

Neighbour Dispute and Anti-Social Behaviour Procedure

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| Section | Change |
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| Throughout | Into new procedural format |
| | Change in procedure reference to tie into new policy |
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Neighbour Dispute and Anti-Social Behaviour Procedure

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1.0 Introduction

This procedure describes what steps we will take to ensure we comply with our Landlord Responsibilities Policy, **HaAM01**, specifically in relation to how we respond to and deal with neighbour disputes and reports of alleged or actual anti-social behaviour which are caused by or experienced by Ark tenants.

Ark is committed to helping tenants to enjoy living in their homes and communities and our main aim is to inform tenants about their tenancy obligations in the first instance and hopefully minimise the impact neighbour disputes or anti-social behaviour may have.

It is intended that this procedure be implemented for all Ark tenants, (Ark and Ark Services) and it is our aim to deal promptly and effectively with any incidents which arise, making full use of the available legal sanctions as necessary.

The person reporting an incident may be an Ark tenant, a household member or a member of the public. We will deal with all reports the same way

Ark will not become involved in any neighbour dispute that is not in direct breach of a condition in our Tenancy/Occupancy agreement.

It is crucial that accurate, detailed and logical evidence is collected, as the success of any legal action will depend on Ark being able to provide such evidence.

At all stages in this procedure we will encourage the complainant to play their part in dealing with and/or resolving the problem.

2.0 Definition of anti-social behaviour

Anti-social behaviour is a complex issue. Often what feels like a nuisance to some can have a very negative impact on others. The general range and scope of anti-social behaviour can range from relatively minor disputes involving noise and lifestyle clashes to serious and extreme cases including drug dealing and serious harassment.

We will assess each case individually against the definition outlined in The Anti-social Behaviour etc. (Scotland) Act 2004 which states the following:

“A person engages in Anti-social Behaviour if they act 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 (‘conduct’ includes speech and must involve conduct on at least two occasions).”

The definition of what constitutes ‘anti-social behaviour’ is based upon what is viewed reasonable and unreasonable, and this in turn requires a judgement to be made. The types of behaviour viewed as anti-social are likely to include:

- Drug dealing;
- Harassment;
- Racism;
- Sectarianism;
- Violence or threat of violence;
- People gathering and causing a disturbance;
- Noise;
- Failing to control pets;
- Failing to maintain gardens to an acceptable standard;
- Failing to keep the communal areas clean and tidy, (i.e. stairs, closes, back courts, bin areas etc.);
- Failing to comply with instructions on the storage of rubbish / recycling goods and the storage and collection of rubbish / recycling bins; and
- Any other anti-social behaviour that the Ark reasonably defines as being unacceptable.

3.0 Key Principles

Ark will implement the following principles:

- We will ensure the effective management and maintenance of our properties reduce the risk of such behaviour occurring;
- We will adopt the best housing management policies and procedures to prevent nuisance and anti-social behaviour occurring;
- We will build good partnerships with the Police Scotland, Community Safety Teams, Local Authorities and any other relevant agencies who could assist;
- We will encourage effective participation to reduce the potential for neighbour disputes and related anti-social behaviour;
- We will adopt a zero-tolerance approach to anti-social behaviour affecting Ark tenants;
- We will recognise that neighbour nuisance and anti-social behaviour may be a multi-tenure issue and ensure that appropriate mechanisms are in place to deal with the complex legal and practical issues associated with this;
- We will respond promptly, sympathetically and decisively to any reports made relating to anti-social behaviour of tenants, their household and any visitors to their home;
- We will encourage tenants to resolve their disputes by mutual agreement;

- We will encourage tenant group meetings/mediation for tenants in conflict.

4.0 Information for tenants

As part of the signing-up process with a new tenant, and in the follow up settling in visit, the Housing Services Officer (HSO) will explain procedures for dealing with neighbour disputes and anti-social behaviour. The HSO will:

- Provide the new tenant with copy of our information leaflet on Neighbour Nuisance and Harassment (Appendix 1);
- Provide all new tenants with our 'Good Neighbour Charter' (Appendix 2) and ask them to sign it. A copy will be added to the Tenancy file;
- Makes it clear that tenants are responsible for their own behaviour AND the behaviour of anyone living with or visiting them;
- Make it clear that any anti-social behaviour that is a clear breach of the tenancy conditions may, following investigation and warnings, result in legal action for termination of the tenancy.

5.0 Dealing with reported incidents

5.1 Categorisation of incident

An incident has to be categorised so that Ark staff will be guided how to respond and to adopt a consistent approach.

It should be recognised however that not all cases will be easily categorised. In the first instance, the HSO will be responsible for categorising the complaint.

The table below gives general descriptions, the response targets and resolution targets. Whilst we will respond quickly to Category A incidents, the more serious nature of these incidents and the need to involve a range of partners means that they can take longer to reach a satisfactory resolution.

| 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. |
| <p>Response: Immediate</p> <p>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</p> | <p>Response: Within 5 working days</p> | <p>Response: Within 5 working days</p> |
| <p>Resolution: Within 12 months</p> | <p>Resolution: Within 6 months</p> | <p>Resolution: Within 1 month</p> |

5.2 Initial contact with person(s) reporting incident(s)

Where an incident is received by phone, the member of staff who received the call will note the details and discuss what the initial response should be. This will be recorded in the Housing Management System diary. Those reporting incidents will be reassured that their details will not be shared with the tenant they are making a report about. However they will also be advised that if it becomes necessary to progress to legal action, we will ask them to provide witness statements.

For all Category C complaints, the Housing Services Assistant (HSA) can follow the procedure to resolve these issues.

The HSA will check the relevant house file(s) for details of any similar complaints in the past. If there have been previous reports of the same issue they will refer the case onto the HSO.

If a supported tenant is reporting an incident, the HSA will contact the support staff on site to get more information. If this tenant has a legal guardian the HSA may contact the guardian to discuss the incident and confirm what action will be taken.

If the incident is classified as Category A or B, this will be passed to HSO to deal with.

Where other agencies or proceedings are involved, the relevant officer will request approximate response times and these will be monitored.

If it is decided that no further action will be taken, reasons should be stated why this is the case within the response.

For Category B or C incidents the HSA/HSO will acknowledge receipt of a report by email, or letter, within 2 working days (Appendix 3). This letter will detail the action that will be taken, and approximate timescales.

5.3 Anonymous complaints

In general Ark will not act on anonymous reports unless further corroborative evidence is available. However in exceptional circumstances such reports may be acted on, e.g. where the report relates to a very serious problem and it is reasonable to accept that there could be a genuine fear of reprisals.

Where there is any doubt about whether an anonymous report should be acted on, the HSO will consult the Senior Housing Services Officer (SHSO).

6.0 Action by Ark

In all cases, the HSO and any colleagues involved in a particular case will ensure that the relevant information is added to the Housing Management system.

6.1 No immediate action

If it is decided by the HSA/HSO that no immediate action will be taken, or that the tenant who reported the incident will attempt to resolve the situation, the HSO will add a file note to the Capita diary of all parties involved (where appropriate).

The HSO/HSA will confirm in writing that no further action will be taken but may send the Incident Report Diary (Appendix 4) to help the tenant record any future incidents.

6.2 Emergency action

Where there is property damage e.g. to windows or external doors, or if offensive graffiti has been sprayed on walls/doors, emergency repairs will be arranged by Maintenance staff to secure the security and safety of the property and occupants.

Where there has been severe damage to the property, e.g. as the result of an arson attack, or where there has been serious violence experienced by the tenant reporting the incident and there is a clear need for temporary re-housing, the HSO will initiate the Decants and Emergency Temporary Accommodation procedure ref: HM41.

6.3 Initial enquiries and action (non-emergency)

Where the matter is more serious or where a minor incident/nuisance continues to cause a problem, the HSO will make enquiries and take initial action as appropriate from the following options:

- Enter initial details in the Neighbour Disputes Investigation Form (Appendix 5) and add information as the investigation continues and decisions are made;
- Contact and/or visit the tenant(s) reporting the incident(s) to discuss options for action;
- Encourage the tenant(s) reporting the incident(s) to complete the Neighbour Complaint Incident Diary;
- Contact and/or visit neighbours or others who may have witnessed any incidents or who may be able to corroborate initial report(s);
- In serious/very serious cases seek to obtain written witness statements;
- Where a tenant reporting the incident is receiving support, with their agreement, involve Care & Support staff or other agencies in meetings/discussions;
- Contact local agencies, e.g. Police or local Anti Social Behaviour Team etc.;
- Contact and/or interview the (alleged) perpetrator where he/she is an Ark tenant;
- Where the alleged perpetrator is the tenant of another landlord, contact the landlord.

6.4 Action following enquiries – no corroboration

If there are no witnesses or any independent corroboration of the incident the HSO will:

- Decide whether it is necessary to write to the (alleged) perpetrator;
- Write to the tenant(s) who reported the incident(s) to state that Ark has not been able to confirm the alleged incident(s) and what action has been taken.

If not already provided, the HSO may include the Neighbour Complaint Incident Diary with this letter and encourage the tenant to complete it if there are further incidents.

If the HSO writes to the alleged perpetrator, this will be to advise them of the reported incident and to ask for their co-operation in ensuring there are no further incidents.

6.5 Action following enquiries – corroboration AND non-criminal behaviour

Where there is clear confirmation of reported incident(s) that are serious but non-criminal by an Ark tenant, the HSO will send an advice or warning letter to the perpetrator. The letter will:

- Give details of the alleged anti-social behaviour or breach of Tenancy Agreement;
- Where known, list specific dates and times of incidents;
- Request that the behaviour etc. cease and that the perpetrator comply with the terms of their Tenancy Agreement;
- Warn that continuation or re-occurrence of the behaviour will result in further action, which may include conversion to a Short Scottish Secure Tenancy (SSST), legal action leading to the granting of an Anti Social Behaviour Order (ASBO)(Appendix 6) and/or decree for eviction.

In the first instance, a Written Warning letter will be sent to the tenant (Appendix 7). If there are further reports of the behaviour, a Second Written Warning letter (Appendix 8) will be sent to the tenant. On the third occasion where there are corroborated reports of the behaviour, a Third and Final Written Warning letter (Appendix 9) will be sent to the tenant. Where possible, the letter should be hand delivered to the tenant to discuss the contents and potential consequences if further reports are received. Where possible, a witness should be present during these discussions. The delivery of each letter and all discussions with the tenant should be recorded on Capita Contact Management.

6.6 Action following enquiries – criminal behaviour

If the anti-social behaviour involves criminal activities, the HSO will advise the tenant to report the matter to the Police, and ask that the tenant provides the HSO with the Police incident number. Tenants will be reassured that the Police can take reports without them being identified. If the tenant is unwilling to do this, we will emphasise that it will be more difficult for Ark to take direct action.

6.7 Action following charge or conviction

Where a tenant is charged or convicted of an offence, in particular one which breaches the tenancy conditions such as possession of or dealing in controlled drugs, the HSO and SHSO will consider the following.

6.7.1 Drug Dealing from the property

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

6.7.2 Drug Dealing in the locality

(“Locality” will be treated as within a one mile radius of the tenants’ address.)

- a) Any situation whereby a tenant or their partner (whether officially resident or not) was convicted of being concerned in the supply of drugs in the locality (even if the other partner claimed to have no knowledge of the situation), would result in the Ark seeking repossession of the property
- b) Any situation whereby a household member (whether officially resident or not) or visitor was convicted of being concerned in the supply of drugs in the locality, would result in a First and Final Warning letter (Appendix 10) being issued to the tenant. Ark would also apply for an ASBO in respect of the convicted person.

Should that same person be convicted of being involved in the supply of drugs in the locality for a second time, then this would result in the Association seeking repossession of the property.

- c) Any other incidents involving drugs would be considered individually, within general anti-social behaviour criteria, e.g. no conviction for dealing, but some evidence that there may be dealing taking place.

6.8 Non Ark tenant

Where the perpetrator is a tenant of another landlord, the HSO may call or write to the landlord with the results of their enquiries and ask them to take appropriate action under their tenancy agreement.

Where the perpetrator is an owner/occupier, the HSO may provide the tenant with advice on the options they may follow, such as contacting other agencies or legal action etc.

Depending on the type(s) of behaviour and the number of persons affected, the HSO may also:

- Propose using an external, independent mediator, such as a community mediator, to resolve issues, which will require the agreement of all involved;
- Refer the matter to the local Council Anti-Social Behaviour team for ongoing action – this may be relevant where the perpetrator(s) are not Ark tenants.
- Ark may provide assistance when a tenant requires to raise their own interdict against an owner who is, say, harassing them.

7.0 Remedies

7.1 Anti-social Behaviour Contract (ABC)

The HSO will seek the agreement of the perpetrator(s) to sign an Acceptable Behaviour Contract (ABC) (Appendix 11).

An ABC is an early intervention designed to get the identified individual to acknowledge their behaviour and its impact on other people, with the aim of stopping it.

It can also be used with parents who do not take action to prevent their children acting anti-socially. It is a voluntary written agreement between the perpetrators and in the case of a young person his or her parent or guardian, and Ark and possibly other agencies.

It places responsibility on the individual and his or her family to work towards an agreement, rather than having one imposed. There is the continued threat of legal action to reinforce adherence to the ABC until improved behaviour becomes the norm.

ABC can be used on adults and could be used in cases of excessive loud music, noisy parties etc. In cases where behaviour is serious, persistent or criminal an ASBO or other legal remedies may be more effective.

7.2 Specific Implement

The remedy of specific implement is an order of the court requiring a person to perform his or her legal obligations for example, obligations under a contract. It can be used by social landlords to require a tenant **to do** something.

Incidents that relate to matters that potentially could be the subject of an action for a specific implement can be:

- Failure of tenants to maintain their own gardens
- Failure to fulfil responsibilities to clean communal areas
- Dumping rubbish
- Other behaviour affecting the amenity of communal areas such as common closes

If the HSO feels that this could be beneficial to resolve an ongoing neighbour dispute or Anti Social Behaviour they must complete Appendix 12 and pass to the SHSO for approval.

If the request to apply for the specific implement is approved. The SHSO must make contact with Ark's solicitor to request that they commence the court process to grant an order that will require the party involved to perform a specific act.

7.3 Interdict

Interdicts can only be used to **stop** a person **from doing** something.

If the HSO feels that an interdict would be beneficial to resolve a neighbour dispute or ASB case they must complete Appendix 13 and pass to SHSO for approval.

If the request to apply for an Interdict is approved, the SHSO must make contact with Ark's solicitor to request that they start the court process to obtain the Interdict. In certain serious and urgent circumstances the Sheriff may grant an Interim Interdict until he/she decides whether or not to grant a full Interdict.

The SHSO can apply for an Interdict as an alternative to, or in addition to, seeking an order for eviction.

7.4 Conversion to Short Scottish Secure Tenancy

Following the granting of an ASBO, the HSO and SHSO/Head of Housing Services (HoHS) will consider whether or not the tenancy should be converted to a Short SST (SSST).

For further details see the procedure HAM01(e) SSST.

7.5 Legal action by Ark

Where the perpetrator is an Ark tenant and when all possible means of resolving the incidents have been tried but without success, the HSO, following discussion with the Senior Housing Officer/HoHS, will issue a Notice of Proceeding (NOP) to the perpetrator and initiate legal

action. Refer to the procedure HAM01(f) Decree for Possession and Eviction for initiation of legal action.

8.0 Confidentiality

The confidentiality of the tenant(s) making the initial reports will normally be maintained, if this is requested and if it is possible to do so. Where it is not possible to maintain confidentiality and at the same time investigate the incident, the agreement will be obtained from the tenant reporting the incident **before** the HSO takes any action.

The exception will be where there is clear evidence of criminal activity which must be reported to the Police.

If legal action is required, the tenant(s) reporting the incident(s) may have to appear in court as a witness. The implications of this will be fully discussed with the tenant(s) and Ark solicitors.

9.0 Tenant Co-operation

Where there is a genuine case of anti-social behaviour that requires investigation and action, the HSO will make it clear to the tenant making the initial report that their co-operation will be required if the nuisance is to be dealt with satisfactorily. This may include:

- Keeping an Incident Diary to record the detail required as evidence and provide a sufficiently strong case for a warning and/or to support legal action if required;
- Full participation in Ark's attempts to resolve the problem, including mediation where appropriate;
- Being prepared to provide formal witness statements and appear in court as a witness.

Where the tenant(s) reporting the incidents has genuine concerns or fears about co-operating fully, we may, in the more serious cases, consider using a 'professional witness' to gather the necessary evidence.

10.0 Liaison with other agencies

In certain situations other agencies have statutory powers which may enable them to take action, either independently or in collaboration with Ark, to deal with the anti-social behaviour. The local authority Anti Social Behaviour Team would be the first point of contact for the HSO.

Ark will encourage and develop close working relationships with other agencies, including informal meetings and attendance at local anti-social behaviour team meetings, to facilitate appropriate joint responses and action when required.

Where the tenant receives support, contact should be made with their support staff at the earliest opportunity to assess if there are any communication difficulties that need to be accounted for when conducting the investigation, and to ensure all relevant people are aware of any situation that may require their input or an assessment of the tenant support arrangements.

11.0 Victim Support

Where tenants have suffered violence, either to themselves or to the property, we may wish to consider providing victim support. This may include:

- Advice on options and agreement on action;
- Advice on action the Police may take, and referral to the Police with the victim's consent;
- Advice on support agencies and making referrals where appropriate;
- Providing emergency contact points, telephone numbers;
- 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;
- Improvements to home security;
- Special measure for increased visits to areas where victims live;
- In very serious cases with a real risk of further violence, considering or arranging temporary or permanent re-housing.

12.0 Implementation and Review

12.1 Implementation

The Head of Housing Services is responsible for ensuring that this procedure is implemented when required.

12.2 Review

The Head of Housing Services will ensure that this procedure is reviewed at least every 3 years.

Appendix 1 - Neighbour Dispute Leaflet

Resolving neighbour disputes



Hopefully you will never have issues with your neighbours, but if you do, this leaflet may help you.



1. Overview

Follow these steps if you have a dispute with your neighbour.

1. Try to solve the problem informally by [talking to them](#).
2. If your neighbour is a tenant, you could [contact their landlord](#).
3. You could use a [mediation service](#) if raising the issue informally doesn't work.
4. If the dispute involves a statutory nuisance (something like loud music or barking dogs), you can make a [complaint to your local council](#).
5. [Contact the police](#) if your neighbour is breaking the law by being violent or harassing you.
6. As a last resort you can take [legal action through the courts](#).



2. Talk to your neighbour

Solving the problem informally

Before making a formal complaint or getting others involved, try to discuss the problem with your neighbour.

If you're worried about approaching them, write a letter, explaining the problem clearly and sticking to the facts.

If the problem affects other neighbours, involve them as well. It can be easier to settle a dispute if the complaint comes from a number of people.

A tenants' association might help if you're a member of one.

3. Contact your neighbour's landlord

If your neighbour is an ARK tenant, you may wish to contact us to discuss the issue with your Housing Services Officer.

If your neighbour is a tenant of another [housing association](#), the [council](#) or a private landlord, you will need to contact them.



4. Use a mediation service

the dispute by speaking to your neighbour, get help from a mediation service.

How mediation works

Mediation is when an impartial person - trained in dealing with difficult discussions between 2 opposing sides - acts like a referee in a dispute.

There can be a fee for mediation, but this will still be cheaper than hiring a solicitor and taking legal action.

Contact a mediation service

Mediation services differ depending on where you live:

in Scotland, use the [Scottish Mediation Network](#)



5. Complain about noise to the council

You can ask [your local council](#) for help if the neighbour dispute involves an activity that is damaging to health or a nuisance. This is known as a '[statutory nuisance](#)'.

This could include:

- noise (including loud music and barking dogs)
- artificial light (except street lamps)
- dust, steam, smell or insects from business premises
- smoke, fumes or gases
- a build-up of rubbish that could harm health

Your [council](#) has a duty to investigate any statutory nuisance.

If someone breaks an abatement order about noise from their home, they can be fined up to £5,000. If it's noise from a factory or business, the penalty can be up to £20,000.

Penalties

If the council decides someone is causing a statutory noise nuisance they must issue a 'noise abatement' order. This tells the person what they must do to stop making a noise nuisance or else face further legal action.



6. High hedges, trees and boundaries

You must try to [settle a dispute about a high hedge informally](#) before the council can intervene.

[Ask your council](#) for a complaint form if the hedge is all of these:

- 2 or more mostly evergreen or semi-evergreen trees or shrubs
- over 2 metres tall
- affecting your enjoyment of your home or garden because it's too tall

You might have to pay the council a fee to consider your complaint.

Read more about [complaining to your council](#) about a high hedge.

When you can trim hedges or trees

You can trim branches or roots that cross into your property from a neighbour's property or a public road.

You can only trim up to the property boundary. If you do more than this, your neighbour could take you to court for damaging their property.

If you live in a conservation area, or the trees in the hedge are protected by a '[tree preservation order](#)', you might need [your council's permission](#) to trim them.

If your property borders a road

The highways authority can ask you to cut back hedges or trees on your property if they're causing an obstruction in the road. If you refuse, they can go into your property without your permission to do the work themselves. They may charge you for this.

Property damage from hedges

Your neighbour is responsible for maintaining their hedges so they don't, for example, damage your property or grow too high. If they do damage your property, your neighbour may be liable.

Boundaries and shared ('party') walls

Disputes about [what is the exact boundary](#) between 2 properties can be difficult to solve so get legal advice.



7. Call the police

You should call [the police](#) if your neighbour:

- is violent, threatening or abusive
- is harassing you sexually, or because of your sexuality, religion or ethnic background
- is breaching the peace (being disorderly in the street or making a lot of noise)
- is breaking the law in any other way - or if you suspect this



8. Take action through the courts

If all else fails, you can take legal action against a neighbour.

Taking someone to court can be expensive so it should be your last resort if nothing else works. There may be [court fees](#) and you may have to pay a solicitor.

Legal advice

You can get free legal advice from a law centre, advice centre or [Citizens Advice](#).

You can also find a lawyer who deals with neighbour disputes through the [Law Society](#).

9. Contacting ARK

If you need to contact ARK to report your concerns, you will be asked to keep a written log of any incidents, the time they occurred and if there were any witnesses.

This helps to build a picture of what is happening and whether there are any patterns in behaviour.

Without this information, ARK will not have enough evidence to challenge the person (s) causing the issues and may be unable to get a resolution to the matter.

Appendix 2 - Good Neighbour Charter

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

Signed _____

Tenant

Date: _____

Date _____

Signed _____
Housing Services Officer

Date _____

Appendix 3 – Letter – Acknowledgment of Receipt of Incident Report

[Tenant name]

[Address 1]

[Address 2]

[Town]

[Postcode]

[Date]

Dear [Salutation]

Acknowledgement of Reports of Neighbour Nuisance

I am writing to acknowledge your incident report on [DATE] regarding [brief details of incident(s)].

I can confirm that [course of action to be taken including agreement with complainant e.g. incident diaries etc]

Once my enquiries are complete, I will provide you with an update by [DATE - timescale dependant on category of complaint].

Yours sincerely

[Name]

Housing Services Officer

Direct line:

Mobile:

E-mail:

Appendix 4 - Incident Report Diary

This form is for you to keep a record of incidents

Your Name:

Contact Phone Number(s):

Your Address:

| Date and time of incident | Where did the incident occur? | Brief details of what happened | Who did it? | Briefly describe how this has affected you | Any witnesses? Do you have their name and addresses? | Did you report it to anyone? If so who? (e.g. Housing Officer, Police |
|---------------------------|-------------------------------|--------------------------------|-------------|--|--|---|
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| Date and time of incident | Where did the incident occur? | Brief details of what happened | Who did it? | Briefly describe how this has affected you | Any witnesses? Do you have their name and addresses? | Did you report it to anyone? If so who? (e.g. Housing Officer, Police) |
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Appendix 5 – Neighbour Disputes Investigation Form

A. Summary

Complaint made by Name:

Address:

Telephone Number:

Date of complaint: Received:

Complaint about:

Summary of Complaint:

Advice given on action to be taken:

B. Initial Assessment

Category: A B C

Reason for classification:

C. Initial Investigations (In House)

Any previous similar complaints Yes No

If yes, give details:

Outcome of previous investigations:

D. Corroboration Interviews

Name:

Address:

Date of Interview/Attempted Contact:

Location of Interview/Attempted Contact:

Summary of relevant information:

Name:

Address:

Date of Interview/Attempted Contact:

Location of Interview/Attempted Contact:

Summary of relevant information:

Name:

Address:

Date of Interview/Attempted Contact:

Location of Interview/Attempted Contact:

Summary of relevant information:

Name:

Address:

Date of Interview/Attempted Contact:

Location of Interview/Attempted Contact:

Summary of relevant information:

E. Interview with Perpetrator

Name:

Address:

Date of Interview/Attempted Contact:

Location of Interview/Attempted Contact:

Summary of relevant information:

F. Assessment of Investigation

Has corroboration been obtained? Yes No Other

If there is no corroboration are there grounds to continue action?

Yes (See Below) No

Have you contacted any other agencies? Yes (See Below) No

Summarise action taken against the perpetrator:

Summarise any other action you have taken to support the complaint:

Conclusions:

Final classification and outcome code – See checklist

Date Investigation completed:

G. Checklist – Summarise action taken against the perpetrator

Please tick appropriate boxes and complete the final outcome.

Checklist

- 1. Final warning/Notice of Proceedings
- 2. Second written warning/Possible Notice of Proceedings
- 3. Written warning/letter requesting co-operation following visit
- 4. No Action
 - a. Situation resolved
 - b. Lack of corroboration
 - c. Complaint withdrawn
 - d. Non-contact/loss of contact with person complaining
- 5. Alternative Action
 - a. Possible Management Transfer
 - b. Possible Mutual Exchange
 - c. Direct referral to Police
 - d. Referral to Social Work
 - e. Referral to Voluntary Agency: (Please state)
 - f. Person complaining to seek own Legal advice or remedy

- g. Direct use of Interdict (Specific Implement)
- h. Referral to Environmental Health for action under P/Health legislation
- i. Action under Civic Amenities Act
- j. Seek compensation Order for damage to the property
- k. Recharge for work undertaken
- l. Small project proposal
- m. Miscellaneous Procedures
- n. Verbal Advice/Letter requesting co-operation.
- o. Contact with/involvement of C&S staff

Appendix 6 – ASBO Guidance for HSO's

Background to ASBO

ASBO's came into force on 1 April 1999, via the Crime and Disorder Act 1998. The legislation was then updated on 26 July 2004, when Anti-social behaviour (Scotland) Act 2004 was implemented introducing an extension of powers to use ASBOs for 12-15 year olds. ASBO's are part of a range of available responses to anti-social behaviour and should be seen in this context. They are not intended to replace existing measures nor are they a substitute for criminal proceedings.

The ASBO is an order, which would be made by a civil court on application by a local authority or Registered Social Landlord, and would restrain particular individuals from engaging in unreasonable conduct, which adversely affects members of the community. It is an order which can be made against any person aged 12 or over in any housing tenure, which prohibits, indefinitely or for a period, the offender from doing anything prescribed in the order.

An ASBO is intended to tackle both behaviour that is likely to escalate to a criminal level, and patterns of behaviour which cumulatively cause considerable alarm or distress to the community, but which do not consist of single acts which are sufficiently serious or sufficiently clear-cut to be prosecuted individually as criminal offences.

The type of behaviour for which ASBO's may be sought include:

- a) Individuals who intimidate neighbours and others through threats or violence.
- b) Persistent unruly behaviour by a small group of individuals on an estate who perhaps dominate others by intimidation through violence or unpleasant actions, and use minor damage to property and fear of retaliation as a means of intimidating other people. Neighbour disputes & anti-social behaviour policy and procedures
- c) Families whose anti-social behaviour when challenged leads to verbal abuse, vandalism, threats and graffiti.
- d) Persistent racial harassment or homophobic behaviour.
- e) Persistent anti-social behaviour as a result of drugs or alcohol misuse.

The order is not a sentence for a crime but a civil order to protect a community from future conduct. It is therefore in the hands of the Sheriff to determine its duration.

Breach of the Order is a criminal offence and the maximum penalty on indictment for the offence would be 5 years imprisonment, and/or an unlimited fine. The proof required for this purpose is that of a criminal prosecution i.e. corroboration is required and proof beyond reasonable doubt to secure conviction.

Section 44 of the 2003 Act amended the Crime and Disorder Act to introduce interim ASBO's. Interim ASBO's are intended to provide more immediate protection from anti-social behaviour and can be applied for pending the application for a full ASBO. The Sheriff may grant an interim order provided that they are satisfied that the anti-social behaviour cited would be established when a full hearing takes place. The sheriff must also be satisfied that an interim order is necessary to protect the affected people from further anti –social acts or conduct by the person.

The person whom an order is made against may appeal the order. Where an appeal is made the interim ASBO will continue to have effect pending the outcome of any appeal.

When to apply for an ASBO

Preventative measures such as negotiations, mediations, warnings and enforcement of tenancy agreements will normally be exhausted before considering applying for an ASBO. Accurate record keeping must be sustained in order to successfully raise an ASB action in court.

While each case will be looked at on its own merits, the Association will likely consider seeking an ASBO for anti-social behaviour falling into categories A or B of this procedure.

Discussion should be held between the HSO, SHSO and HoHS, with information from relevant agencies, including Local Authority Safer Community Teams, prior to action for ASBO being instructed. Checks must be made to ensure Local Authority or police are not making application for Criminal ASBO (CRASBO) prior to application is made. Once sufficient evidence has been collected and agreement within Ark and external stakeholders, all evidence should be sent to Ark's solicitors to instruct Interim ASBO prior to application for full ASBO.

Appendix 7 – First Written Warning Letter

[Tenant name]

[Address 1]

[Address 2]

[Town]

[Postcode]

[Date]

Dear [Salutation]

Anti-Social Behaviour - Written Warning

I am writing to you following reports of anti-social behaviour

Your Tenancy Agreement states:

Section [Relevant section of Tenancy/Occupancy Agreement]

[Copy from relevant section of Tenancy/Occupancy Agreement]

Section [Relevant section of Tenancy/Occupancy Agreement]

[Copy from relevant section of Tenancy/Occupancy Agreement - Copy and paste further sections if relevant]

The reports are that [brief description of what has been defined as Anti Social Behaviour]

I am now issuing you with a **WRITTEN WARNING** for breach of your Tenancy Agreement. I have attached a list of the complaints and incidents that I have received. (delete if inappropriate).

I should warn you that if this behaviour continues, I will be forced to take further action including serving you with a Notice of Proceedings, which could result in your home being at risk.

If you wish to discuss this matter further, please contact me.

Yours sincerely

[Name]

Housing Services Officer

Direct line:

Mobile

E-mail:

Appendix 8 – Second Written Warning

[Tenant name]

[Address 1]

[Address 2]

[Town]

[Postcode]

[Date]

Dear [Salutation]

Anti-Social Behaviour – Second Written Warning

I issued you with a Written Warning on [Date] due to reports of anti-social Behaviour. I am now in receipt of further reports of anti-social behaviour.

Your Tenancy Agreement states:

Section [Relevant section of Tenancy/Occupancy Agreement]

[Copy from relevant section of Tenancy/Occupancy Agreement]

Section [Relevant section of Tenancy/Occupancy Agreement]

[Copy from relevant section of Tenancy/Occupancy Agreement - Copy and paste further sections if relevant]

The reports are that [brief description of what has been defined as Anti Social Behaviour]

I am now issuing you with a **SECOND WRITTEN WARNING** for breach of your Tenancy Agreement. I have attached a list of the complaints and incidents that I have received. (~~delete if inappropriate~~).

I should warn you that if this behaviour continues, I will be forced to take further action including serving you with a Notice of Proceedings, which could result in your home being at risk.

If you wish to discuss this matter further, please contact me.

Yours sincerely

[Name]

Housing Services Officer

Direct line:

Mobile

E-mail:

Appendix 9 – Third and Final Written Warning

[Tenant name]

[Address 1]

[Address 2]

[Town]

[Postcode]

[Date]

Dear [Salutation]

Anti-Social Behaviour – Third and Final Written Warning

I issued you with a Written Warning on [Date] due to reports of anti-social behaviour. As there were further complaints regarding your behaviour, I issued a Second Written Warning on [Date]. I am now in receipt of further reports of anti-social behaviour.

Your Tenancy Agreement states:

Section [Relevant section of Tenancy/Occupancy Agreement]

[Copy from relevant section of Tenancy/Occupancy Agreement]

Section [Relevant section of Tenancy/Occupancy Agreement]

[Copy from relevant section of Tenancy/Occupancy Agreement - Copy and paste further sections if relevant]

The reports are that [brief description of what has been defined as Anti Social Behaviour]

I am now issuing you with a **THIRD AND FINAL WRITTEN WARNING** for breach of your Tenancy Agreement. I have attached a list of the complaints and incidents that I have received. (delete if inappropriate).

I should warn you that if this behaviour continues, I will serve you with a Notice of Proceedings, which could result in your home being at risk.

If you wish to discuss this matter further, please contact me.

Yours sincerely

[Name]

Housing Services Officer

Direct line:

Mobile

E-mail:

Appendix 10 – First and Final Warning Letter

[Tenant name]

[Address 1]

[Address 2]

[Town]

[Postcode]

[Date]

Dear [Salutation]

Anti-Social Behaviour – First and Final Written Warning

Further to [Name of occupant who has the conviction] conviction at [Place] Sheriff Court relating to the supply of controlled drugs, I am writing to advise you that you are in breach of the conditions of your Tenancy Agreement.

Your Tenancy Agreement states:

Section 2.7

“You must not use or allow the house to be used for illegal or immoral purposes. This includes but is not limited to the following: dealing in controlled drugs; running a brothel; dealing in stolen goods; illegal betting, illegal gambling and illegal money lending.”

Section 3.3

“In particular, you, those living with you and your visitors must not:

[...]

- use your house, or allow it to be used, for illegal or immoral purposes;

[...]

- Use or sell unlawful drugs or sell alcohol”

I am now issuing you with a **FIRST AND FINAL WRITTEN WARNING** for breach of your Tenancy Agreement on the above grounds.

I should warn you that if this behaviour continues, I will be forced to take further action including serving you with a Notice of Proceedings, which could result in your home being at risk.

If you wish to discuss this matter further, please contact me..

Yours sincerely

[Name]

Housing Services Officer

Direct line:

Mobile:

E-mail:

Appendix 11 – Acceptable Behaviour Contract

Acceptable Behaviour Contract

This contract is between Ark Housing Association and _____

the tenant/resident of _____.

_____ agrees to the following conditions:

BREACH OF AGREEMENT

If _____ breaches the terms of this agreement or is involved in any action which could be regarded as Anti-Social Behaviour, Ark Housing Association will make an application through the Sheriff Court for an anti-social behaviour order (ASBO). If this order is breached he/she will be liable on conviction to a term of imprisonment/detention not exceeding five years, or a fine, or both.

DECLARATION I _____ confirm that I understand the implications of this agreement and that I will adhere to its terms, which have been fully explained to me. _

Signed: Date

Signed: Date
Parent or Guardian – where appropriate

Witness Date

For Ark Housing Association

Designation

Original: To House file

Copy: To tenant/resident

Appendix 12 – Proposed Specific Implement Request Form

Request to Apply for Specific Implement

| | |
|-----------------------------|--|
| Name of Tenant/Occupier | |
| Address of Tenant /Occupier | |
| Complainant(s) | |
| Address/Area of incidents | |

| |
|---|
| Brief Details of Reason for Application |
|---|

Please ensure all records and evidence are attached and pass to SHSO.

Signed:

Housing Services Officer

Date:

| |
|---|
| SHSO Decision : Approved/Not Approved/More Information required |
|---|

| |
|------------|
| SHSO Notes |
|------------|

Signed:

Senior Housing Services Officer

Date:

Appendix 13 – Proposed Interdict Request Form

Request to Apply for Interdict

| | |
|-----------------------------|--|
| Name of Tenant/Occupier | |
| Address of Tenant /Occupier | |
| Complainant(s) | |
| Address/Area of incidents | |

| |
|---|
| Brief Details of Reason for Application |
|---|

Please ensure all records and evidence are attached and pass to SHSO.

Signed:

Housing Services Officer

Date:

| |
|---|
| SHSO Decision : Approved/Not Approved/More Information required |
|---|

| |
|------------|
| SHSO Notes |
|------------|

Signed:

Senior Housing Services Officer

Date: