



Committee Approver	Operations Committee
Stakeholder Consultation	External legal advice Tenants and staff
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Classification	Policy
Title	Neighbour Disputes and Anti-Social Behaviour
Revision Date	November 2024
Revised by	Housing Team Leader and Head of Housing
Next Revision Date	December 2027
Related Documents	Antisocial behaviour Procedures Good neighbour Agreement Scottish Secure Tenancy Agreement (SST) Short Scottish Secure Tenancy Agreement (SSST)
Location of Electronic Copy	<u>V: Policies and Procedures</u> <u>Shared Policies Housing</u>

1. Viewpoint's Values

Viewpoint is here to help people enjoy their later years. Everything we do is about realising this vision, which is supported by the following straightforward set of values:

- Inspire with positive smiles and words;
- Say 'yes I can and I will';
- Celebrate age, experience and wisdom;
- Do according to our customers' wishes and ambitions;
- Treat people (everyone is a VIP) as we would a "loved one";
- Work hard, have fun and laugh;
- Stay courageous, creative and ahead of the game; and
- Work with those that share our values.

These promises shape us. They are a commitment to our residents, staff and suppliers.

Ensuring that we have appropriate policies in place will support us to deliver our services in accordance with our vision and values.

2. Policy Statement

This policy describes Viewpoints approach to managing Neighbour Nuisance and Anti-Social Behaviour.

3. Aim

The aim of this policy is to work to ensure as far as possible that our tenants and other customers live in well-maintained neighborhoods where they feel safe.

We will take positive and decisive action to deal with cases of anti-social behavior, which prove to be detrimental to our tenants' rights to the peaceful enjoyment of their homes.

We will adopt a consistent, sensitive, and realistic approach when dealing with neighbor complaints. We will manage anti-social behavior by using a comprehensive range of methods and tools available to tackle the diverse issues involved: that is, prevention; involving other agencies; mediation; management transfers and ultimately legal action.

4. Legislation/related policies/Regulation

4.1 Legislation

Due to the potential for both civil and criminal legal proceedings as part of ASB management we require to take account of a range of legislation including:

- The Anti- Social Behaviour (Scotland) Act 2004,
- The Housing (Scotland) Act 2001
- Protection of Harassment Act 1997
- The Housing (Scotland) Act 2014
- Crime & Disorder Act 1998
- Misuse of Drugs Act 1971
- Human Rights Act 1998
- Regulation of Investigatory Powers (Scotland) Act 2000
- Data Protection Act 1998
- General Data Protection Regulations 2018
- Criminal Justice Act (Scotland) Act 2003 • Sex Discrimination Act 1975

4.2 Social Housing Charter

The Scottish Government, through the Scottish Housing Regulator, sets the outcomes it expects social landlords to achieve for its residents.

In terms of neighbour disputes and anti-social behaviour, the relevant Social Housing Charter standards include:

Outcome 1: Equalities

Every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services

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

Tenants and other customers live in well-maintained neighbourhoods where they feel safe

Outcome 11: Tenancy sustainment

Tenants get the information they need on how to obtain support to remain in their home; and ensure suitable support is available, including services provided directly by the landlord and by other organisations

4.3 Annual Return on the Charter (ARC)

VHA is required to submit an Annual Return on the Scottish Social Housing Charter each year in accordance with published guidance. The following ARC indicator is of relevance:

Indicator 15: Percentage of anti-social behaviour cases reported in the last year which were resolved

Indicator 22: Percentage of court actions initiated which resulted in eviction and the reason for eviction

We will inform our tenants of our performance in our annual tenant performance report.

4.4 Good Practice

In formulating this policy we have taken account of the current best practice and guidance from Scottish Housing Regulator, Scottish Federation of Housing Associations and Chartered Institute of Housing.

5 Scope

This policy applies to all Viewpoint Tenants across all tenures.

6 Definition of Anti-Social Behaviour

Anti-social behavior can be defined as behavior which affects a person's quality of life and the peaceful enjoyment of their home. The Anti-Social Behavior (Scotland) Act 2004, Part 13 defines anti-social conduct as follows "A person engages in anti-social behavior if he/ she acts in a manner that causes or is likely to cause alarm or distress or pursues a course of conduct that causes or is likely to cause alarm or distress, to at least one person who is not of the same household." The Housing (Scotland) Act 2001, paragraph 7(2) of part 1 of Schedule 2 defines "anti-social", "conduct" and "harassment". In summary these are as follows:

- "Anti-social" means causing or likely to cause alarm, distress, nuisance or annoyance to any person, or causing damage to anyone's property,
- "Conduct" includes speech, and a course of conduct must involve conduct on at least two occasions,
- "Harassment" is as defined in section 8 of the Protection of Harassment Act 1997 and includes causing the person alarm or distress.

There are a wide range of issues, which can be classified as neighbor disputes and anti-social behavior. These can include activities such as excessive noise, vandalism, unkempt gardens, litter, nuisance pets, and clashes of lifestyle/personality. Behavior that is more serious can include racial and other harassment, threatened or actual violence, criminal activity including drug dealing, malicious damage, theft, and house breaking. This list is not exhaustive, but provides examples of anti-social behavior.

When dealing with anti-social behavior, the Association will consider where the anti-social behavior is taking place and who is affected by it. Generally, the Association should only become involved in dealing with complaints of anti-social where that conduct either occurred at the tenants rented property or in the locality of the rented property, or impacted a person, residing in or visiting the area where the rented property is located.

7 Prevention of Neighbour Nuisance and Anti-Social Behaviour

The Association will ensure that new tenants are given a comprehensive explanation of their obligations as a tenant with regard to behavior. This will be done through:

- the application assessment process, which takes account of previous tenancy conduct
- As part of any viewings with prospective tenants, we will discuss and issue our “Acceptable Behavior” leaflet. This has been developed as an information guide for prospective tenants
- the use of Short Scottish Secure Tenancy (SST) Agreements, where appropriate and where support may assist a new tenant to manage their behavior
- the tenancy sign-up meeting, with an emphasis on the conduct aspects of the Scottish Secure Tenancy Agreement
- the Tenants’ Handbook, which also forms part of the sign-up process
- the new tenancy settling in visit, where tenancy obligations are reiterated

Staff will make full use of alternative potential solutions such as mediation and the involvement of appropriate external agencies. At the initial stages of a case, we will discuss and ask tenants to sign up to our “Good Neighbor Agreement”. The use of legal action including Anti-Social Behavior Orders (ASBO) with conversion of SSTs to Short SSTs and eviction proceedings will be used as a last resort where the tenant has failed after warnings to modify their behavior or that of their family and/or visitors.

Staff will be pro-active in developing and maintaining partnership approaches to deal with anti-social behavior in all of the areas we work in. Through those partnerships close working relationships will be maintained with other agencies such as the police, local authority anti-social behavior teams, environmental health and voluntary

support organizations.

8 Classification and Timescales

Cases of anti-social behavior and, in general, neighbor complaints, warrant different approaches dependent on the circumstances involved. On receipt of complaints, staff will use a system of categorising complaints which will fall into one of the 3 following categories:

CATEGORY A – EXTREME BEHAVIOUR: Includes cases involving actual or threatened racial harassment, drug dealing, assault, and violence. There should be an immediate response to complainants in this category. Timescale: The complainant should be interviewed on the same day the complaint is received and certainly within 1 working day (or at a time which suits the complainant).

CATEGORY B – SERIOUS ANTI-SOCIAL BEHAVIOUR: Includes cases of Threatening or abusive behavior, frequent serious disturbances, vandalism, and damage to property. Timescale: For cases in this Category, the complainant should be interviewed within 2 working days (or at a time which suits the complainant).

CATEGORY C– NUISANCE CASES: Includes cases of excessive noise, family disputes affecting neighbors, control of pets, behavior of visitors or children, infrequent disturbances, litter, unkempt gardens and stair cleaning. Timescale: For complaints received in this category, the complainant should be interviewed within 5 working days (or at a time which suits the complainant).

CASE RESOLUTION – As agreed with our tenants, we will aim to resolve our anti-social cases within 20 working days. This means we will have taken appropriate measures to address the cause of the complaint or, if we do not have the authority or power to resolve it, we will provide the complainant with a full explanation of our position.

9 Remedies

Except in cases of serious criminal activity or persistent serious anti-social behavior the Association will attempt to achieve a resolution without recourse to legal action. This will be done with reference to the terms of the Tenancy Agreement and by working with the appropriate voluntary and statutory agencies. Preventative measures such as warnings/advice, acceptable behavior contracts and good neighbor agreements will be used where appropriate. Where preventative or management approaches fail to resolve cases then more formal action will be considered. These legal remedies which the Association might pursue include the following:

- Notice of Proceedings
- Anti-Social Behavior Orders
- Conversion to Short SST

These remedies can be applied in ~~circumstances now include~~ any situation where a tenant, their visitor or someone living with the tenant has acted in an antisocial manner in or around the property. If we choose to convert the tenancy we will serve a Notice which will detail the actions of the person who has behaved in an antisocial manner and our reasons for converting the tenancy.

The tenant will have the right to appeal the conversion to the Sheriff Court.

The Head of Housing and Housing Team Leader, will have authority to sign Notice of Proceedings (NOP) and to initiate ASBOs and other forms of legal action.

10 Eviction

In cases of serious criminal activity or persistent serious anti-social behavior the Association may seek resolution through taking action to evict.

If the Tenant or anyone living with the tenant at the property or anyone visiting the property, is convicted of using the house or allowing it to be used for immoral or illegal purposes, or of any offences punishable by imprisonment committed in or around the locality of the property, we are entitled to seek a court order to evict the Tenant from their home.

Before we start the court action for eviction, we will serve a Notice of Proceeding on the Tenant and any Qualifying Occupiers. The Tenant has the right to challenge that decision.

We will also consider the Scottish Government guidance on use of streamlined eviction in each individual case where we take this action. We will assess the appropriateness of its use on a case by case basis in line with that guidance.

From May 2019, the Housing (Scotland) Act 2014 made this process of obtaining a court order easier in these circumstance by removing the need for the Court to consider whether it is “reasonable” to make any order for eviction where we are using ground 2 for eviction.

The Court must grant the eviction order if we have served the Notice of Proceedings within twelve months of the date of the conviction (or

within twelve months of the conclusion of an unsuccessful appeal against the conviction). This allows streamlined eviction to take place.

Where the tenant or anyone living or visiting the property is behaving in a way which constitutes anti-social behaviour we are entitled to seek a court order to remove the tenant from their home

Before we start the court action for eviction, we will serve a Notice of Proceeding on the Tenant and any Qualifying Occupiers. The Tenant has the right to challenge the request to evict them at court.

We will take into account Scottish Government Guidance, and we will assess the appropriateness of seeking eviction for anti-social behaviour on a case by case basis.

The Director of Housing and Care and Chief Executive Officer (CEO) will have authority to proceed to seek decree to evict.

11 Misuse of Drugs

The Association recognises that the misuse of drugs can have a serious effect on those who misuse them, their families and their community. Involvement with drugs can often have a direct link to anti-social behavior, particularly where the supplier's sale of drugs is taking place. While each case will be considered on its own merits the Association will normally seek eviction in cases where its tenants or members their families have been convicted of the sale or supply to others in the community. Convictions for the possession of drugs for personal use will be reviewed on a case by case basis and legal action may be taken in that regard.

12 Compliance & Support

It is the responsibility of all staff to familiarise themselves with the content of this policy and to ensure that they comply with the policy and associated procedures and guidance notes.

If advice or support is required, this is available through the Housing Team Leader in the first instance, or Head of Housing

Appropriate training and support will also be provided, including legal training and joint training with other Registered Social Landlords.

13 Equality Impact Assessment (EIA)

Viewpoint will treat all customers with fairness and respect in line with its Equality and Diversity Policy. Viewpoint recognises that we have an ethical and legal duty to advance equality of opportunity and prevent discrimination.

An EIA has been completed.

Under the terms of the Equalities Act (2010) people from protected characteristics may be subject to a disproportionate level of ASB and potentially under report instances therefore staff need to ensure that they take this into account when dealing with ASB.

14 Privacy Impact Assessment (PIA)

Risks associated with data retention will be assessed and mitigated by Viewpoint's Data Protection Officer, through ongoing data protections audits and reviews of Viewpoints data Estate, conducted in conjunction with all relevant functions.

15 Monitoring & Evaluation

The implementation of this policy and associated procedures will enable us to strive to achieve the Housing Charter Outcomes and the SHR's Charter Indicators relating to neighbor nuisance and anti-social behavior. Our monthly Key Performance Indicators (KPI's) on anti-social behavior cases forms part of our performance assessment process and these are reported to Board on a quarterly basis.

Viewpoint will undertake effective monitoring of its performance through comprehensive recording and reporting systems which form a large part of the procedures underpinning this policy. This is to ensure that audit trails can be clearly established, which will demonstrate that we have taken account of all relevant considerations and, where appropriate, we can demonstrate that other possible courses of action have been taken before raising eviction proceedings. Regular audits of cases will be undertaken to ensure procedures are followed by staff and cases are being dealt with appropriately.

Benchmarking, or comparing performance across organisations is good practice and is a useful tool in improving performance. Viewpoint will use relevant information available from a range of sources.

Tenants' views will be sought through:

- Monitoring comments and complaints from tenants and using this to improve service delivery
- Tenant consultation – through our Tenant Participation Strategy

This Policy will be reviewed on a 3 yearly cycle unless any changes in legislation or good practice warrant amendments sooner. The Operations Committee will approve all amendments to this Policy.

16 Complaints

Any tenant, sharing owner may submit a complaint, using the Association's complaints procedure if it is felt that the Association has failed to correctly apply this policy on neighbour disputes and anti-social behaviour.