NEIGHBOUR RELATIONS POLICY

Date Approved	Proposed Review Date
June 2026	June 2029
Chair Person/Office Bearers Signature:	

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Cassiltoun Housing Association is a recognized Scottish Charity SC035544
Property Factor Registration No. PF000154

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1. INTRODUCTION

1.1 Cassiltoun Housing Association Limited (hereinafter referred to as CHA) regards the occurrence of anti-social behaviour extremely serious andis committed to ensuring that its tenants and other customers can enjoy quiet and peaceful occupation of their homes without being abused, harassed or subjected to noise, nuisance or anti-social behaviour caused by those around them.

1.2 CHA recognises that it has responsibilities for the welfare of its tenants and for protecting tenants' rights. CHA expects tenants to respect the rights of their neighbours to live without nuisance, annoyance, or harassment. The CHA Tenancy Agreement makes this clear and CHA will take appropriate remedial action where tenants do not adhere to the conditions of the Tenancy Agreement regarding respect for others. Similarly, CHA expects owner-occupiers to be good neighbours and will take appropriate action where this is not the case.

2 POLICY BACKGROUND

2.1 CHA will not tolerate any level or any form of anti-social behaviour affecting its tenants. Where necessary CHA will use the most robust measures available to it to stop anti-social behaviour.

2.2 By addressing the root causes of antisocial conduct and fostering positive community interactions, we want to build resilient people and communities that are safe from disorder and damage.

2.3 CHA will resolve neighbourhood and personal disputes at the earliest possible stage. CHA will support victims and witnesses and work positively in partnership with other agencies and support providers, including Police Scotland and Glasgow City Council.

3 LEGAL AND REGULATORY FRAMEWORK

3.1 Our approach to dealing with incidents of unacceptable and antisocial behaviour is determined by our statutory and contractual obligations. The Antisocial Behaviour etc. (Scotland) Act 2004, the Housing (Scotland) Act 2001 and the Housing (Scotland) Act 2014 are the three Acts that determine the main requirements of our policy.

3.2 Cassiltoun Housing Association Limited will take into account legislation and also comply with the Scottish Social Housing Charter for Social Landlords on the Charter Indicators 1, 2, 6 and 11 indicated below:

Equality

- Outcome 1: "*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."*

Communication

- Outcome 2: *"Tenants and other customers find it easy to communicate with their landlord and get the information they need about their landlord, how and why it makes decisions and the services it provides."*

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

- Outcome 6: "*Social landlords, working in partnership with other agencies, help to ensure as far as reasonably possible that: "tenants and other customers live in well-maintained neighbourhoods where they feel safe."*

Tenancy Sustainment

- Outcome 11: "*Social landlords ensure that tenants get the information they need on how to obtain support to remain in their home; and ensure support is available, including services provided directly by the landlord and by other organisations."*

4 AIMS AND OBJECTIVES

4.1 Specific aims are to:

- Adopt a zero tolerance approach to anti-social behaviour affecting CHA tenants.
- Recognise 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.
- Pursue early intervention and the use of all available approaches to conflict resolutions, to prevent escalation and ultimately to stop the anti-social behaviour.
- Protect individuals' and households' entitlement to quietly enjoy their home.
- Adopt a zero tolerance approach to violence against women or minority groups.
- Promote and adopt a partnership approach (especially in close liaison with Police Scotland).
- Provide a high quality, accountable and transparent service to meet the needs of all tenants and wider community interests.
- Ensure effective management responses are initiated.

CHA, will investigate complaints of anti-social behaviour thoroughly and will identify and implement the most appropriate measures to resolve the complaints.

4.2 Our aim, in the first instance, is to try to resolve disputes wherever possible and to help tenants resolve any differences they have. However, where a tenant, member of their household or visitor is responsible for persistent or serious nuisance or anti-social behaviour, CHA will take robust early action under its

Tenancy Agreement, or other legal remedies available. Such actions may include the use of Anti-Social Behaviour Orders (in conjunction with the Police and the Council), and conversion of Scottish Secure Tenancies to Short Scottish Secure Tenancies, with the provision of appropriate support.

4.3 Ultimately this could result in the eviction of a tenant for perpetrating, permitting or condoning anti-social behaviour. At every stage our aim will be to stop the offending behaviour by the best means at our disposal, and to support victims of anti-social behaviour.

4.4 CHA will only consider complaints of anti-social behaviour that are raised within six months of when the anti-social behaviour occurred. Complaints of anti-social behaviour received out with this timescale will not be considered unless there are extenuating circumstances.

4.5 Where the complainant is not the tenant but a member of the tenant's household then a signed mandate must be received from the tenant in order that the complaint can be investigated.

5. EQUALITY AND DIVERSITY

The Association is committed to providing fairness and equality of opportunity in order to prevent discrimination. Our Neighbour Relations policy will try to ensure that no person is discriminated on the grounds outlined in the Equality Act 2010. This includes the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation.

Our policy and procedure will be adaptable and, to the greatest extent feasible, will take the particular needs of our tenants and their households into account.

6. DEFINITIONS OF ANTI-SOCIAL/BEHAVIOUR & HARASSMENT ETC

6.1 The CHA Tenancy Agreement states that anti-social means "causing or likely to cause alarm, distress, nuisance or annoyance to any person or causing damage to anyone's property. Harassment of a person includes causing the person alarm or distress. Conduct includes speech. A course of conduct must involve conduct on at least two occasions".

"**Alarm"** involves fear or apprehension of danger

"Distress" involves some form of suffering. It goes beyond upset, or annoyance, or irritation or inconvenience.

6.2 For purposes of this policy racial harassment is regarded as very serious anti-social behaviour as are assaults on employees and members of the Board of Management of CHA.

6.3 The following behaviour is excluded from this policy:

- Lifestyle clashes caused by behaviour that is eccentric or merely different, but which does not unreasonably interfere with other people's rights or impinge upon their homes (examples – Appendix 1)

- One-to-one disputes between neighbours of whatever tenure that do not fall within the definitions at 6.1 or 6.2.

7 KEY ELEMENTS OF THE POLICY

7.1 The key elements of the Neighbour Relations Policy are:

- CHA will take all complaints regarding antisocial behaviour seriously.

- CHA is committed to using the best housing management policies and procedures to prevent nuisance and anti-social behaviour occurring.

- Where this fails CHA will take swift action to try to resolve the problem, involving a structured approach and the use of incremental sanctions culminating ultimately in Court action.

- Where serious problems occur (especially of a criminal nature) CHA will engage with Police Scotland in working towards a solution.

- Where problems persist (and there is no clear criminal justice solution), CHA 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 ASBOs and/or eviction.

- At every stage CHA will work with the Police and any other relevant agencies to:

  - resolve problems of anti-social behaviour
  - identify and commission support for people who need it
  - support the victims of anti-social behaviour and keep them informed of progress and development

8 POLICE INVOLVEMENT:

8.1 Recognition is given to the fact that 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 CHA where appropriate).

82It is also recognised, however, that there may be other legal mechanisms (e.g. civil actions such as ASBOs) that can be used by both CHA and the Police and these may afford a more effective response in some instances (e.g. where evidence for a criminal conviction is difficult to obtain). In such instances we must work with the Police to agree the course of action and jointly pursue such civil actions where these are most appropriate.

8.3 To further such an innovative strategy we need to develop a true partnership between the CHA tenants, Police Scotland, and the Council (who are responsible for ASBOs).

9. FOUR PARTS OF THE STRATEGY

9.1 The four parts of Scotland's Antisocial Behaviour strategy governed by the Antisocial Behaviour (Scotland) Act 2004 are:

- Prevention
- Intervention
- Supporting Victims
- Enforcement

Prevention:

9.2 The main thrust of this policy is to stress the significance of Intervention, Supporting Victims and Enforcement. **CHA recognise that the delivery of other services provided by us can be a** preventative action, through pro-active and responsive positive measures to reduce the likelihood of anti-social behaviour and nuisance and prevent the escalation of disputes. Policies that are aimed at creating balanced and responsive communities that will help to create a culture of non-tolerance of anti-social behaviour are:

- Allocations Policy
- Estate Management Policy
- Recharge Repair Policy
- Pet Policy
- Complaints Policy

9.2.1 The policy should reflect the particular characteristics of the local housing stock and respond to local demand trends. Local housing management procedures and practice should encourage good neighbourly relations.

This will be achieved by:

- Ensuring every CHA tenant understands their obligations to be a good neighbour at the point of sign-up. This message will be reinforced in the Tenants Handbook.

- Housing Officers having a pivotal role in this process, by encouraging good behaviour and working to stop anti-social behaviour where it occurs. Their role is also crucial to ensure that incidents are properly recorded so that evidence is preserved for any court action ultimately taken.

- The use of early intervention and mediation to resolve disputes before they escalate.

- The use of the Short SST agreement as a device with probationary controls to offer tenants with a prior history of anti-social behaviour 'a second chance' with support built-in and leading to an SST agreement.

9.2.2 The behaviour standards expected from tenants and their visitors should be publicised. This will be achieved/assisted by:

- Ensuring that at Tenancy sign up the importance of good neighbour relations is stressed.

- Making adequate provision within the Tenants Handbook for the issue to be highlighted.

- Undertaking New Tenancy visits

- Ensuring that regular newsletters provide prominent coverage of both positive neighbour relations stories and illustrate the consequences of anti-social behaviour.

9.3 Intervention

- When complaints of anti-social behaviour come in, it is important that appropriate action is taken swiftly to resolve the problem where possible and avoid escalation. The key elements of intervention will be:

- Respond within agreed timescales (see Section 12) to complaints in accordance with set procedures.

- Undertake thorough investigations and ensure accurate record keeping as detailed within a checklist for potential court action.

- Respond positively to cases where complaints are the result of unidentified support needs or inadequate support provision. In such cases support must be provided if it will stop the anti-social behaviour.

- Promote effective liaison and joint working arrangements with other agencies, both statutory and voluntary, such as other Housing Associations, the Police, the Health Board, relevant Council Departments such as Social Work and Environmental Services, the Procurator Fiscal's office and the Scottish Children's Reporter's Administration. (The MARIM groups have a particular focus on race and housing including the tracking of allegations of anti-social behaviour perceived to be racially motivated. The Police, housing providers and Social Work Services are key parties within these groups).

- Work closely with the Police to implement joint initiatives to address persistent problems and offenders in accordance with specific protocols, always being clear that criminal activity is primarily Police responsibility.

- Use Mediation to enable conflict to be resolved peaceably by those involved in it.

- Ensure staff are trained, equipped and supported to deal with the range of problems and issues that emerge.

9.4 Supporting Victims

CHA recognises that taking action to deal with those responsible for anti-social behaviour must be complemented by awareness of the needs of the

victims of such behaviour. An essential element of this policy will therefore be:

- Protect and support victims of neighbour nuisance and antisocial behaviour. Involve Victim Support counselling and Police support and where necessary discuss other housing options to address the most acute cases to be protected.

- Keep victims and their families or representatives fully informed of progress with actions taken and expected outcomes. Ensure that the Police maintain an appropriate profile or take action in support of the victim.

- Even where actions are delayed (for example due to court procedures) ensure that victims are kept informed of the reasons for this.

9.5 Enforcement:

Where early intervention has failed to stop the anti-social behaviour or if the initial complaint is of a very serious nature, CHA staff will take enforcement action as follows:

- Agree with Police Scotland the most appropriate sanction (criminal or civil action) available.

- Liaise with other agencies as appropriate to ensure that other remedies, such as increased support, have been exhausted.

- Serve the correct Notice of Proceedings on the tenant (and qualifying occupiers) and maintain accurate records including demonstration of all reasonable attempts and efforts to notify qualifying occupiers. (For the avoidance of doubt, Notices of Proceedings will be served on tenants even where the proposed action is to be an application for an ASBO. The serving of such a Notice will be a precautionary measure and does not commit CHA to any particular Court action).

- If the tenant is the tenant of a Short Scottish Secure Tenancy, serve the correct Notice of Proceedings and Notice to Quit terminating the tenancy on the ish.

- Compile and order all of the evidence in anticipation of court action.

- Apply to the court for an interdict where the problem involves damage to property or threats to staff.

- Apply to the Council for an ASBO to be sought from the court (this sanction will also be available where owners are causing problems).

- Where ASBO is granted against a tenant, issue the correct notice to convert the SST to SSST.

- Report breach of an ASBO to the Police and monitor the outcome of Police action.

- Ultimately, seek decree from the court to evict the offending tenant.

- At every stage ensure appropriate support is provided for victims and witnesses and keep them informed of progress.

10 ROLES AND RESPONSIBILITIES IN TERMS OF DELIVERY OF POLICY AIMS AND OBJECTIVES

10.1 Aims and objectives will be achieved by adopting an effective approach supported by comprehensive procedures, multi-agency protocols and statements of best practice.

10.2 CHA Staff will be responsible for the day-to-day dealing with neighbour relations and anti-social behaviour. They will give advice and take action where necessary within the timescales laid down in this policy (See Section 12).

Legal Action

10.3 Responsibility for the decision to initiate legal action in an anti-social case will be a matter for the Housing Manager. Prior to any legal action the Housing Manager will present the information to the Board of Management for Approval The Housing Manager should then be instructed to refer the matter to CHA lawyers and present the evidence to them for initiating Court action.

10.4 The Housing Services Team will carry out such subsequent investigation, update witness statements, and provide such support as is required by the CHA Legal Team to prosecute the case in Court effectively.

Specialist Services

10.5 Dealing with anti-social behaviour will on occasion require the use of specialist services to either pursue or help resolve individual cases. The Housing Services Team will either:

- Provide such services/skills in house, or

- Serve as a resource centre for accessing such skills and services externally.

11. Short Scottish Secure Tenancy (SSST)

11.1 The Short Scottish Secure Tenancy (SSST) was introduced by the Housing (Scotland) Act 2001. A SSST is a short term or probationary tenancy agreement that can be given to tenants.

There are two main reasons why we may offer a Short Scottish Secure Tenancy (SSST), one of which is due to antisocial behaviour. If there is confirmation of antisocial behaviour we will consider using an SSST when:

- a potential tenant was evicted for antisocial behaviour in the last three years,
- or a court has given our tenant, or a member of their household, an Antisocial Behaviour Order,

we would give a Short Scottish Secure Tenancy to allow us to monitor the tenancy. We can end the tenancy if we need to protect our neighbourhood or community against antisocial behaviour.

11.2 The SSST must be for a term of at least 12 months and thereafter, it can be extended for a period of 6 months or it must convert back to a Scottish Secure Tenancy (SST). We will convert the SSST to a full Scottish Secure Tenancy at the end of 12 months, provided the tenant has not behaved in a manner deemed unacceptable.

If antisocial behaviour recurs after conversion to a full Scottish Secure Tenancy, we can seek re-possession through the courts or a further ASBO can be sought, and if granted the tenancy can once again be demoted to a SSST.

12 DEFINITIONS AND RESPONSE STANDARDS

12.1 The following definitions and response standards are regarded as crucial in ensuring that anti-social cases are properly assessed and speedily acted upon:

Category A:
Very Serious Complaints: Complaints which concern allegations of drug dealing, criminal behaviour involving violence or housebreaking, assault, violence, criminal threats, serious harassment and racial harassment, and serious damage to property, including fire raising.

Response: one working day of initial complaint.
Resolution: 3 months

Category B:

Serious Complaints: Complaints which concern allegations of aggressive/abusive behaviour, frequent disturbances, vandalism, drug/solvent/alcohol abuse, verbal/written harassment, and frequent and persistent noise pollution.

Response: within three working days of initial complaint.
Resolution: **1 month**

Category C:
Neighbour Nuisance Complaints: Complaints which concern allegations that involve simple breaches of tenancy conditions.

Response: within five working days of initial complaint.
Resolution: 10 working days

12.2 **In responding to an incident staff should inform the complainant of the assessed seriousness of the complaint and this should be recorded in the relevant file.**

13 PETS

13.1 Tenants must take all reasonable steps to prevent pets from causing a nuisance, annoyance, or presenting a danger to neighbours. This includes fouling, noise, or smell from pets. In such cases permission to have such pet(s) may be withdrawn and action may be taken against the tenancy.

14 PERFORMANCE MONITORING AND POLICY REVIEW

14.1 In order to track and test the effectiveness of this policy, arrangements will be made to:

- Establish targets for performance monitoring and report the results to the Board of Management.
- Monitor and review the effect of policy and procedure on a regular basis.

15. PROCESSING INFORMATION – GENERAL DATA PROTECTION REGULATIONS

15.1 Cassiltoun Housing Association will process information and data received in accordance with its Policies and Procedures relating to the General Data Protection Regulations and all customers will be issued with a Fair Processing Notice.

All staff members will be made aware of their responsibilities in relation to the General Data Protection Regulations and will be trained in the process that the Association has introduced to ensure compliance with GDPR.

16. COMPLAINTS

Our aim is to get it right first time, however, the Association is aware that this is not always the case and tenants maybe dissatisfied with the service that they have received. Therefore, the Association has a Complaints Policy which should be referenced where there is dissatisfaction with this policy or its operation. The Complaints Policy is available as a separate document on our website, from the Association office and, as with all of our policies, can readily be made available on tape, in Braille, in large print or in translation.

17. POLICY REVIEW

17.1 This policy will be reviewed within a three year cycle or as new legislation is enacted this policy will be reviewed to take account of any new measures for tackling anti-social behaviour that become available.

18 **Appendix 1**

Everyday living noise or minor lifestyle differences are not classed as anti social behaviour and will not be investigated under the terms of this policy. Examples:

• Parties where the level of noise nuisance has been such that, Police/noise enforcement team have not been called and no other resident has made a complaint

• Incidents where the Police/ noise enforcement team have been called and don't issue any warnings and any person complaining doesn't have corroboration

• Noise from people walking across wooden/ laminate whilst wearing shoes, doors banging, noise from passage up and down stairs (unless it is proven to be excessive)

• Noise from people using washing machines, tumble driers, vacuum cleaners, lawnmowers etc between 7am & 10pm

• Cooking smells

• Smoking in closes/common areas (excluding smoking of cannabis, which is considered as drugs offences and referred to police)

• Balls going into neighbours gardens

• Children falling out with each other

• Noise from children playing in or near their own home including in shared back gardens between 8am & 9pm

• Where children are playing outside in small groups between 8am to 9pm causing no damage to landscaping or property.

• Vehicle nuisance, revving engines, loud music from car/motorbikes, careless driving, racing, parking irresponsibly or parking issues

• Looking out of windows

• Dirty looks/rude gestures

• Noise associated with the playing of games

• Children drawing with chalk on paths/pavements in the vicinity of the property

• Fireworks

• Social media/ nuisance calls and/or texts

This list is not exhaustive, each case will be assessed individually on its merits. When we will not deal with a complaint we will, if possible, give advice on other agencies that may be able to help or may recommend a referral to Glasgow City Council's mediation services.