



## Neighbour Nuisance and Antisocial Behaviour Policy

We know that sometimes a policy can be hard to read. We have made a question and answer version of our draft Neighbour Nuisance and Antisocial Behaviour Policy. If you have any more questions or if there is something that you do not understand, please contact us and we will try to help.

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**1. What is the purpose of the Neighbour Nuisance and Antisocial Behaviour Policy?**

The Neighbour Nuisance and Antisocial Behaviour Policy sets out the legal framework that we will use to tackle antisocial behaviour throughout Moray, regardless of housing tenure.

**2. How does the Neighbour Nuisance and Antisocial Behaviour Policy fit with other strategies?**

This policy helps us meet the aims and objectives of the Council's Local Outcome Improvement Plan – Moray 2027, the Local Housing Strategy as well as the Community Safety and Antisocial Behaviour Strategy for Moray. This strategic framework helps us work with partner agencies to try and make sure communities feel safe.

**3. What are the objectives and principles of the Neighbour Nuisance and Antisocial Behaviour Policy?**

The objectives and principles are to:

- try to prevent neighbour nuisance and antisocial behaviour by responding to complaints quickly and effectively;
- take early action to prevent issues escalating;
- act professionally when dealing with complaints;
- not to discriminate against anyone when dealing with complaints;
- attempt to lessen the stress and impact caused by severe cases of antisocial behaviour within neighborhoods and communities;
- work in partnership with agencies in an attempt to achieve more effective results.

**4. What law(s) govern how the Council should deal with antisocial behaviour?**

The main legislation is the Antisocial Behaviour (Scotland) Act 2004 and Housing (Scotland) Act 2001, as amended by the Housing (Scotland) Act 2014, Part 2. These place a statutory duty on us to try to tackle antisocial behaviour as well as outlining the powers available to us.

We also have a duty under the Equality and Human Rights Commission (EHRC) for all front line staff to be involved in identifying and reporting vulnerable people, particularly in relation to incidences of antisocial behaviour.

We are committed to promoting equality and will make sure that we do not discriminate between individuals on any protected characteristic under the Equality 2010 Act. We will also make sure that any information given to us as part of the application process will be used in line with the General Data Protection Regulations (GDPR) and the Data Protection Act 2018.

## **5. What is neighbour nuisance and antisocial behaviour?**

The range of neighbour nuisance and antisocial behaviour is wide. A dispute between two neighbours may be considered to be a neighbour nuisance. Antisocial behaviour might be the threat to physical or mental health, safety or security of other households, individuals or may disrupt neighbourhoods and communities. Living closely to each other means there is always the possibility for clashes and conflict can be triggered by different lifestyles. Different age groups, cultural backgrounds or working or sleeping patterns can easily cause friction and/or disagreements. This policy does not address behaviour that is merely different.

## **6. What categories of antisocial behaviour does the Council deal with?**

We prioritise complaints based on the following categories:

<b>Category A</b>	Very serious antisocial behaviour, including criminal activity such as drug dealing, assault or harassment of an individual due to a protected characteristic.
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<b>Category B</b>	Not quite criminal activity but could be a deliberate attempt to cause disturbance or annoyance to a neighbour. More than a clash of lifestyles. May involve threats, harassment, intimidation or damage to property such as vandalism/fire raising, causing danger and putting others at risk which may not be substantiated by witnesses. It may involve disregard for others with loud music and parties or where the
	incidents are persistent and attempts to change behaviour has not worked.
<b>Category C</b>	Minor issues solely between two neighbours and minor breaches of tenancy agreements. This includes the use of common areas, maintenance, the use of boundaries and noise.

Where any case escalates or becomes more serious in nature, it can be re- categorised. The policy also covers other low level behaviours relating to Council tenancies, which are usually dealt with by housing staff. In persistent and recurring cases, where there is no sign of improvement, the case can be reclassified to become antisocial behaviour.

## 7. What happens when you make a complaint to us?

Complaints can be made via our online reporting form, by letter, phone or in person. Anonymous complaints will be recorded, but it may not be possible for us to take action unless a Council Officer can verify the complaint. The target times to respond to cases are:

<b>Category A</b>	Visit/interview complainant and contact police within 1 working day.
<b>Category B</b>	Carry out initial investigation and assess appropriate action. Contact complainant by phone call/letter/visit within 2 working days to advise of assessment.
<b>Category C</b>	Investigate complaint and contact complainant by phone/letter or visit within 5 working days.

We will contact customers by their preferred means of communication.

## 8. How will you deal with my complaint?

Our Housing Liaison Officer or a Community Warden will deal with most complaints depending on the category. More serious Category A complaints will involve the Community Safety Team, Police Scotland and the Housing Services Manager.

We will deal with a complaint as follows:

- log details of the complaint and award a category;
- take initial action (depending on the severity of the case). This may include:
  - contact with the complainant to gain more details;
  - contact with local police for more information;
  - issue a letter to the offender outlining the complaint and reminding them of the terms of their tenancy agreement;
  - visit the complainer to discuss complaint, investigate and collect more details;
  - Visit to neighbours for more information if needed.

We will work within our local targets for investigating and resolving complaints wherever possible:

<b>Category A</b>	20 working days from the date the initial letter is sent.
<b>Category B</b>	35 working days from the date the initial letter is sent
<b>Category C</b>	40 working days from the date the initial letter is sent.

We use the definition of ‘resolved’ provided by the Scottish Housing Regulator which is ‘where the landlord has taken appropriate measures...to address the cause of the antisocial behaviour complaint and has advised the complainant of the outcome; or where the landlord does not have the authority or powers to resolve, it has provided a full explanation of the landlord’s position.’

These are maximum timescales to make sure any necessary multi-agency working to resolve the complaints can be carried out. All efforts will be made to resolve complaints within these timescales. In all cases the complainants will be kept informed on the progress and the reasons for any action taken, or for closing the case.

In complex cases where more information is needed to respond, or input from other agencies is required, it may not be possible to investigate and resolve complaints within these timescales. If this happens, an officer will contact the customer to confirm a revised response date and the reason(s) for the delay. Where the complaint is not resolved the officer will draw up an action plan including details of possible further action, target timescales and details of contact to be made. Where more evidence is needed to pursue the complaint, a standard recording form will be given with a guidance note on how to fill it in.

In some cases the officer might decide that no further action is needed or only a verbal warning is appropriate. If the complainant is not satisfied with this, they can complain using our formal complaints procedure. Details are available at any Council Office, Access Point or on our website at [www.moray.gov.uk](http://www.moray.gov.uk).

The majority of complaints will be resolved without legal action. Where a complaint cannot be resolved without legal action, all forms of legal action available to the Council will be considered in proportion to the category of complaint. Only in the most extreme cases will legal action be considered before a warning visit or interview is carried out.

Category A cases will be reviewed and monitored within our Community Safety Team. The potential implications will be considered and appropriate action will be taken in consultation with the Police Scotland and other relevant agencies.

Referrals will be made to Police Scotland using:

- a data sharing request to investigate cases, facts or allegations made; and
- a Police Referral Form for cases of extreme antisocial behaviour, criminal activity in relation to the property and where there are concerns that may affect the safety of occupants and/or any neighbours.

Where a complaint is received from an owner or private tenant against a Council tenant, the complaint will be investigated and dealt with as outlined in this policy.

## **9. What legal action can the Council take?**

A list of legal remedies is provided within the Scottish Government's publication 'Guide to the Antisocial Behaviour (Scotland) Act 2004'. The Council will actively seek to use these remedies where appropriate. The use of Antisocial Behaviour Orders (ASBOs) and eviction will only be considered as a last resort where other actions have been tried and failed.

We can take legal action in respect of a tenancy where a prospective or existing Council tenant, joint tenant, a member of their household, or any visitors to their tenancy have:

- had a course of antisocial behaviour within the previous three years;
- has an ASBO or an eviction order due to antisocial behaviour; or
- has been found guilty of an offence punishable by imprisonment and convicted by a Court.

We can consider using a short Scottish Secure tenancy (SSST) which will reduce the person's rights under their tenancy agreement to allow a period of time to monitor and address the behaviour, using the relevant support where necessary. This can also be used as an attempt to try and provide respite or alleviate some of the issues with neighbours and/or the surrounding community.

There are many factors to be considered before using a SSST. The Housing Liaison Officer and Area Housing Officer/Manager will discuss all relevant factors as detailed in the Council's Short Scottish Secure Tenancy Policy. Where the decision is made to use a SSST the agreed procedures will be followed and a robust audit trail will be maintained.

Where the Court has already convicted the person of a crime we may consider eviction using a streamlined process introduced by Section 14 of the Housing (Scotland) Act 2014. We will take all the individual circumstances of the case into account prior to taking any action. Where necessary our Evictions Policy and agreed procedures will be followed.

#### **10. What other services and agencies will the Council work with?**

Working with other agencies can be vital when trying to manage antisocial behaviour. We have an Information Sharing Protocol ([Section 139 of the Antisocial Behaviour etc. \(Scotland\) Act 2004](#)) with Registered Social Landlords, Police Scotland, the Procurator Fiscal, Children's Reporter, Scottish Fire and Rescue Service, NHS Grampian, Victim Support and SACRO. The protocol allows information to be shared in connection with tackling antisocial behaviour.

Individuals who experience prejudice, for example any of the groups protected by the Equalities Act 2010 may be more likely to be the victims of antisocial behaviour. Additional vulnerabilities and social issues can be common in cases of antisocial behaviour. We will involve the most appropriate service to make sure the relevant specialist support and/or accommodation is available or has been offered before considering any legal remedies. These social issues may include drugs, alcohol or other substances misuse and addiction, mental health issues, and domestic violence.

#### **11. What training will staff be given?**

Staff dealing with neighbour nuisance and antisocial behaviour complaints need training in various areas. These include interview skills, statement taking, the use of legal remedies and mediation skills. We will arrange and provide the appropriate where required.

#### **12. How do you record and monitor complaints?**

We keep robust records any complaints made and action taken. This helps us monitor the cases as well as identify the nature, type, frequency and location of particular incidents



and problem areas. We use standard action sheets in Category A, B and C to make sure all the information is documented in case legal action is necessary.

We monitor antisocial behaviour complaints to measure how effective the actions taken are. These include -

- the number of complaints received during year (by category of complaint) and closed during the year (within certain timescales);
- the number of cases of resolved within the local targets; ○ total number and type of action taken; ○ number of cases referred to mediation, community safety team or other agency and outcomes;
  - number of evictions for antisocial behaviour; ○ number of domestic noise complaints and the average time in hours between the complaint and attendance on site;
  - customer satisfaction with antisocial behaviour service; and
  - number of incidents reported using the Equalities Incidents Monitoring Form.

We also have a statutory duty to complete the Annual Return on the Charter (ARC) to the Scottish Housing Regulator (SHR). This provides key information on our performance throughout the year in relation to resolving antisocial behaviour complaints that relate particularly to Council housing stock. This includes:

- the number of cases of antisocial behaviour reported within the year;
- the number of cases resolved within the year;
- the number of cases resolved within the locally agreed targets; and
- the percentage of antisocial behaviour cases reported which were resolved within the locally agreed targets.

### **13. How do you measure customer satisfaction?**

We send individual customer satisfaction surveys to every customer when we resolve a complaint. We also carry out a Housing Tenant Satisfaction Survey every three years,

which is sent to all Council tenants. This lets us see the views and opinions of tenants using the service, the value of the service provided and is used to make more improvements to the service. All survey feedback is collated and reported to our Communities Committee.

This policy will be reviewed in 2022 or earlier if required by changes to legislation and/or guidance.