence, racial harassment, damage to property, domestic violence or drugs offences). Anti-social behaviour mainly refers to behaviour by one household or individuals, which is likely to threaten the physical or mental health, safety or security of other households or individuals or cause damage to anyone's property.

Preventative and Early Intervention Measures

The Association will seek to prevent cases of neighbour nuisance and anti-social behaviour through various measures. This includes placing emphasis on tenant responsibility, assessing vulnerability and providing support where required. Every tenant will be reminded of their responsibility not to cause, or allow any member of their household, occupiers or visitors to their house to cause nuisance, annoyance or commit any form of harassment to their neighbours which would constitute acts of anti-social behaviour.

While we have a key role to play in preventing and tackling neighbour nuisance and anti-social behaviour, many problems and complaints require partnership working and / or a response from other agencies. We shall be committed to work with community networks, partners and support agencies such as Glasgow City Council Community Relations Unit, Health Services, Police Scotland, Fire Services, Education Services and community support organisations to help to resolve issues or take action. This will involve responding to local priorities and delivering outcomes at a local / neighbourhood level and sharing relevant information in order to deter or prevent anti-social behaviour from taking place.

Housing Allocations and Anti-social Behaviour

To minimise the risk of neighbour nuisance and anti-social behaviour we shall, where possible, take account of reports from previous landlords and / or other agencies. Where evidence from an official source details that previous anti-social behaviour occurred we may withhold an offer of housing. This being the case we will be required to advise the applicant of the reason for suspension and inform them of the process by which they can appeal against the decision and the process by which they would apply to have the suspension lifted.

Sensitive Allocations

We recognise that some neighbour disputes or anti-social behaviour can arise out of clashes of life-style rather than malicious behaviour. In such cases, we shall, in accordance with the Letting Policy, exercise discretion when achieving good matching and sensitive lettings.



Policy Details (Continued)

The Association's Response to Neighbour Nuisance and Anti-social Complaints

5 The Association will strive to minimise neighbour nuisance and anti-social behaviour and will always try to assist where practical. However, complainants must be made aware that we can only act where there is clear and corroborating evidence of the anti-social behaviour. Complainants, equally, must take responsibility by reporting any incidence of anti-social behaviour to the relevant authorities such as Police Scotland and Glasgow City Council Community Relations Unit.

10 We will treat those involved with courtesy, respect and fairness and shall respond promptly and appropriately to incidents of anti-social behaviour. Where there are concerns over anti-social behaviour, early intervention will be a key objective to prevent behaviours escalating. We shall adopt a customer focussed approach to tackling neighbour nuisance and anti-social behaviour. Care will be taken not to prejudge the matter and receipt of a complaint does not necessarily mean that it is justified, or that the allegations being made are correct. We shall work with the complainant and the perpetrator in order to reach agreed actions, timescales and ultimately find an effective solution.

15 We shall endeavour to resolve all complaints of anti-social behaviour amicably. Where this is not possible we shall pursue all necessary action to ensure that no resident should have to suffer constant nuisance or feel threatened or insecure in their own home because of the actions of a tenant, member of their household or person(s) occupying or visiting their house.

20 Should the complaint be of a minor nature or an estate management issue then these reports will be dealt with in accordance with the Association's Estate Management Policy and Procedures.

25 We recognise that harassment is a particular form of unacceptable behaviour. There is a separate policy for responding to harassment where behaviour is motivated by prejudice or discrimination against the person harassed.

30 All complaints of neighbour nuisance or anti-social behaviour will be investigated whether they are made in writing or verbally but complainants will be encouraged to put their complaint in writing. Anonymous complaints will also be investigated but they will not be pursued unless they can be substantiated.

35 A wide range of approaches will be used to resolve neighbour disputes, including multi-agency working with Glasgow City Council Community Relations Unit and health services to settle disputes and help sustain tenancies. Complaints will be classified into three categories depending on their severity and timescales allocated to respond to such complaints. All complaints will be treated sensitively and investigated promptly and dealt with in accordance with the Association's Neighbour Nuisance and Anti-social Complaints Procedures. Regular and effective communication with those involved shall be central to our approach.

40 We shall work with partners to manage anti-social behaviour across multi tenure properties. However, where there are limited actions that the Association can take, we will notify the complainant of the limitations and advise of the options they themselves might exercise. The Association will also advise of support agencies they can engage for independent advice.

Housing Management staff shall be responsible for managing, monitoring and reporting of anti-social complaints. In order to tackle anti-social behaviour effectively, each case will be assessed individually. Comprehensive details of interviews, letters, visits, actions and outcomes should be recorded on the Anti-social and Neighbour Nuisance Complaints Register and in the Casework File.

45 Action to be Taken by the Association in Cases of Anti-social Behaviour

50 The Anti-Social Behaviour etc (Scotland) Act 2004 sets out the main powers of enforcement available to the Association in tackling anti-social behaviour (notwithstanding those available as a result of a breach in tenancy). The Act extends the powers of Anti-Social Behaviour Orders (ASBOs) and introduced other penalties such as fixed penalty notices and fines. The Act also includes noise control provisions and other environmental concerns such as dog fouling, fly tipping, litter and graffiti.

55 The majority of neighbour disputes are caused by noise nuisance. In some cases, noise nuisance can become distinctly anti-social, often with undertones of intimidation and harassment. We shall regard the problem of noise nuisance as a serious one and will involve Glasgow City Council Community Relations Unit and Police Scotland to manage such behaviour.



Policy Details (Continued)

Action to be Taken by the Association in Cases of Anti-social Behaviour (Continued)

Where there are serious risks to an individual and / or the community, the case will be referred to Glasgow City Council Community Relations Unit. Serious forms of anti-social behaviour often involve criminal offences. The responsibility for dealing with crime rests primarily on Police Scotland, although the Association and local residents have an important contribution to make. It is important to establish the relationship between criminal and civil processes. The same actions may be the basis of both criminal liability and civil action, for example, vandalism, excessive noise and threats to neighbours.

Legal Action

Taking legal action is normally initiated as a last resort when all other avenues have been exhausted. Exceptions to this would be where there was a probability of serious harm or injury, or threatened or actual harm. We will ensure that the perpetrator is made aware of the implications of this action.

Where legal action is to be initiated, Housing Management should discuss the situation with Glasgow City Council Community Relations Unit and take the most appropriate legal option available to remedy the situation e.g. Anti-social Behaviour Order, Notice of Proceedings or Interdict.

Short Scottish Secure Tenancy Agreement

The Association may consider granting a Short Scottish Secure Tenancy (SSST) in cases involving anti-social behaviour. The Association can consider:

- Granting a SSST to a new tenant where that person, a visitor to their current accommodation, or a person that is likely to live with that person has, in the last three years, behaved anti-socially towards another person living in, visiting or carrying out lawful activity in the locality of the house occupied by the new tenant or by a person who is proposed to reside with the new tenant.
- Converting a Scottish Secure Tenancy (SST) to a SSST where the tenant, person living with or lodging with the tenant or any sub-tenant, has within the last three years behaved anti-socially towards another person living in, visiting or carrying out lawful activity in the locality of the house.

Prospective Tenants

If the Association decides to offer a SSST to a prospective tenant on the basis of anti-social behaviour, a notice must be issued to the prospective tenant(s) that sets out the grounds for a SSST and the term of the tenancy.

Existing Tenants

Where the Association decides to convert an existing SST to a SSST, a notice must be issued to the tenant advising them that their SST is being converted because of anti-social behaviour.

Housing Support Services

When offering or converting a tenancy to an SSST, the Association is required to provide any housing support to the tenant that it considers appropriate. This is to encourage and support positive change in behaviour to help the tenant to sustain their tenancy and have the tenancy converted at the end of the term.

Term of an SSST

Any SSST granted on the basis of anti-social behaviour will be for twelve months from the date that the tenant is granted or the date the tenant is served with a notice converting the SST to a SSST.

At the end of the twelve month term the SSST cannot be continued by tacit relocation. The tenancy will automatically convert to an SST at the end of the twelve month period unless:

- The Association extends the term of the SSST for a further six months; or
- Takes steps to recover the property.



Legal Action (Continued)

Extension of a SSST

5 The Association can extend the SSST for a further six months from the date which would have been the expiry of the twelve month tenant. In order to extend the tenancy, the tenant must be in receipt of housing support services and must have been served with a notice no less than two months before the date of expiry informing them of the extension and reason for the extension.

Glasgow City Council Community Relations Unit Court Procedures

10 Where a referral has been accepted by Glasgow City Council Community Relations Unit (GCC), the appointed Community Relations Officer will keep the Association regularly advised of the progress of the case and call a case discussion meeting before a decision to commence any legal action is made.

15 The legal services which GCC provides relates to remedies available under the Anti-social Behaviour Etc (Scotland) Act 2004. Where Anti-social Behaviour Orders (ASBOs) are sought, GCC will be able to use the in-house solicitor service provided by Glasgow City Council's Legal Services Division of the Chief Executives Department. As well as dealing with legal representation in relation to ASBOs, the in-house solicitor for GCC will also be available to provide pre-court advice at the investigation stage to ensure that any delays in raising court action are minimised, best practice in relation to the investigation is promoted and to deal with any general queries of a legal nature that might assist the investigation process. Should a full ASBO be granted, the Association can serve notices on a tenant converting a Scottish Secure Tenancy to a Short Scottish Secure Tenancy.

20 Solicitor advice is also available in relation to other remedies under the Act, which are police powers. These include a Police Officer of the rank of Superintendent or above, applying to the court for a Closure Order, or issuing a Dispersal Order. Any court appearances in relation to police powers are handled by Police Scotland legal services. However, the in-house solicitor will be available to provide pre-application legal advice on presenting an application to the police for such orders, attend any preliminary meetings with Police Officers and liaise with Police Scotland legal services as required.

25 The legal services provided by the in-house solicitor for GCC do not extend to raising court proceedings for eviction, any other legal actions to do with the tenancy, such as specific implement, debt related actions or judicial reviews. Any of these types of legal remedies will require to be undertaken by the Association.

Association Court Procedures

30 Where a notice of proceedings is served for a breach of tenancy, then the notice should specify whether the action is for eviction, a compulsory transfer, or a specific implement to enforce a tenancy condition or an interdict.

- Notice of proceedings

35 A notice of proceedings and guidance notes should be prepared and signed by the Housing Officer. The notice will provide at least twenty-eight days' notice before commencing court action and must be served by two Association staff members and a record of service attached to the notice. Where there is a joint tenancy, a notice of proceedings must be served on each of the tenants. A notice must also be served on each qualifying member of the household. Copies of any notices should be kept on computer and house files.

40 It is the responsibility of the Housing Officer to instruct the Association's solicitor accordingly, and ensure that they are in possession of all necessary information for court hearings. A meeting with the Association's solicitor will be arranged before the hearing to discuss full details of the case.

45 During the course of court proceedings, Housing Management must keep the Association's solicitor advised of any contact made with the perpetrator or their representatives, and keep the complainant advised of actions, implications and outcomes.

- Decree for Recovery of Possession

50 Where a notice of proceedings has been served and the tenant has failed to resolve the situation, then Housing Management should instruct the Association's solicitor to initiate court proceedings. Housing Management should ensure that the Association's solicitor is in possession of all necessary documentation and liaise with them during proceedings.

**Legal Action (Continued)**

5 The Association's solicitor will forward the action to the Sheriff Court to raise proceedings against the tenant. If the court grants a decree for possession of the property in favour of the association then Housing Management will present a report to the Management Committee providing details of the anti-social behaviour and the steps taken to resolve in order that a decision can be taken in the action. The final decision in eviction proceedings must be taken by the Management Committee.

10 Where Management Committee has decided to enforce a decree then Housing Management must serve a hand delivered letter to the tenant confirming the decision and provide information on support agencies that may be of assistance. Housing Management should instruct the Association solicitor to make the necessary arrangements for the recovery of possession of the property. Once a date has been arranged for the recovery of possession then a further hand delivered letter will be issued to the tenant to advise of the date of repossession, provide supporting information and confirm tenant responsibility for the removal of personal effects and belongings. The Association solicitor will also instruct Sheriff Officers to serve notice on the tenant confirming the date of eviction. Housing Management will liaise with appointed support organisations, legal services, social work services and any other relevant organisations during recovery proceedings.

- Recovery of Possession

20 Housing Management, Maintenance Services and the appointed Sheriff Officers should be present at the arranged recovery of possession. It is the tenant's responsibility to make provision for removal of their personal effects and furniture prior to the eviction. Where belongings are found in the property after the eviction then Housing Management will attempt to contact the former tenant to allow three working days to remove personal effects and belongings. Where the former tenant's whereabouts are unknown or they fail to remove belongings within three working days then the Association will have the right to arrange for the clearance and disposal of the belongings and recharge the outgoing tenant.

25 Any complaints about the level of service received will be dealt with under the Association's Complaints Policy and Procedures. The aim of the complaints procedure is to provide a review mechanism for anyone who feels that their complaint has been dealt with unfairly or they disagree with the decision.

Streamlined Eviction Process

30 The Association may consider initiating the streamlined eviction process where the tenant, any joint tenant, a person residing or lodging in the house or sub-tenant or person visiting the house has been convicted of:

- Using the house or allowing it to be used for immoral or illegal purposes, or
- An offence punishable by imprisonment committed in, or in the locality of the house.

40 The streamlined eviction process removes the requirement for the court to consider whether it is reasonable to grant an order for eviction. When deciding whether or not to initiate the streamlined eviction process advice should be sought from the Association's solicitor and Glasgow City Council, Community Relations unit.

45 Prior to using the streamlined eviction process, the Association will seek to evidence the conviction by obtaining an extract conviction from the court. Where a decision is taken to initiate the streamlined eviction process the Association must serve a notice of proceedings on the tenant. The notice of proceedings must be served before the first anniversary of the date of conviction or in cases where the conviction was appealed, the day on which the appeal was dismissed or abandoned.

50 A notice of proceedings and guidance notes should be prepared and signed by the Housing Officer. The notice will provide at least twenty-eight days' notice before commencing court action and must be served by two Association staff members and have a record of service attached to the notice. Where there is a joint tenancy, a notice of proceedings must be served on each of the tenants. A notice must also be served on each qualifying member of the household. Copies of any notices should be kept on computer and house files.

During the course of court proceedings Housing Management must keep the Association's solicitor advised of any contact made with the perpetrator or their representatives and keep the complainant advised of actions, implications and outcomes.



Appeals Process

Where a decision has been taken in regards to the complaint, then the subject of complaint / complainant can make a written appeal addressed to Housing Management. The appeal must be made within fourteen days of the letter of decision. The appeal will then be considered by housing staff not involved in the original decision. A written response will be provided within five working days. If the subject of complaint / complainant is still dissatisfied with the decision then a further appeal should be submitted in writing to the Association Director within fourteen days of the issued letter. The Association Director will investigate all the circumstances and will respond within five working days. If the subject of complaint / complainant is still dissatisfied with the decision then the complaints handling procedure will apply.

Confidentiality

Interviews and conversations with residents about personal and sensitive matters will be carried out in private. The Association will treat all reports of anti-social behaviour confidentially and will not disclose information to third parties or other organisation without consent. The only exceptions to this will be in cases where the Association has a legal or statutory duty to do so, where passing relevant information would facilitate data sharing protocols or would be essential to carrying out the Association's duties.

Targets and Performance Monitoring

The Association is committed to the delivery of a continuously improving neighbour nuisance and anti-social behaviour service. We will monitor and analyse perceptions of anti-social behaviour through surveys and interviews to establish how residents feel about their neighbourhood and to set locally agreed targets.

Performance under this policy will be monitored by annual reports to the Management Committee which including:

- The number of complaints of anti-social behaviour received by category;
- The involvement of Glasgow City Council Community Relations Unit; and
- The outcomes of each complaint.

In addition to the annual report, Management Committee will be provided quarterly performance information in relation to the following Key Performance Indicator (KPI):

- Percentage of anti-social complaint cases resolved

Management Committee Remit

The Management Committee shall agree the policy and procedures for anti-social behaviour, disputes and complaints. The Management Committee must always authorise eviction and the granting of a new tenancy where required.