



# Drumchapel Housing

Co-operative Limited

## **Neighbour disputes & anti- social behaviour policy and procedures**

## 1. Introduction

- 1.1 Drumchapel Housing Co-operative Limited is committed to helping tenants to maintain the quiet enjoyment of their homes by operating a policy and procedures, which endeavours to prevent situations arising that might lead to neighbour complaints.
- 1.2 It is the Co-operative's aim to deal promptly and effectively with the complaints, which do arise, making full use of the available legal sanctions as necessary.
- 1.3 This policy and procedures on neighbour disputes and anti-social behaviour aims to clearly define behaviour which would be categorised as anti-social and in breach of the tenancy agreement and outlines the way in which neighbour complaints and neighbour disputes should be dealt with.
- 1.4 The procedures that follow detail how a dispute will be dealt with internally by the Housing Officers. Every dispute will be logged, and its progress recorded.

## 2. Policy statement

- 2.1 Drumchapel Housing Co-operative Limited will not tolerate any level of neighbour nuisance or any form of anti-social behaviour affecting its tenants. The Co-operative will communicate clearly what standards of behaviour are acceptable. Where necessary the Co-operative will use the most robust measures available to it to stop anti-social behaviour.
- 2.2 To achieve this, the Co-operative will develop joint working with Police Scotland, Community Safety Glasgow, the Community Wardens, Glasgow City Council and other statutory and voluntary agencies and departments which might have a legal obligation or some other interest in specific cases or in preventative work. Joint operational protocols are in place for information sharing with the Police Scotland, Community Safety Glasgow, Glasgow City Council and the Co-operative.
- 2.3 Drumcog Officers meetings are also attended by Housing Officers.

2.4 This policy has clear links to the Racial harassment policy, Estate management policy and Allocation policy.

## 3. Definition of anti-social behaviour

3.1 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 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:*

a) *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 the garden 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 Co-operative reasonably defines as being unacceptable.

- 3.2 In many instances, conflicts between tenants arise out of a clash of lifestyles and expectations, which cannot be readily resolved.

## 4. Policy methods

- 4.1 The key elements of the neighbour disputes and anti-social behaviour policy methods are summarised below. The Housing Officers will provide comprehensive information on conditions of tenancy at the start of tenancy and will adhere to the following:
- a) All new tenants will be advised what constitutes anti-social behaviour prior to signing the Tenancy Agreement.
  - b) All new tenants will be visited within six weeks of start of tenancy and reminded of their responsibilities to respect their neighbours and not cause undue disturbance or disruption to other residents.
  - c) By ensuring all new build developments are designed to attain secured by Design accreditation.
  - d) Through effective management and maintenance of our properties reduce the risk of such behaviour occurring.
  - e) Adopting the best housing management policies and procedures to prevent nuisance and anti-social behaviour occurring.
  - f) By building good partnerships with the Police Scotland, Community Safety Glasgow, Glasgow City Council and any other relevant agencies who could assist.
  - g) By encouraging effective participation to reduce the potential for neighbour disputes and related anti-social behaviour
  - h) By adopting a zero-tolerance approach to anti-social behaviour affecting Drumchapel Housing Co-operative tenants.
  - i) By recognising that neighbour nuisance and anti-social behaviour is a multi-tenure issue and to ensure that appropriate mechanisms are in place to deal with the complex legal and practical issues associated with this.

- j) Respond promptly, sympathetically and decisively to any complaints made relating to anti-social behaviour of tenants, their household and any visitors to their home.
- k) Recording and responding to all complaints made timeously.
- l) Encourage tenants to resolve their disputes by mutual agreement.
- m) Encourage group meeting/mediation for tenants in conflict.
- n) Ensure tenants are given the best advice possible in relation to their complaint
- o) Ensure that other relevant agencies such as Police Scotland, Social Work, Environmental Health and Glasgow City Council play a full role in resolving behaviour or taking action, particularly where it is appropriate for them to do so.
- p) Where serious problems occur (especially of a criminal nature) the Co-operative will engage Police Scotland in working towards a solution.
- q) The Co-operative will take swift action to try to resolve anti-social behaviour, involving a structured approach and the use of incremental sanctions. Only pursue court action for eviction as a last resort (where behaviour is categorised as serious and/or persistent.)
- r) Where problems persist (and there is no clear criminal justice solution) the Co-operative will take appropriate enforcement action under its Tenancy Agreement, or by otherwise using any legal means at its disposal, up to and including the use of Anti-social Behaviour Orders and/or eviction.

## 5. Legislative & regulatory framework

- 5.1 Legislation governing anti-social behaviour is being added to on an ongoing basis as the Scottish Executive step up their campaign to tackle incidences of such behaviour. However, the key legislation is the Housing (Scotland) Act 2001 and the Criminal Justice (Scotland) Act 2003, the Anti-social Behaviour Etc. (Scotland) Act 2004 and the Housing (Scotland) Act 2010.

- 5.2 The Co-operatives general approach to dealing with neighbour disputes and anti-social behaviour is based on good practice, the Raising Standards Manual from SFHA (Scottish Federation of Housing Co-operatives) and the Scottish Social Housing Charter outcome and standard 6. “tenants and other customers live in well-maintained neighbourhoods where they feel safe.” Where appropriate, we work in partnership with other partners to prevent and manage such behaviour.

## **6. Police involvement - A true partnership approach**

- 6.1 The Co-operative will work with Glasgow City Council Anti-social behaviour group to develop a strategy for joint working to tackle the recognised concerns of tenants regarding the persistence of anti-social behaviour. Much of the behaviour causing concern is criminal behaviour and should be addressed in the first instance by Police action and the criminal justice system (with support and evidence from the Co-operative where appropriate).
- 6.2 There may be other legal mechanisms (e.g. Civil actions such as Anti-social Behaviour Orders) that can be used by both the Co-operative and Police Scotland. These may afford a more effective response in some instances where evidence for a criminal conviction is difficult to obtain. In such instances we must work with the Police Scotland to agree the course of action and jointly pursue such civil actions where these are most appropriate.

## **7. Drug dealing**

### **7.1 Introduction**

It is the view of the Co-operative that drug dealing in particular will not be tolerated in its locality and that special initiatives will be in place in order to effectively deal with this issue, including regularly publicising the action which will be taken when drug dealing occurs.

### **7.2 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 Co-operative seeking repossession of the property.

## 7.3 Dealing in the Locality

(DEFINITION: “Locality” to be treated as the whole of the G15 postcode, i.e. Drumchapel/Blairdardie.

- 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 Co-operative 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 being issued to the tenant. The Co-operative would also apply for an ASBO in respect of the convicted person. Should that same person be convicted of being concerned in the supply of drugs in the locality for a second time, then this would result in the Co-operative 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.

## 7.4 Special Initiatives

### 7.4.1 Liaison with Police

Housing Officers will liaise closely with local police and co-operate in initiatives to eradicate the trafficking of drugs.

### 7.4.2 Director and Depute Director

The Director and Depute Director will generally attempt to interview any tenant, sharing owner or owner who is suspected or any of their household members or visitors are suspected of being involved in the supply of drugs in the locality, in order to address the situation at an early stage.

### 7.4.3 Newsletters

The Co-operative’s position in relation to drug dealing will be featured in newsletters to tenants on a regular basis.

## 8. Harassment

### 8.1 Introduction

Harassment is arguably the most serious of all neighbour nuisance and is given a separate section within the policy in order to ensure that tenants are left in no doubt as to the seriousness in which harassment is viewed by the Co-operative and that staff are made aware of the particular procedures to be followed when a case of harassment occurs. This section will deal with harassment in general.

### 8.2 Definition of Harassment

SFHA's "Raising Standards in Housing" (Chapter 16, p45) states that there is no clear definition of harassment, but that it is, essentially:

"Unacceptable behaviour that is unwanted, unreciprocated and is regarded as offensive by the recipient, whether or not the harasser intended to be offensive."

#### 8.2.1 Behaviour that can Constitute Harassment:

- Bullying
- Unwelcome attention
- Subjecting someone to insults or ridicule because of their disability, HIV status, race, ethnic origin, nationality, religion, cultural background, gender, political or sexual orientation, family circumstances, marital status, illness or age
- Displays of material such as pornographic pictures, offensive literature, etc.
- Insensitive jokes or pranks
- Physical violence
- Verbal abuse
- Incitement by means such as petitions, leaflets etc. Damage to property such as graffiti, bricks through windows, etc.
- Threat to life such as lighted materials through the letter box
- Lewd, suggestive or over familiar behaviour
- Deliberate interference with another person's peace, comfort and safety

**8.2.2** Although harassment comes in many forms, particular attention is drawn to the definitions contained within the aforementioned Equal Opportunities Policy and are as follows:



## Harassment Grounds

- Race
- Ethnic Origin
- Nationality
- Religion
- Cultural Background
- Gender
- Political or Sexual Orientation
- Family Circumstances
- Marital Status
- Disability
- Illness
- Age
- Ex-offenders

**8.2.3** The Co-operative will pay due regard to the above and to any other situations which it considers to constitute harassment.

## 8.3 Definition of Racial Harassment

**8.3.1** The SFHA's "Raising Standards in Housing also provides a definition of racial harassment, from a Commission for Racial Equality report (1987), as follows:

"Racial harassment is violence which may be verbal or physical and which includes attacks on property as well as on the person, suffered by individuals or groups because of their colour, race, nationality or ethnic origins, when the victim believes the perpetrator was acting on racial grounds and/or there is evidence of racism."

**8.3.2** Racial harassment is dealt with under a separate policy entitled Racial Harassment policy.

## 8.4 Dealing with Harassment

The Co-operative will attempt to prevent harassment occurring in the first place by taking opportunities to promote the unacceptability of harassment, via policies, newsletters, handbooks, training, allocations and the lettings process. The Co-operative will also assist victims of harassment in accessing counselling and support services.

## 9. Categorisation of complaints

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

9.2 Complaints will be categorised into one of the following three categories (The types below are not intended to be exhaustive):

### a) Nuisance/Disputes (Category C)

Complaints which clearly breach the tenancy conditions but are of a relatively minor nature e.g. stair cleaning, rubbish dumping, infrequent disturbance, noise complaints, running a business, Behaviour of visitors/children, Basic breaches (i.e.) pet nuisance, boundary disputes, family disputes affecting neighbours

### b) Serious (Category B)

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

### c) Extreme (Category A)

Complaints of a very serious anti-social nature e.g. drug dealing – reports of this may be channeled through the police instead of contacting the tenant/resident directly, un- provoked assault and physical assault, racial/other harassment, and serious damage to property, including fire raising Category B behaviour which is not only persistent, but has not changed despite warnings.

## 10. Procedure and delegation of responsibility

10.1 The Co-operative's procedure for dealing with neighbour disputes is outlined in this policy.

10.2 Housing Officers have responsibility for accepting, actioning and monitoring cases in accordance with this policy. Final warning prior to Notice of Proceedings being issued will be approved by Depute Director. Instigating court proceedings will be following approval by the Depute Director.

10.3 Any eviction or reduction of Scottish Secure Tenancy to a Short Scottish Secure Tenancy will be approved by the Depute Director and the Board of the Co-operative.

## 11. The roles of the roles of the parties involved in complaints

### 11.1 Co-operative Tenants

The Co-operative believes that, in general, the most effective way in achieving a favourable outcome at any stage in a neighbour complaint is for the complainant to become directly involved in the case and this will therefore be encouraged, but with due regard to personal safety issues.

### 11.2 Non-Co-operative Tenants and Others

11.2.1 Where a complaint is received against a Co-operative tenant from persons other than another Co-operative tenant, e.g. tenant of another landlord, visitor, sharing owner, owner, shopkeeper, then such complaints will still be dealt with under the terms of this policy.

11.2.2 Where a complaint is received from a Co-operative tenant against, for example, an owner or sharing owner, or the tenant of another landlord, then the Co-operative will become directly involved where appropriate and provide advice and assistance where it cannot do so. For example, a tenant may require to raise their own interdict against an owner who is, say, harassing them, but the Co-operative can liaise with the other Landlord where the case involves a non-Co-operative tenant.

The Co-operative will, however, take direct action wherever possible. The case may also be referred to Glasgow City Council's Community Relations Unit who provide a mediation service.

## 11.3 The Co-operative

11.3.1 In recognition of policy objectives, the Co-operative will respond in a positive manner to all complaints received, in order that the complainant is made aware of how progress can be made.

11.3.2 On receipt of a complaint, the Co-operative will immediately attempt to determine if the complaint is valid and which agency would be best equipped to resolve the situation. This may be the Co-operative itself, another agency (e.g. Police; Social Work Department, Environmental Health Department), or a combination of agencies.

11.3.3 If the complaint concerns a neighbour, the complainant will, if appropriate, be encouraged to approach their neighbour in the first instance in an attempt to rectify the situation, unless it is obvious that they may endanger themselves by doing so.

11.3.4 The Co-operative, will, however, monitor any action, which follows from a valid complaint.

11.3.5 Where action is also required from the complainant and/or other tenants in order to corroborate or progress the complaint, then this will be made clear to the complainant at the outset, otherwise a positive resolution to the case may not be possible by Co-operative action alone and an early withdrawal will then take place.

11.3.6 The Procedural section of this document indicates the roles of staff members at each stage in a case.

# Neighbour disputes & anti-social behaviour policy and procedures

11.3.7 Staff will also ensure that an Action Plan is agreed with the complainant, following a discussion between the Depute Director and Housing Officer on receipt of a new complaint.

11.3.8 The complainant will be kept informed of progress except where there are legal restrictions.

## 11.4 Other Agencies

11.4.1 The Co-operative may also consider the use of the following:

**Glasgow City Council's Community Relations Unit** - This unit has trained mediators and Co-operative cases can be referred to them. They will accept cases regardless of the current tenure of the parties involved in the dispute.

11.4.2 Where direct agency contact by the tenant is appropriate, the tenant will be requested to inform the Co-operative of outcomes, for monitoring purposes.

11.4.3 The Co-operative will liaise closely with Social Work Department, in particular, at an early stage, where there is the possibility of a family with young children being evicted.

## 12. Support to tenants

### 12.1 Types of Support

The Co-operative can support tenants in many ways in order to maximise enjoyment of their homes and this section of the policy explores this issue.

SFHA's 'Raising Standards in Housing' refers to the Chartered Institute of Housing's 1995 'Neighbour Nuisance Good Practice Briefing' and its list of types of support to victims, which the SFHA endorses and which are as follows:

- a) Advice on options and agree course for action (which includes advice on legal options such as interdicts, non harassment orders, ASBO's, ABA's etc).
- b) Advice on action the police can take and refer to the police with victim's consent.

- c) Keep victims informed of progress of action taken.
- d) Advice on support agencies and make referrals where appropriate.
  
- e) Provide emergency contact points.
  
- f) Link victims to community emergency alarm system, or issue personal alarms or mobile phones.
- g) Treat damage by perpetrators as emergency repairs, where appropriate.
- h) Remove racist or obscene graffiti within 24 hours.
- i) Improve home security.
- j) Ensure estate/scheme security is adequate – i.e. lighting, fencing, entry phones, etc.
- k) Where there is a real risk of violence, arrange a temporary move or provide permanent rehousing. As our housing stock is in the same location re-housing by the Co-operative may not be the solution.
- l) The Co-operative will endeavour to supply as much of the above support as it is able to, either individually or in partnership with other agencies.

## **13. Special Initiatives**

13.1 The Co-operative has introduced a number of initiatives in order to provide support to the community, as follows:

- a) Area Inspections: Housing Officers and Estate Caretakers carry out weekly estate management inspection to ensure that the general area remains in good order, thus contributing to social cohesion and tenant satisfaction.
- b) Wider Drumchapel Anti-social Behaviour Forum: The Co-operative is a member of this forum which meets to share experiences, problems and advice and jointly tackle the problems of anti-social behaviour in the wider Drumchapel area. Members of the forum include the following:

- RSLs (including GHA)
  - GHA Neighbour Relations Team
  - GCC Community Relations Unit
  - Glasgow Community Safety Services
  - Police
- c) Acceptable Behaviour Agreements (ABA's): The Co-operative has contacted the Police and use ABA's which require to be signed by the offender, a police officer and a representative from the Co-operative.
- d) Parenting Orders: These are effective from April 2005 and the Co-operative will apply for these orders when appropriate. They can be applied for if a child under 16 years of age has been served with an ASBO.

## 14. Links with other services

### 14.1 External Agencies

- a) Homeless and Support Services/Social Work/Voluntary Agencies Officers should ensure that any individual(s) who they come in to contact whilst investigating a neighbour complaint, be it the perpetrator or the victim, who is need of some form of support should be referred to the appropriate agency who may be able to address their support need. Support needs could range from drug/alcohol related problems/ family support needs /welfare services/ money advice/parenting skills, etc.
- b) Officers referring an individual(s) to social work should refer to the Housing Options lead person database and/or write to the respective area social work manager, detailing information about the client you are referring and the reasons for your referral. Details of referrals to all internal/external agencies should be recorded and retained on the case file.

### 14.2 Victim Support Services

People who suffer anti-social behaviour can feel vulnerable from the moment they report an incident. Often, they need an independent person to talk to for reassurance and emotional support. It is therefore essential that in appropriate circumstances, officers should advise victims of anti-social



behaviour of “Victim Support”. Officers should carry information leaflets on Victim Support and these should be routinely passed to tenants who are victims of anti-social behaviour.

## 15. Remedies – legal and non-legal

15.1 In general, the approach favoured by the Co-operative is to resolve the problem as quickly and harmoniously as possible. Although in most, if not all, Category A Disputes need to be dealt with legally and/or by the Police. Other disputes should initially be dealt with using other remedies than simply legal ones. These remedies and techniques may be informal or formal, but Housing Management staff should explore them prior to instructing legal proceedings.

### 15.2 Mediation

The Co-operative have staff who are trained in Mediation techniques and working in partnership with GCC and other local Housing Associations. The Mediation process is not always suitable for disputes however, this will be explored where appropriate.

### 15.3 Notice of Proceedings

- a) Should a tenant be guilty of committing anti-social behaviour or other forms of neighbour nuisance, it is likely that they are in breach of their tenancy agreement which is in accordance with the Housing (Scotland) Act 2001. If this is the case a Notice of Proceedings may be served to alert the tenant and the “qualifying occupiers” within the household that the Co-operative may instruct court proceedings against their tenancy.
- b) Further breaches of tenancy may result in the Co-operative instructing a solicitor to proceed to the Sheriff Court to request action against the tenancy in favour of the Co-operative. This can take the form of Eviction or Recovery Proceedings.

### 15.4 Specific implement

- a) 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 take positive action.

- b) There are a number of complaints, which the Co-operative receives that relate to matters that potentially could be the subject of an action for a specific implement. For example, failure of tenants to maintain their own gardens, failure to fulfil responsibilities to clean communal areas, dumping rubbish and other behaviour affecting the amenity of communal areas such as common closes.

## 16. Anti-social Behaviour Order (ASBO)

- 16.1 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.
- 16.2 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.
- 16.3 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.
- 16.4 Examples of Anti-social Behaviour for which an ASBO may be sought. 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.

- 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.

16.5 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.

16.6 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.

16.7 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.

16.8 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.

## 16.9 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. While each case will be looked at on its own merits, the Co-operative will likely consider seeking an ASBO for anti-social behaviour falling into categories 2 and 3 of this policy.

## 16.10 Anti-social Behaviour Contracts/Agreements (ABC)

- a) An Anti-social Behaviour Contract (ABC) sometimes known as an Acceptable Behaviour Agreement (ABC) is an early intervention designed to get an individual involved in unacceptable or anti-social behaviour to acknowledge this behaviour and its impact on other people, with the aim of stopping it.
- b) 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 the Co-operative 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 underlying 'stick' 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.
- c) In cases where behaviour is serious, persistent or criminal an ASBO or other legal remedies may be more effective.

## 17. Short secure tenancies

- 17.1 The Housing (Scotland) Act 2001 introduced provisions for landlords to grant tenants Short Scottish Secure Tenancies (SSST's). If tenants have previously been evicted for anti-social behaviour in the last 3 years, or the tenant or a member of their household are subject to an ASBO, then a Short SST can be used.
- 17.2 Section 34(7) requires landlords (where the tenant is on a short SST because of previous anti-social behaviour or an ASBO) to provide or ensure the provision of such housing support services as it considers appropriate to enable the tenancy to convert to a Scottish Secure Tenancy. (SST)
- 17.3 Section 91(8) of the Act provides a broad definition of Housing Support Services - "Housing Support services includes any service which provides support, assistance, advice or counselling to an individual with particular needs with a view to enabling that individual to occupy, or to continue to occupy, as the person's sole or main residence, residential accommodation other than excepted accommodation"

- 17.4 Section 35 allows landlords to convert a SST to a short SST where a tenant or someone residing with the tenant is subject to an ASBO or where tenants have previously been evicted for anti-social behaviour anywhere in the UK within the past 3 years.

## 18. Complaints

Complaints against neighbours will be dealt with under this policy. Complaints about the way neighbour disputes have been dealt with will be considered under the Complaints Procedure.

## 19. Other issues

### 19.1 Staff Safety

Staff security and safety must be considered at all times with regard to the interviewing of complainants and offenders particularly with regard to complaints in Categories A and B. Accompanied visits will be carried out in these instances. Staff will also carry mobile phones at all times.

### 19.2 Housing Allocations and Anti-Social Behaviour

In particular circumstances the Co-operative will have discretion to suspend an internal transfer, housing list or nomination applicant for rehousing where there is clear and recent evidence of anti- social behaviour.

### 19.3 Special Needs

- a) The Co-operative will assist all tenants who are involved in complaints of anti-social behaviour (victims and perpetrators) to obtain or receive relevant support from other agencies (e.g. Social Work, SAMH, drug and alcohol abuse support networks).
- b) It should be noted however, that any perpetrator of anti- social behaviour with support needs as described above will not be precluded from court action being taken against them, particularly where support has been rejected or withdrawn.

## 19.4 Racial Harassment

Where complaints of anti-social behaviour involve an element of racial abuse or harassment the policy outlined in the Co-operative's Racial Harassment policy should be strictly adhered to.

## 19.5 Information

A leaflet on neighbour disputes will be prepared for issue to tenants. All neighbour complaints will be recorded on the day they are made on the SDM system to ensure accurate and adequate recording of incidents.

## 20. Anti-social behaviour complaints and Board members

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

- a) Any Board members directly involved in such a complaint must not be in attendance at a Board meeting during discussion of a specific case or discussion of a policy matter which has a direct bearing on the Co-operative's response to the complaint.
- b) Board members who have an indirect involvement in a specific case e.g. if they are tenants in a close where a dispute or incident occurred will consider their attendance during any relevant discussion at a Board Meeting.
- c) If upon investigation it is revealed that a Board member is behaving in an anti-social manner they will be removed from Board under the terms of the Co-operative's Rules.

## 21. Policy reporting and monitoring and reviewing neighbour complaints

21.1 Housing Officers will update the Depute Director when neighbour disputes/anti-social behaviour occur and detailed updates at the 1- 2-1 meetings. The Board will monitor on a monthly basis all complaints received. The Board will receive a report from the Housing Officer which will list the total number of complaints according to the categories described in this policy, with further analysis on response, type of complaint, location etc.

## 22. Equality and diversity

- 22.1 The Co-operative's Equality and Diversity policy, which was approved by the Board in April 2017 following community consultation, outlines our commitment to promote a zero tolerance to unfair treatment or discrimination to any person or group of persons, particularly on the basis of any of the protected characteristics<sup>1</sup>. This includes ensuring that everyone has equal access to information and services and, to this end, the Co-operative will make available a copy of this document in a range of alternative formats including large print, translated into another language or by data transferred to voice. We are also aware of the potential for policies to inadvertently discriminate against an individual or group of individuals. To help tackle this and ensure that it does not occur, best practice suggests that organisations' carry out Equality Impact Assessments to help identify any part of a policy that may be discriminatory so that this can be addressed (please see section 6 of the Equality and Diversity Policy for more information).
- 22.2 In line with section 6.3 of the Equality and Diversity Policy, the Co-operative will apply a screening process based on that recommended by the Equality and Human Rights Commission to ascertain whether each policy requires an Impact Assessment to be carried out. The screening process was applied to this policy and it was decided that an impact assessment is not required.

## 23. Risk management

- 23.1 The Co-operative has considered the potential risks of failing to adhere to this neighbour disputes and anti-social behaviour policy. The Co-operatives reputation as a good landlord would be jeopardised and properties would become difficult to let. By having a written detailed neighbour disputes and anti-social behaviour policy, the Co-operative is able to ensure that a consistent approach is adopted and that the service delivered is compliant with the law and best practice.

<sup>1</sup> The Equality Act 2010 identifies the "protected characteristics" as age, disability, marriage and civil partnership, race, religion or belief, gender, gender reassignment and sexual orientation.

# Neighbour disputes & anti-social behaviour policy and procedures

## 24. Policy review

24.1 This policy will be reviewed every three years or sooner where changes in legislation affect procedure. The review will consider the Co-operative's performance in responding to complaints and the effectiveness of any action taken. The success of this policy shall be measured against the following outputs and outcomes:

Outputs	Outcomes
Operational protocols with Police, Community Safety Glasgow, Community Wardens, Glasgow City Council and others	<p>Structured approach taken and solutions found</p> <p>Co-operative's limits recognised</p>
Record of neighbour complaints maintained and reported to the Management Board	<p>Staff and Board awareness of problem and early corrective action taken</p> <p>Reduction in neighbour disputes</p>
Information leaflet for tenants	<p>Raised awareness of how Co-operative will deal with complaints from start to finish</p> <p>Deterrent as gives notice that Co-operative has zero Tolerance</p>
Tenant satisfaction survey	High levels of tenant satisfaction with the management of the neighbourhood



## 25. Procedures following receipt of complaint

### 25.1 Recording of Complaints

27.1.1 All complaints will be recorded by the staff member on the SDM database. On a day-to-day basis it will be the responsibility of every member of staff to ensure the database is kept up to date. It will be the overall responsibility of the Depute Director to monitor complaints however each Line Manager will be responsible for their team.

27.1.2 The Housing Officers will decide on the use of discretion regarding pursuing complaints received anonymously. However, action will generally be taken where the complaint appears to be valid.

### 27.2 Acknowledgement and Proposed Response

27.2.1 All complaints will be acknowledged in writing within two working days of receipt.

27.2.2 The proposed response(s) and approximate timescales will also be notified to complainants. (Action will, of course, be initiated prior to this in the case of Category A and B complaints).

27.2.3 As a guide to response times, it is envisaged that the Co-operative's response at each stage will be in accordance with the complaint category, i.e. response will be immediate at each stage of a Category A complaint; Category B complaints Investigated and responded to within five days with the initial response occurring within the appropriate timescale. Where other agencies or proceedings are involved, the Co-operative officer will request approximate response times and these will be monitored.

27.2.4 Reasons should be stated where no further action is being proposed.

## 27.3 Recording of Action Taken

27.3.1 The SDM system will be used to record action notes, category and give each case a number.

27.3.2 The names and addresses of both complainant and perpetrator will be entered into the SDM system upon receipt of the complaint and allocated a case number which will be used for any subsequent complaints from other persons which relate to the same case.

## 26. Monitoring of cases

26.1 Where a case appears to have been resolved, then it will be monitored for six months, then closed.

26.2 The SDM system should be noted with the proposed closure date.

## 27. Legal action (repossession)

27.1 Under the terms of Section 14 (3) of the Housing (Scotland) Act 2001, all members of a household who are at least 16 years of age must be served with copies of any legal paperwork from Notices of Proceedings onwards.

27.2 Officers shall therefore make formal enquiries to establish the identities of such persons when commencing the legal process in a case.

## 28. Social work department involvement

28.1 Officers should seek to involve Social Work Department to offer support to the tenant if a case is becoming serious and certainly at the point of issuing a Notice of Proceedings, especially where there are vulnerable persons or children involved.

28.2 Where repossession has been granted, both Social Work Department and Glasgow City Council's Homelessness Services should be informed.

## 29. GDPR – Privacy Statement

# Neighbour disputes & anti-social behaviour policy and procedures

- 29.1 The Co-operative will gather and use certain information about individuals in accordance with GDPR. Staff members have a responsibility to ensure compliance with the terms of the privacy policy and to collect, handle and store personal information in accordance with relevant legislation. The Fair Processing Notice (FPN) details how personal data is held and processed with third parties in accordance with relevant policies and procedures.

## **Anti-Social Behaviour COMPLAINT FORM**

Please read this carefully before completing. The information provided within this form will be treated in the **strictest confidence** and be seen only by staff.

Please circle any YES/NO questions. If you have any difficulty in completing this form, please ask a member of staff to assist you.

Thank you.

---

This form should be returned to:

**Housing Services Department**

**DRUMCHAPEL HOUSING CO-OPERATIVE LIMITED**

4 Kinclaven Avenue  
Drumchapel, Glasgow G15 7SP

# Neighbour disputes & anti-social behaviour policy and procedures



## ANTI SOCIAL BEHAVIOUR COMPLAINT FORM

---

**Name:** .....

**Address:** .....

.....

---

If you do not want to give your name and address, please speak to a member of staff.

Is this anti-social behaviour complaint against a person?

YES

NO

If YES, please give name (and address, if known):

**Name:** .....

**Address:** .....

.....

---

Please provide details of the anti-social behaviour complaint:

.....  
.....  
.....  
.....

# Neighbour disputes & anti-social behaviour policy and procedures



Was the anti-social behaviour complaint reported to the Police?

YES   
NO

If YES, please give details:

.....  
.....  
.....  
.....  
.....

---

Was the anti-social behaviour complaint reported to any other officials? e.g. Glasgow City Council, Out of Hours Service

YES   
NO

If YES, please give details:

.....  
.....  
.....

---

Were there any witnesses?

YES   
NO

If YES, please give details:

.....  
.....

# Neighbour disputes & anti-social behaviour policy and procedures



What date(s) did this happen on?

.....  
.....  
.....

What time(s) did this happen at?

.....  
.....  
.....

---

Is this the first time you have reported this problem?

- YES   
NO

If NO, please give details:

.....  
.....  
.....

**Signed:** \_\_\_\_\_

**Date:** \_\_\_\_\_





# Neighbour disputes & anti-social behaviour policy and procedures



WITNESSES	
Name:	
Address:	
Name:	
Address:	

HAS IT HAPPENED BEFORE? YES <input type="checkbox"/> NO <input type="checkbox"/>
If YES, when:

REGULAR OCCURRENCE: YES <input type="checkbox"/> NO <input type="checkbox"/>
How often:

HAS IT BEEN PREVIOUSLY REPORTED? YES <input type="checkbox"/> NO <input type="checkbox"/>	
Who to ?	
When?	

I have read the above information and confirm that it is true and accurate:	
Tenant's Signature:	
Officer's Signature:	
Designation:	

## **NEIGHBOUR COMPLAINT ACKNOWLEDGEMENT**

Ref: ACK1-ASB

Date:

Name  
Address  
Drumchapel  
GLASGOW G15

Dear

**Neighbour Complaint, Reference:**

I am writing to acknowledge your complaint received \_\_\_\_\_(date).

Your complaint will be investigated, and I will contact you within 5 working days to advise you of the outcome and any action taken.

Please note that all complaints are dealt with in confidence.

Yours sincerely

**Name**  
**Housing Officer**







## Police Scotland Disclosure Request

ANTISOCIAL BEHAVIOUR REQUEST TO THE POLICE SERVICE OF SCOTLAND FOR DISCLOSURE OF INFORMATION RELATING TO ANTISOCIAL BEHAVIOUR IN ACCORDANCE WITH SECTION 139 ANTISOCIAL BEHAVIOUR etc (SCOTLAND) ACT 2004

<b>Nominated Officer:</b>	Superintendent/Designated Officer: Chief Inspector Morag Stewart
<b>Agency:</b> Drumchapel Housing Co-operative	Police Service of Scotland
<b>Contact Name:</b>	<b>Division:</b> Greater Glasgow
<b>Telephone Number:</b> 0141 944 4902 <b>E Mail:</b>	<b>Station:</b> Glasgow North West Police Office 220 Drumry Road East Drumchapel Glasgow G15 8PT
<b>Ref. No:</b>	<b>E Mail:</b> contactus@scotland.pnn.police.uk

1. As a result of the incident(s)/information in respect of the named individual(s) noted overleaf Drumchapel Housing Co-operative Limited is investigating/considering the following action \* :

- (a) **Ongoing investigation to establish the level/nature of Antisocial Behaviour taking place.**

- (b) **Implementing an Acceptable Behaviour Contract (ABC) or serving an Unacceptable Behaviour Notice (UBN).**

- (c) **Making an application for an Antisocial Behaviour Order (or interim order) in terms of the Antisocial Behaviour etc. (Scotland) Act 2004.**

- (d) **Initiating proceedings for repossession of a house on the grounds of antisocial behaviour.**

# Neighbour disputes & anti-social behaviour policy and procedures

- (e) Initiating proceedings for repossession of a house on the grounds of a conviction for using or allowing a house to be used for illegal or immoral purposes.
- (f) Initiating proceedings for repossession of a house on the grounds of a conviction for an offence punishable by imprisonment.

*(Tick Relevant Box)*

*(\* Delete as appropriate)*

2. It is understood that the following person(s) may have been involved in the following incident(s), which relate to Antisocial Behaviour.

For proposed actions under 1 (a), (b) & (c) a separate 1:63:1 Disclosure Request is required for each person.

For proposed actions under 1 (b), (c), (d) & (e) list all the members of the household

Where the person is unknown, write '*unknown*'.

Name(s)	D.O.B. (or Approx. Age )	Address (indicate if unknown, c/o, temp, unconfirmed)

### 3. RELEVANT INCIDENTS

Date(s) of Incidents	Address/area where incident occurred	Nature of Incident (include person(s) involved and if police attended)

# Neighbour disputes & anti-social behaviour policy and procedures



## 4. OTHER RELEVANT INFORMATION (i.e. nonspecific allegations of noise nuisance, drug activity)

## 5. INFORMATION REQUIRED

Relevant information is sought from:                      TO

To include;

A summary of all relevant incidents and pending cases during the above period including any police involvement in the incidents and information listed in Sections 3 and 4. Any 'Unknown' person(s) should be identified if this information is known to the police.

Details of any unspent criminal conviction(s), and other relevant information including community intelligence, which relate to Antisocial Behaviour and could support the behaviour complained of to allow repossession or Antisocial Behaviour Order investigation or proceedings to commence.

IT IS ACKNOWLEDGED THAT THE POLICE SERVICE OF SCOTLAND RESERVES THE RIGHT TO WITHHOLD ANY INFORMATION, WHICH MAY PREJUDICE THE RIGHTS OF THIRD PARTIES.

Drumchapel Housing Co-operative Limited UNDERTAKES AND AGREES TO USE THE INFORMATION SOUGHT IN ACCORDANCE WITH THE JOINT PROTOCOL ON INFORMATION SHARING.

**Nominated Officer:**

**Name (*in capitals*):**

**Date:**



## FIRST WARNING LETTER

Ref: ASBWL

FIRST WARNING LETTER

'Without Prejudice'

Date: as typed

Name  
Address  
Drumchapel  
Glasgow G15

Dear

### **Anti Social Behaviour**

I refer to your recent interview with \_\_\_\_\_(name of Officer) at \_\_\_\_\_(location) on \_\_\_\_\_(date of interview) regarding the complaint made against you due to your behaviour.

During the above interview you agreed that:

*(description of main interview points and agreements made)*

It is in your own best interest that you keep to the agreement to change your behaviour.

I would advise you that Drumchapel Housing Co-operative will not tolerate anti social behaviour and if it does not stop, an Anti Social Behaviour Order (ASBO) may be taken against you in terms of the Anti Social Behaviour Etc (Scotland) Act 2004.

It is hoped that no further action will be necessary and you should treat this letter as a written warning.

Yours sincerely

**Name**  
**Housing Officer**

## Final Warning Letter

Ref: ASBFWL

### FINAL WARNING LETTER

'Without Prejudice'

Date: as typed

Name  
Address  
Drumchapel  
Glasgow G15

Dear

#### Anti Social Behaviour

I would advise you that since \_\_\_\_\_ (*date of first warning*) when you were issued with a written warning, further complaints about the way you conduct your tenancy have been received.

These complaints have been investigated and substantiated and you appear to not want to change your behaviour or are unable to do so.

If you choose to ignore this warning the Co-operative will consider legal action for recovery of your tenancy or the pursuance of an Anti Social Behaviour Order (ASBO) against you.

It is important that you understand that should there be further breaches of tenancy Court action will be initiated and you could lose your home.

I would therefore advise you to change your behaviour and that you may wish to speak to a solicitor.

If you wish to discuss the contents of this letter please contact the writer.

Yours sincerely

**Name**  
**Housing Officer**

## Diary Notes

### COMPLAINT

<b>Name of Complainant:</b>			
<b>Address:</b>		<b>Telephone No:</b>	
		<b>Postcode:</b>	

### WHO ARE YOU COMPLAINING ABOUT?

<b>Name:</b>			
<b>Address:</b>			

### RECORD OF INCIDENT(S):

<b>Date:</b>			
<b>Time:</b>			
<b>Reported to Police:</b>			
<b>Details:</b>			
<b>Date:</b>			
<b>Time:</b>			
<b>Reported to Police:</b>			
<b>Details:</b>			

# Neighbour disputes & anti-social behaviour policy and procedures

<b>Date:</b>		
<b>Time:</b>		
<b>Reported to Police:</b>		
<b>Details:</b>		
<b>Date:</b>		
<b>Time:</b>		
<b>Reported to Police:</b>		
<b>Details:</b>		
<b>Date:</b>		
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<b>Details:</b>		