

NEIGHBOUR NUISANCE AND ANTI-SOCIAL BEHAVIOUR POLICY

1.0 INTRODUCTION

- 1.1 We are committed to ensuring that all tenants have the right to peaceful enjoyment of their homes and the local neighbourhood.
- 1.2 We recognise however that anti-social behaviour will occur and are committed to addressing situations where our tenants are either the victims or the perpetrators of behaviour which prevents residents from living in peace and safety. We will investigate and seek to resolve all cases of anti-social behaviour, neighbour nuisance and breaches of tenancy involving our tenants.
- 1.3 This policy describes how we will deal with incidences of neighbour disputes and anti-social behaviour when they arise, including appropriate liaison with other services and agencies. The policy is supported by detailed procedures (see Appendix 1).
- 1.4 We recognise however that this policy can only provide a framework for the guidance of staff, and that the response to each situation will depend both on the individual circumstances and on the judgement of the staff involved.
- 1.5 This policy complies with the Scottish Housing Charter Outcome 6 which states:
- “ 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”.

2.0 DEFINITIONS

- 2.1 The range of neighbour disputes and anti-social behaviour is wide. On one hand a neighbour dispute can be a ‘fall out’ between neighbours over an untidy garden, low level noise or a tenant failing to clean the stair. These types of incident will be referred to as ‘neighbour nuisance’.
- 2.2 More serious incidents, which may involve activities of a criminal nature and can threaten the physical or mental wellbeing of individuals or households, will be referred to as ‘anti-social behaviour’.
- 2.3 For the purposes of this policy, as defined in Section 143 of the Anti-Social Behaviour etc. (Scotland) Act 2004:
- “*Anti-social behaviour is considered to occur where a person:*
- *acts in a manner which 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 term ‘conduct’ includes speech, and a ‘course of conduct’ must involve conduct on at least two occasions.

2.4 In this policy anti-social behaviour includes harassment, which is defined as:

“behaviour deliberately intended to intimidate, dominate or harm an individual or group of people because of their ethnic or racial background, colour, religion or belief, disability, sexual orientation or any other form of discrimination”.

2.5 With regard to how we deal with complaints and incidents, it will be important to distinguish between what is anti-social behaviour and repeated behaviour which, although annoying, is not anti-social.

Examples of neighbour nuisance and anti-social behaviour are given in section 5 below.

3.0 KEY OBJECTIVES

3.1 We will adopt the following key objectives and general principles in our approach to dealing with neighbour nuisance and anti-social behaviour:

- We will ensure that all tenants recognise that they are required to comply with the terms of their Tenancy Agreement and that we will take appropriate action against those who do not.
- We will implement a range of management and legal remedies to tackle neighbour nuisance and anti-social behaviour.
- We will take prompt action to avoid an escalation of complaints.
- We recognise the need to adopt different approaches, depending on the specific circumstances of individual cases however the principles of this policy will apply to all tenants including those who are in receipt of support.
- We will work in partnership with other agencies as appropriate.
- We will publicise this policy through our tenant newsletters, website, Tenant Handbook and a range of information leaflets. We will also provide a copy of this policy to anyone who requests it.

4.0 PREVENTIVE MEASURES

4.1 Detailed below area range of measures we will seek to implement in order to minimise the possibility of neighbour nuisance and anti-social behaviour occurring, or reduce its effects when it does occur.

Allocations

4.2 We will use the Allocations policy to create sustainable communities, for example ensuring that, where high concentrations of a particular household group exist, future allocations focus on diversity.

4.3 We will use the suspensions provisions within the Allocations policy to ensure that where anti-social behaviour has been proven an applicant may be suspended from the housing or transfer list, or bypassed from receiving an offer of housing.

- 4.4 The Tenancy Agreement (Section 3, Respect for Others) will clearly state the tenant's responsibilities for being a good neighbour and the consequences of anti-social behaviour, which may include termination of the tenancy.
- 4.5 We will take the opportunities provided by the pre-allocation visit, tenancy sign up and post allocation visit to reinforce the tenant's responsibilities. In particular we will use the sign up appointment as an opportunity to have tenants sign up to our 'Good Neighbour Charter' (Appendix 2) ensuring that they are aware that they have the responsibility not only for their own behaviour but also the behaviour of anyone living with or visiting them.

Security and Estate Management issues

- 4.6 We will implement the following security and estate management measures:
- all reports of graffiti and damaged door entry systems will be responded to as a matter of urgency;
 - where graffiti is of a racist nature, we will aim to have this removed within 24 hours;
 - void properties will be effectively secured;
 - regular estate management walk-about will be carried out;
 - rapid responses will be made to neighbour and estate management issues when identified.

New Build & Planned Maintenance

4.7 We will seek to minimise some of the contributory factors which may result in incidents of neighbour nuisance or anti-social behaviour through the design and construction of any new build properties, refurbishment of existing properties and the carrying out of the planned maintenance programme, including the following measures:

- adequate sound insulation within and between properties;
- secure external doors, and windows;
- controlled entry systems to flats;
- overall layout of estates to “design out” crime;
- adequate fencing and lighting in communal areas;
- designated play areas, where possible, away from older residents;
- secure bin stores / bike stores;

(we don't have any 'secure' parking do we)

Tenant participation.

4.8 We will involve tenants in developing policies and strategies to deal with anti-social behaviour through:

- consulting with tenants on the content of this policy, and on relevant procedures and/or actions;
- publicising this policy through tenants newsletters and other appropriate publications;
- meetings with tenants, including any groups set up as a result of implementing the Tenant Participation Strategy.

4.9 The aim of these measures will be to:

- make all tenants aware that anti-social behaviour of any kind will not be tolerated, and that we expect all tenants **not** to cause a nuisance;
- gain wide support for this view;
- ensure that the potentially serious consequences of anti-social behaviour are understood;
- create a climate within each area which clearly states that anti-social behaviour is not acceptable there;
- encourage the reporting of persistent neighbour nuisance or anti-social behaviour;
- encourage those who live near to victims of anti-social behaviour to offer support, which can assist in deterring those causing it.

Working with others

- 4.10 We will seek to develop effective working relationships with the appropriate staff of other agencies which might become involved in neighbour nuisance or anti-social behaviour incidents, such as the Police, Social Work or Environmental Health Departments in the areas where we operate.
- 4.11 If necessary we will consider entering into a service level agreement with a local authority's staff team especially set up to deal with anti-social behaviour, so that any incidents that do arise may be dealt with promptly and effectively through referral to the local team.

5.0 CATEGORISATION OF INCIDENTS

- 5.1 All reported incidents will be assessed and categorised according to seriousness and the level of intervention required. Such categorisation will ensure that our response and resolution times reflect the nature and complexity of the reported incident, while at the same time making the expected response and timescale clear to the complainant. **(Appendix 2)**
- 5.2 We will not normally become involved in situations which are not serious, are not a breach of tenancy, or can be dealt with more effectively by another agency.

Examples of such situations are: minor domestic or family disputes, petty neighbour disputes, arguments about issues which do not involve a breach of tenancy, occasional nuisance caused by children playing in the streets, stray dogs.

- 5.3 The tenant making the report will be advised of the appropriate agency to contact or that we do not consider the complaint to be one that we can become involved in.

6.0 REPORTING AN INCIDENT

- 6.1 We aim to make it easy for tenants to report neighbour nuisance or anti-social behaviour and will accept reports:
- by telephone
 - in writing (letter or email)
 - in person at our offices or directly to staff when they are visiting our properties.

7.0 ANONYMOUS REPORTS

- 7.1 In general we will not act on anonymous reports, unless further corroborative evidence is available. In exceptional circumstances such reports may be acted on, e.g. where the report relates to a very serious problem (category A) and it is reasonable to accept that the complainant could have reasons to fear reprisals.
- 7.2 Where there is any doubt about whether an anonymous report should be acted on, advice will be sought from the Head of Housing Services.

8.0 INCIDENTS INVOLVING THIRD PARTIES

- 8.1 Where anyone who is not an ARK tenant reports the anti-social behaviour of a tenant, the report will be investigated and any action required taken in accordance with this policy and supporting procedures.
- 8.2 Where an ARK tenant reports the anti-social behaviour of someone who is not an ARK tenant, we recognise that our options are more limited. We will offer the tenant advice on how to seek help and advice from other agencies, such as the Local Authority, Police or Social Work Department.

9.0 CONFIDENTIALITY

- 9.1 Where requested, we will wherever possible maintain the confidentiality of the complainant. However we will make it clear that, following up certain types of incident with the person who is allegedly at fault may well make it clear to them who has made the complaint (e.g. a complaint about noise coming from the only adjoining property).
- 9.2 Where it may not be possible to maintain confidentiality we will seek to obtain the explicit agreement of the complainant before taking any action. The only exception to this general rule will be where there is clear evidence of criminal activity which must be reported to the Police.
- 9.3 The complainant will be kept advised as appropriate of the action being taken, although this will not necessarily include every detail as there is a need to respect the confidentiality in certain cases (e.g. social work involvement, child protection issues)

10.0 INFORMATION SHARING

- 10.1 In order to collect evidence and pursue cases of anti-social behaviour our investigations may require discussion with or information gathering from other agencies, such as the Police. In order to do so we will follow the Information Sharing Protocols which have been agreed between ARK, the Police and others.

Where no protocol exists we will seek to implement one before sharing or requesting any information.

11.0 RECORDING OF CALLS

- 11.1 We reserve the right to record telephone conversations where it is deemed necessary in the collection of evidence or where anti-social behaviour (i.e. verbal threats or abuse) is being directed towards ARK staff in the course of the telephone call.

12.0 VICTIM SUPPORT

- 12.1 Where a tenant has suffered violence, either to themselves or to their property, we may wish or require to provide victim support. The term 'victim support' covers a wide range of activities which may include:

Support by ARK

- advice on options that may be followed up by the tenant or their representatives;

- advice on action the Police may take;
- advice on support agencies available, assisting with making initial contacts where appropriate;
- providing emergency contact details, telephone numbers etc.;
- treating damage that compromises the security of the property, such as a badly damaged door or a broken window, as an emergency repair;
- removing personally offensive graffiti within 1 working day of it being reported to us;
- special attention being paid by Housing staff to areas where victims live;
- in very serious cases with a real risk of further violence, considering or arranging temporary or permanent re-housing.

Support by others

- appropriate action by the Police, where a criminal offence has been committed;
- advice and/or practical assistance by other support agencies, including Victim Support;
- advice from appropriate agencies or professionals on the effectiveness of existing home security, or information on new home security measures;
- granting an interim interdict to the tenant to prevent further contact by the person(s) causing the violence or damage.

13.0 EQUAL OPPORTUNITIES

13.1 We will ensure that in implementing this policy and the supporting procedures we comply with our Equality & Diversity Policy.

14.0 COMPLAINTS

14.1 Anyone wishing to make a complaint about how we have dealt with incidents of neighbour nuisance or anti-social behaviour will be asked to follow our [Complaints policy](#), and will be given assistance to do so if required.

15.0 IMPLEMENTATION AND REVIEW

15.1 The Head of Housing Services is responsible for ensuring that this policy and the associated procedures are implemented when required and that the policy is reviewed at least every three years.

15.2 The Head of Housing Services will report to the Finance Sub Committee twice each year on the number and category of complaints received, a summary of actions taken and a commentary on performance in relation to targets set.

Approved by the SLT:	January 2018
Approved by the Finance Sub-Committee:	March 2018
Review of policy due by:	January 2021
Complies with:	The Scottish Housing Charter Outcome 6

RELATED POLICIES AND PROCEDURES

Policies

[HM01 Allocations](#)

[HM05 Estate Management](#)

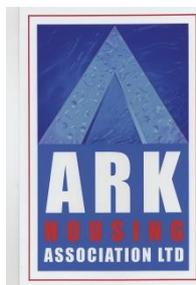
[G12 Complaints](#)

Procedures

G27 Complaints

HM31 Estate Management

HM32 Neighbour Nuisance & Anti-Social Behaviour



Categories of Incident response and resolution times

Category A	Category B	Category C
Incidents of a very serious nature	Incidents of a serious nature	Nuisance behaviour which is minor but a breach of tenancy conditions
<ul style="list-style-type: none"> • Criminal behaviour in or around the property including drug dealing. • Actual physical assault. • Actual threat of violence. • Harassment. • Serious damage to property. • Other criminal behaviour involving the use of the property such as prostitution. 	<ul style="list-style-type: none"> • Frequent and/or serious noise disturbance. • Allegations of threatening / aggressive / abusive behaviour. • Ongoing failure to control children. • Ongoing failure to control pets. 	<ul style="list-style-type: none"> • One – off noise disturbance. • Pet nuisance. • Keeping pets without permission. • Untidy gardens. • Stairs not being cleaned.
Response: Immediate Or within 1 working day if for some reason an immediate response is not possible, e.g. staff are unable to make contact with the complainant	Response: Within 5 working days	Response: Within 10 working days
Resolution: Within 12 months	Resolution: Within 6 months	Resolution: Within 1 month

Ark's Good Neighbour Charter

Have Good Neighbours and be a Good Neighbour - Code of Conduct

We all have rights and Responsibilities

- You have the right to enjoy your tenancy free from disturbance.
- You have the responsibility to do your best not to disturb your neighbours.
- As your landlord we have the responsibility to deal quickly and effectively with any neighbour complaints.
- We will make every effort to put a stop to any anti-social behaviour affecting our tenants in their homes, including legal action if necessary.

On behalf of your neighbours we expect you to make sure that:

- You, and anyone staying with you, keep the property and common areas clean, tidy and in good repair. This means taking your turn to clean the stairs or cut the grass, take out and bring in your bin, etc.
- You have some thought for your neighbours and do nothing to cause a complaint of nuisance or anti-social behaviour.
- Accept responsibility for the behaviour of your children and visitors. We will take action against tenants if their children and visitors cause nuisance in the other residents in the locality.
- Do not use your home, or the locality for illegal activities.
- Take responsibility for your pets and keep them under control.
- Let us know of any instance of harassment or anti-social behaviour in the locality.

Signed: _____

Tenant:

Date: _____

Signed: _____

Housing Services Officer

Signed: _____

Tenant:

Date: _____

Date: _____