



HOUSING ASSOCIATION LIMITED

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| <b>Name of Policy</b>         | <b>Anti-Social Behaviour and Neighbour Disputes</b> |
| <b>Responsible Officer</b>    | <b>Director</b>                                     |
| <b>Date approved by Board</b> | <b>25 February 2025</b>                             |
| <b>Date of next Review</b>    | <b>February 2028</b>                                |
| <b>Section</b>                | <b>Housing Services</b>                             |

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## 1. INTRODUCTION

- 1.1 Kingsridge Cleddans Housing Association is committed to helping tenants to maintain and enjoy their homes, but also in ensuring that their enjoyment does not impact upon others.
- 1.2 We appreciate that tensions may arise within our communities, and we look to support tenants, where appropriate, to achieve an amicable solution to such issues.
- 1.3 It is the Association's aim to deal promptly and effectively with any neighbour or anti-social complaints.

## 2. AIMS & OBJECTIVES

- 2.1 The aim of the policy is to provide a clear and consistent framework to ensure a quick, effective, and comprehensive approach to neighbour complaints and anti-social behaviour. We want to achieve the appropriate balance between prevention and enforcement action. We will do this by:
- Recognise that neighbour complaints and anti-social behaviour are a multi-tenure problem and have a range of mechanisms in place to manage the legal and practical issues associated with them;
  - Use best housing management practices to prevent and resolve anti-social behaviour quickly;
  - Develop and maintain a partnership approach with Police Scotland, Glasgow City Council, and other stakeholders;
  - Provide an accountable and transparent service that meets the needs of all our tenants and community.

## 3 DEFINITION OF ANTI-SOCIAL BEHAVIOUR

**The Anti-Social Behaviour Act 2004** defines anti-social behaviour as: "acting in a manner which causes or is likely to cause alarm or distress.

**or**

pursue a course of conduct which causes or is likely to cause alarm or distress to at least one person who is not of the same household".

## **4 LEGISLATIVE & REGULATORY FRAMEWORKS**

- 4.1 The main legislative provisions relevant to this policy are:
- Housing (Scotland) Act 2001
  - Anti-social Behaviour etc. (Scotland) Act 2004
  - Housing (Scotland) Act 2014
  - Equality Act 2010
  - Crime & Disorder Act 1998
  - Misuse of Drugs Act 1971
  - Protection from Harassment Act 1997
  - The Scottish Secure Tenancy (SST)
  - The Short Scottish Secure Tenancy (SSST)

## **5. NEIGHBOUR COMPLAINTS**

- 5.1 In all communities, tensions may arise between neighbours. This may be over trivial matters, however, when tenants feel unable to resolve these, they may raise them with the Housing Association.
- 5.2 In defining neighbour complaints, it is important that we clearly define them from more serious matters, as is covered by Anti-Social Behaviour. A neighbour complaint will normally be an issue that would not involve the police, is unlikely to escalate, and is one we would normally, reasonably expect tenants to resolve themselves. Examples may be discussions over responsibility for cleaning common stairs, the use of shared washing lines, or the use of shared parking bays.
- 5.3 When addressing neighbour complaints, we shall try to empower the disputing parties to draw a reasonable conclusion themselves through speaking to each other, using informal mediation or, should both parties be in agreement, the Association can source relevant formal mediation.
- 5.4 Where this is not possible, we may make a decision and seek that all parties comply with this.
- 5.5 In resolving neighbour complaints, we shall seek, in so far as possible, to also address any tensions between the neighbours and help to ensure harmony in their future interactions. This may not always be possible, and in some instances, we may ask neighbours to ignore or avoid each other to help prevent such tensions.
- 5.6 Complainers should however note that there are some matters that we as an association would not normally deal with, this includes general living noises, such as the use of washing machines during normal hours, the noise of children playing, and any smells arising from cooking.

## **6. ANTI-SOCIAL BEHAVIOUR**

- 6.1 As detailed, anti-social behaviour is issues that are more serious than neighbour complaints. This said, just because a complaint is of a serious

nature, does not necessarily mean that we have a duty or a desire to investigate the complaint.

- 6.2 Our responsibilities are with regard to our communities, and our tenants. Criminal matters may be out with our remit especially if they do not happen within our community, for example, if one of our tenants was accused of shoplifting.
- 6.3 Our involvement shall be limited to matters relating to our properties and our communities. Our ability to act, is set within the Housing Scotland Act, so we cannot normally take action against an owner or a person that is not from one of our properties.
- 6.4 It should, however, be noted that tenants are responsible for visitors to their property, and we may still take action against our tenant if one of their visitors acts in an anti-social manner.

## **7 CATEGORISATIONS OF DISPUTES**

7.1 It is useful to categorise complaints to encourage consistency of approach and to clarify to all concerned the likely response of the Association. It should be recognised however that not all cases will be easily categorised.

7.2 Complaints will be categorised into one of the following three categories:

**a) Extreme (Category A)**

These are complaints of a very serious anti-social nature e.g., drug dealing, physical assault, racial/other harassment, and serious damage to property, including fire-raising.

**b) Serious (Category B)**

Complaints which indicate serious anti-social behaviour, e.g., frequent disturbances, excessive and persistent noise, vandalism/damage to Association property, misuse of drugs, harassment, and verbal abuse.

**c) Nuisance/Disputes (Category C)**

Complaints that clearly breach the tenancy conditions but are of a relatively minor nature such as rubbish dumping, infrequent disturbance, noise complaints, and pet nuisance.

The above lists are not intended to be exhaustive.

7.3 We will look to address category A complaints within 24 hours, category B complaints within 3 working days and category C complaints within 5 working days.

7.4 It is however appreciated that some complaints may require seeking further information from the police or a third party, awaiting the completion of such

investigations, or require that we interview and discuss the complaint with other parties. In such instances, the complaint may be delayed outside timescales. We shall look to keep complainers adequately informed of the progress of any investigation, subject to not impacting on any police investigation or rights under data protection.

## **8 DRUG DEALING**

### **8.1 Introduction**

Drug dealing will not be tolerated in our locality.

### **8.2 Dealing from the Property**

Any situation whereby a tenant or household member is convicted of being concerned in the supply of drugs from the property, may result in the Association seeking repossession of the property.

### **8.3 Dealing in the Locality**

Any situation whereby a tenant or household member is convicted of being concerned in the supply of drugs in the locality, may result in the Association seeking repossession of the property.

### **8.4 Responsibility for Household and Visitors**

Tenants should be aware that they are responsible for their households and visitors and may put their tenancy at risk if such parties are responsible for the supply of drugs.

## **9 DELEGATION OF RESPONSIBILITY FOR ANTI-SOCIAL COMPLAINTS**

9.1 The Senior Housing Officer shall take responsibility for all Category A complaints.

9.2 The Housing Assistant will manage all lower-level anti-social complaints and neighbour complaints.

9.3 The issuing of a Final Warning will be agreed with the Director.

9.4 The Director shall agree the issuing of any notice of proceedings or SSST.

9.5 The Management Committee shall decide on the enforcement of any evictions.

## **10 ADDRESSING ANTI-SOCIAL COMPLAINTS**

10.1 Where there is evidence of serious ASB, the Association may start legal action for eviction immediately.

- 10.2 Where the Association believes it to be possible to resolve the issue without the need for legal action, we will discuss this with the perpetrator. This may result in a first warning on the tenancy, a final warning on the tenancy, an Acceptable Behaviour Contract, or an Unacceptable Behaviour Contract. The action taken shall be proportionate to the complaint, there is no requirement that each escalation step is applied.
- 10.3 Where the perpetrator fails to respond proportionately to our efforts to resolve the issue, we may still require to take legal action to end the tenancy.
- 10.4 Where appropriate and identified, we will support the perpetrator in improving their behaviour by helping to identify and signpost them to appropriate behaviour and or addiction support. We shall also be mindful of any learning support needs or disability which may impact their ability to understand or to follow the requirements of their tenancy agreement.
- 10.5 The Association may suspend housing applicants if the applicant, members of their household, or visitors have been involved in ASB in or near their home. We will advise applications of their right to appeal against any suspensions applied.
- 10.6 The Association may consider converting existing Social Housing tenancies to Short Scottish Secure Tenancies (SSST) or granting SSST's to new tenants where an ASBO has been awarded or there is evidence that the tenant, member of their household, or visitor has been involved in ASB in or near their home within the last three years.

## **11. STAFF SAFETY**

- 11.1 There is, by its nature, a higher risk to staff safety when addressing anti-social behaviour. A risk assessment should be carried out by the staff member prior to any physical meeting with either complainer or perpetrator. Where appropriate, actions may require a 2 person visit, an office interview, or even police attendance.

## **12 ANTI-SOCIALBEHAVIOUR COMPLAINTS AND COMMITTEE MEMBERS**

- 12.1 If an anti-social complaint is made by or about a Committee member or a member of their immediate family it will be treated as any other complaint with the exception noted below:

- a) Any Committee members directly involved in such a complaint must not be in attendance at a Committee meeting during discussion of their case.
- b) Management Committee members who have an indirect involvement in a specific case should consider the level of involvement they have and if it would be proportionate to recuse themselves from the meeting. If they are unsure, they should discuss this with the Director.
- c) Any upheld complaint of anti-social behaviour may require that a Committee member is required to stand down.

### **13. EQUALITY AND DIVERSITY**

- 13.1 As a service provider and employer, we recognise the requirements of the Equality Act 2010, oppose any form of discrimination and will treat customers, internal and external, with dignity and respect. We recognise diversity and will ensure that all of our actions ensure accessibility and reduce barriers to employment and the services we provide.