

**PARKHEAD HOUSING ASSOCIATION LTD.**

**NEIGHBOUR RELATIONS POLICY**

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## **PARKHEAD HOUSING ASSOCIATION**

### **NEIGHBOUR RELATIONS POLICY**

#### **POLICY AIMS AND OBJECTIVES**

This policy explains the expectations the Association has in relation to neighbourliness by tenants and the actions the Association will take when this is breached.

#### **LEGAL AND REGULATORY FRAMEWORK**

Scottish Social Housing Charter outcome 6 states that Social Landlords will work with partner agencies to ensure that tenants and other customers to help ensure tenants and other customers live in well maintained neighbourhoods where they feel safe.

On the latest guidance for the Annual Return on the Charter ;

Indicator 13 measures the % of tenants who feel satisfied with the management of the neighbourhood they live in. Neighbourhood management is defined as a combination of services carried out by the landlord and other partners in the estate / neighbourhood including management of anti social behaviour; dealing with nuisance neighbours; maintenance of the estate; and overall making sure the neighbourhood is perceived to be a safe place.

Indicator 14 measures the % of anti-social behaviour cases reported in the last year which were resolved within locally agreed targets. “Resolved” is defined as being when the landlord has taken appropriate measures as set out in its anti social policies and procedures or where the landlord does not have the authority or powers to resolve but it has provided a full explanation of the landlord’s position.

Particular legislation which this policy and accompanying procedures adhere to is as listed below;

- Housing (S) Act 2001
- Anti-Social Behaviour (S) Act 2004
- Civic Government (S) Act 1982
- Crime and Disorder Act 1998

In tackling anti social behaviour and neighbour nuisance the Association will refer to the relevant provisions of the Scottish Secure Tenancy Agreement, being the legal agreement which every tenant has signed up to.

The policy and accompanying procedures also recognise the Human Rights Act 1998 as amended and the Equalities Act 2010 in terms of both victim and perpetrator.

Being an RSL within the City of Glasgow the Association's **Neighbour Relation policy** is complimentary to Glasgow City Council's **Strategic Plan 2022-2027 which sets out a mission to create safe, clean and thriving neighbourhoods** (as required by the Anti Social Behaviour (S) Act of 2004.) The 2004 Act requires the strategy to be published jointly with the chief constable, and thereafter to keep it under review however it is not specific about when or how often.

The policy supports the Association's Domestic Abuse policy and the Domestic Abuse ( S ) Act 2018 upon which that is founded.

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### **LINKS TO EQUAL OPPORTUNITIES AND SUSTAINABILITY POLICIES**

This policy has been written with due regard to both the Sustainability and Equal Opportunities policies of the Association.

The tenancy agreement explicitly states “We will act fairly towards you in all matters connected with your tenancy. We will not unfairly or unlawfully discriminate against you in any way on the grounds of your race, colour, ethnic origin, nationality, gender, sexuality, disability, age, religion or other belief or other status. “

Effectively dealing with and preventing the occurrence of anti social behaviour, and the encouraging of good neighbour relations is conducive to developing and maintaining a sustainable community.

### **POLICY STATEMENT**

The Association recognises the rights of its tenants to a quiet and peaceful home and surrounding environment. The Association expects its tenants to respect this right of other tenants and will take appropriate remedial action upon breach of the tenancy agreement in this respect.

The Association will not tolerate any level or any form of anti social behaviour affecting its tenants and where necessary will take the strongest action up to and including pursuing eviction decrees to end the tenancies and / or anti social behaviour orders to prevent particular anti social behaviour.

Anti social behaviour is defined in the **Scottish Secure tenancy agreement and Anti-Social Behaviour (Scotland) Act 2004, Part 13** as;

“Conduct causing or likely to cause alarm, distress, nuisance or annoyance to any person or causing damage to someone's property; conduct includes speech. “

This Policy should be read in conjunction with the accompanying procedures which deal specifically with identified instances of, at one end of the spectrum poor neighbour relations and at the other, anti social behaviour.

The Association intends by this policy and accompanying procedures to ensure that its tenants can enjoy quiet and peaceful occupation of their homes.

The Association recognises the following as key parts of an effective Neighbour Relations policy.

- Prevention
- Intervention
- Supporting victims
- Enforcement

## **Prevention**

The Association will ensure at new, or transfer, tenant sign up, that a tenant is aware of the appropriate section of the Scottish Secure Tenancy Agreement pertaining to neighbour relations and anti social behaviour.

Tenants are referred at the start of tenancy sign up appointment in particular to Section 3 of the Scottish Secure Tenancy Agreement 'Respect for Others', including how to report incidents of anti-social behaviour.

The Scottish Secure Tenancy Agreement section 3 describes tenants rights and responsibilities.

The Association will encourage positive neighbour relations through enabling tenant participation, sensitive letting and a pro-active approach to estate management.

## **Intervention**

The accompanying procedures outline how the Association will deal with specific instances of anti social behaviour. The aim of these intervention processes are to both resolve the immediate problem but also identify any underlying problems, e.g. drug or alcohol addictions, which if successfully addressed would resolve the problem for the longer term.

Key to successful intervention is.

- Timeous and thorough investigation
- Accurate record keeping
- Effective liaison through established operational partnerships including our specific partner the **Community, Regulatory and Business Services at Glasgow City Council – Neighbourhoods, Regeneration and Sustainability.**
- Well trained staff
- Robust and realistic procedures

## **Supporting victims**

The Association recognises that victims require.

- Support
- Protection
- Feedback

In the most extreme cases the Association will seek to facilitate a transfer or a move out with the area, where the victim intimates this is their wish. This can prove difficult, however, as the Association has a comparatively low number of properties with a low turnover. Further the Association's houses are located in a very concentrated geographical area.

Key to taking the decision to either directly transfer within available Association stock or facilitating a move outwith the area will be that remaining in the house constitutes an immediate threat to the safety of the victim.

Where appropriate the Association will direct victims to victim support or other support groups in the area, e.g Glasgow Women's Aid.

The Association recognises that it is important to give feedback to victims on progress and explain why matters may take longer to resolve than is obvious to the victim.

## **Enforcement**

Where intervention fails and the problem persists, or is so serious that the intervention phase is missed, enforcement options will be considered as follows;

- Formal warning letters
- Notice of Proceedings ( which require a section 11 notification to GCC)
- Acceptable Behaviour Contracts
- Unacceptable Behaviour Notices
- Pursue a house or other property Closure Order via Glasgow Sheriff Court in partnership with Police Scotland
- Pursue a local Dispersal Notice for a specified area via Glasgow Sheriff Court in partnership with Police Scotland and GCC
- Pursue an Anti Social Behaviour Order (ASBO) via the sheriff court, after liaison with the police and notifying Glasgow City Council.
- Pursue an eviction decree via the sheriff court ( after notifying Glasgow City Council via section 11 process at Notice of Proceedings stage and at court stage )

## **Partnership working**

Partnership working with the Police, Community Relations Unit and Social Work Services, and other voluntary and statutory agencies is recognised by the Association as crucial in effectively dealing with anti social behaviour. The Association, via its Housing Officers will also try to facilitate a solution to the underlying problems where appropriate.

## **Racial harassment and other hate crime**

Racial harassment is regarded as very serious anti social behaviour, as would be assaults on other tenants, Association staff, contractors, or Board members.

In all cases the Association will;

- Support and offer effective help to victims.
- Take appropriate action against tenants causing the problem.

And additionally in racial harassment cases or other hate crimes

- Record the incident and report to the police and Multi Agency Hate Crime Group

## **Lifestyle clashes**

Excluded from this policy are;

- lifestyle clashes resulting from behaviour which is unusual or eccentric but does not unreasonably impact on others
- or one to one disputes between neighbours which are not of an anti social nature

However, in such cases it may be appropriate for the Association to facilitate mediation in an attempt to improve relations.

## **Legal action and evidence requirement**

The Association recognises that in taking more severe sanctions, e.g., an Anti Social Behaviour Order (ASBO) or an eviction decree which involve recourse to the courts, an appropriate standard of evidence is required. In the absence of any professional witnesses' other tenants will be asked to provide this.

Without enough evidence court action will not be successful.

## **Criminal activity**

The Association recognises that criminal activity is primarily a police matter. Two instances of this are specifically identified;

- Being concerned in the supply of prescribed drugs
- Youth or other disorder in the streets

While stressing dealing with the above is a criminal matter for the police the Association will report any instances of such activity, which it is aware of, to the police and will seek to be an effective partner to obtaining a solution to stop this activity.

## **OUTCOMES AND TARGETS**

The Association aims to resolve instances of anti social behaviour as close to the date of the alleged activity as possible. However, there will be occasions when matters may be “sub judice” and any civil action by the Association will require to give precedence to the criminal courts.

That apart the Association will strive to facilitate an acceptable outcome in all cases of complaint.

Statistics on anti social issues will be reported on a monthly basis by the Housing Manager to the Director of Operations and the Policy & Performance Sub Committee will be updated quarterly.

The Association currently works to a 28 day resolution target from a previous Tenants Consultation process however this may be subject to further consultation in future.

### **RESPONSIBILITIES AND DELEGATED AUTHORITY**

Day to day responsibility for encouraging positive neighbour relations and tackling anti social behaviour will be delegated from the Director of Operations, via the Housing Manager, to the Housing Officers.

Any decision to enforce a decree for anti-social behaviour or to pursue a Closure Order or a Dispersal Order will require Policy and Performance Sub or Board approval.

Any anti-social behaviour orders obtained should be reported to the Policy & Performance sub or the Board.

## **Parkhead Housing Association**

### **Anti Social Procedures**

#### **To be read in conjunction with the Neighbour Relations Policy – see also the Tenants Guide**

The aim of the procedures is to identify the process and specific actions PHA staff will follow in implementing the Association's Neighbour Relations Policy.

### **Contents**

- General Process
- Protocols in Place
- Operational Partnerships in place
- Specific Remedies
  1. Standard letters (1 and 2 )
  2. Notice of Proceedings
  3. ABCs (Acceptable Behaviour Contract)
  4. UBN (Unacceptable Behaviour Notice)
  5. ASBOs (Anti-Social Behaviour Order )
  6. Eviction decrees
  7. Mediation
  8. Conversion to SSST (Short Scottish Secure Tenancy )
- Specific processes for typical anti social behaviour
  1. Drug dealing
  2. Neighbour violence (actual or threatened including domestic violence) & see Domestic Abuse Policy as appropriate
  3. Graffiti
  4. Abandoned Vehicles
  5. Animal nuisance
  6. Noise
  7. Youth disorder

## **General Process**

Upon receipt of complaint in writing, in person or by phone ( this could be at Duty or by HOs directly );

Seek to obtain the following.

1. Time and date of incident
2. Where the incident happened
3. What actually happened
4. The names of any witnesses
5. Date and time the incident was reported to the police
6. The name and number of police officers involved.
7. If appropriate issue complainant with an anti social behaviour diary

## **Once case passed to HO**

1. Interview witnesses or other tenants as appropriate
2. Interview tenant alleged to be guilty of ASB.
3. Liaise with appropriate partners and engage Glasgow Community Safety Services as required.
4. Take appropriate intervention, supporting and enforcement action.

And

1. Update the ASB complaints module on Kypera
2. Advise complainant in writing of the outcome ( target within 28 days of receipt of complaint )

### **Protocols in Place**

Information Sharing under the Anti Social Behaviour (S) Act 2004 with **Police Scotland**.

Image sharing and surveillance request with Community Relations Unit

Referral process to **Glasgow City Council NRS - Mediation Service**

### **Operational Partnerships In Place**

Police Scotland Community Police at Shettleston and London Rd

Community Relations Unit for image requests and monthly statistics, and assistance with difficult / serious cases. Also, dog fouling campaign joint response and rogue dumpers.

Glasgow City Council Noise Nuisance Team

Glasgow Social Work Services East Addiction Services – referral for tenants to drug and alcohol addiction treatments (565 0200)

## **Specific Remedies**

Specific interventions and enforcements open to Association staff are;

- Standard letters ( 1 and 2 ) may be issued either by PHA or Glasgow Community Safety Services
- Notice of Proceedings
- ABCs (Acceptable Behaviour Contract)
- UABC (Unacceptable Behaviour Contract)
- ASBOs (Anti-Social Behaviour Order)
- Eviction decrees
- Mediation
- Conversion to SSST (Short Scottish Secure Tenancy )

## **PHA standard letters**

- Neighbour noise
- Neighbour violence
- Animal nuisance
- Graffiti
- Abandoned vehicles.
- Youth disorder
- Drug dealing

All standard letters will, where appropriate, refer to relevant legislation and sections of the SST and will be graded in two stages.

## **PHA Notice of Proceedings**

In the case of anti-social behaviour an NPRP can be issued on the tenant conduct grounds as specified in paragraphs 1 to 7 of schedule 2 to the Housing ( S ) Act 2001. This will be live for six months and is required by law ahead of any court action. The court action cannot commence until the NPRP is live.

It is important when preparing an NPRP that;

- The dates are correct.
- The correct grounds are stated.
- Qualifying occupiers are named and receive a copy.
- The NPRP is served in the prescribed manner.

and when issued GCC are alerted ( S11 notification ).

### **Acceptable Behaviour Contracts**

ABCs are an appropriate intervention where a tenant or tenants household member has been acting in an anti social manner but the gravity of the behaviour does not merit seeking an evictions decree or Anti Social Behaviour Order. Given PHA partnership with Community Relations Unit they should be involved in this intervention.

An ABC is entirely voluntary and when signed has no statutory status. However if an ASBO is ultimately being pursued then the fact that the tenant initially signed but then did not keep to a voluntary agreement takes away the first defence against an ASBO, i.e. that of “my client will modify behaviour voluntarily “.

The ABC will require two meetings and the following should be noted.

- A neutral venue is best...not the police station
- Any involved Social Workers should be invited.
- Community police should be invited.
- Where appropriate, eg if a youngster, then a relevant diversionary scheme should be identified ( this could involve GCC Social Work Youth Services or Parkhead Youth Project )

The first meeting should seek to;

- Have the person accused of behaving in an ASB manner accept the nature of their behaviour
- Allow for input from SWS
- Allow the “ accused” to express their views, e.g is there an underlying issue affecting their behaviour
- Get agreement from the accused to sign the contract and that they understand what behaviour needs to be modified

The second meeting (four weeks hence) should involve the same people as the first and should seek to;

- Review behaviour over the past four weeks
- Review the success or otherwise of the diversionary scheme
- Agree the continuance of the contract

Both meetings should be minuted and should be short sharp and to the point

Each person attending the meeting is issued with a copy of the ABC.

### **Unacceptable Behaviour Notice**

These are complimentary to ASBOs and are an alternative to ABCs where the person responsible for anti social behaviour declines to be party to an ABC.

The notice will cover the responsibilities of the person on identified anti social activities that the person has committed.UBNs have no legal standing and the perpetrator cannot be made to sign them.

Like an ABC they will help defeat the first line of defence against an ASBO being that a voluntary arrangement was tried first.

### **Anti Social Behaviour Order**

An ASBO is a civil preventative measure aimed at stopping specific behaviour in a specific location. Breach of an ASBO is a criminal offence.

Being a civil action, the burden of proof is not as onerous, however the sheriff will require to make a decision based on evidence.

Typical situations where we might consider an ASBO are;

- A family having regular late night disruptive parties
- A visitor to a house regularly shouting abuse at and threatening other tenants

We can apply for an interim ASBO to stop the behaviour and then return to court for a full hearing. We can also apply for an ASBO for 12 to 16 year olds although the Reporter to Children's Panel requires to be involved.

In all ASBOs we require the agreement of the police to proceed to court and to notify Glasgow City Council. There is an information sharing protocol in place to allow the police to provide quality evidence in support of an ASBO. In relation to an ASBO the police consider six months to be a relevant period for backdating information.

Application for an ASBO will be made by the Association via its solicitors who will seek it by summary application to the sheriff within whose sheriffdom the anti social behaviour is alleged to have taken place.

If granted the court making the ASBO shall cause a copy of it to be given to the person named in the order and sent to the person so named by registered post or recorded delivery service.

The Association is required to forward a copy of the full ASBO to Police Scotland.

### **Eviction decree**

This is the ultimate sanction which we can take against one of our tenants.

An action for an eviction decree is based on the seven conduct grounds as defined in Part 1 Schedule 2 of the Housing (S) Act 2001. A useful guide to this is located in SEDD Guidance Circular 6/2002 on page 12.

In taking the decision to pursue an eviction decree account should be taken of;

- The severity and frequency of the ASB
- Success or otherwise with other interventions / enforcements
- Quality of evidence available

Eviction should always be an action of last resort.

The decision to enforce an eviction decree in respect of anti-social behaviour is that of the Board or Policy & Performance sub.

## **Glasgow Community Safety Services Mediation Service**

Our tenants can self-refer, or we can refer two parties to the Mediation Service.

- The purpose of mediation is to allow parties in dispute to find their own resolution.
- The process is entirely voluntary and we cannot enforce a referral against the wishes of tenants.
- The mediation process is highly confidential and no records are kept of sessions

Once we have referred a case we will only be told;

- That it has or has not been accepted
- That the process has been completed

The process itself involves the following;

- Recognition by PHA staff that case is “mediable”
- Initial referral via standard form (see attached)
- Decision by Mediation Service that case is “mediable “
- Initial contact by two mediators to the individual parties
- First joint meeting
- 3 month follow up
- 6 month follow up
- 9 month follow up

## **Short Scottish Secure Tenancy Agreement**

The circumstances in which a SSST may be used are defined in paragraphs 1 to 7 of schedule 6 of the Housing (S) Act 2001. Most relevant under this procedure are;

- Where the person was evicted previously
- Where it is a temporary let to persons requiring or receiving housing support services
- Where an ASBO has been granted

Particular attention should be paid to timescales with regard to SSSTs as there is the danger of a SSST becoming an SST by “ tacit relocation “.

In converting an SST to SSST the Association has a responsibility to arrange support for the tenant concerned.

**Premises ( house) Closure Orders and Dispersal Zones** are two other sanctions which the Association has been involved with since the Anti Social Behaviour Act (2004). Both involve strong partnership working with Police Scotland and the Local Authority.

**For update 2028**