

Date Issued	February 1998
Last Reviewed	September 2025
Service Area	Housing
Title	Neighbour Nuisance & Anti-Social Behaviour Policy
Objective	To provide guidance to staff dealing with antisocial behaviour both within and out-with the East Lothian Antisocial Behaviour Partnership in order to minimise the occurrence of, and deal promptly and appropriately with incidents of neighbour nuisance and antisocial behaviour, including harassment and racial harassment.
Responsible	Director of Housing
Next Review Date	September 2030

1.0 Introduction

- 1.1 The Antisocial Behaviour etc. (Scotland) Act 2004 introduced a duty on all local authorities in Scotland together with the Police to prepare an Antisocial Behaviour Strategy for their area. In 2005 East Lothian Council and Police Scotland (responded to this requirement by producing the first East Lothian Antisocial Behaviour Strategy which links to a number of other Council strategies and plans. The East Lothian Antisocial Behaviour Partnership, formed as part of the strategy, exists “To root out and reduce the incidence of antisocial behaviour in East Lothian” and to deliver the strategy.
- 1.2 Membership of the East Lothian Antisocial Behaviour Partnership is listed in the Partnership Antisocial Behaviour policy (the Partnership policy) attached at **Appendix 1**. The Partnership policy acknowledges that individual partners can act independently to address issues arising from antisocial behaviour but suggests that whilst independent action may be appropriate in dealing with low level neighbour nuisance, more serious incidents of antisocial behaviour will be more effectively and consistently dealt with by the Partnership.
- 1.3 The Partnership policy also introduced information sharing protocols between the partners, facilitating the exchange of information essential to effectively tackle antisocial behaviour and ensuring compliance with data protection legislation.

- 1.4 As members of the East Lothian Antisocial Behaviour Partnership and signatories of the information sharing protocols, we endorse the Partnership policy. However, although we will almost always seek to tackle serious antisocial behaviour through the Partnership, there may be occasions (for example if the Partnership cannot act as quickly as we feel necessary) when we decide to take action. As an independent organisation we need a policy to guide staff in dealing with low level neighbour nuisance and, in the event that we choose to act independently, more serious issues to ensure that we respond appropriately to address antisocial behaviour affecting our tenants or neighbourhoods.
- 1.5 This policy sets out what we will do to try to prevent neighbour nuisance and antisocial behaviour, including all forms of harassment and how we will respond to incidents that are reported to us. It is supported by detailed procedures for staff.
- 1.6 We understand our responsibility to support tenants so that they can enjoy their home environment. We want our tenants to live peacefully with each other in their communities and to enjoy their homes without the nuisance and annoyance that inconsiderate or antisocial behaviour can cause.
- 1.7 Our tenants also have a responsibility to make sure that their actions, the actions of their household or visitors who come to and from their homes do not interfere with their neighbours' quiet enjoyment of their communities.
- 1.8 We recognise that in some cases, particularly of a relatively minor nature, our involvement in neighbour disputes may exacerbate the situation and lead to "tit for tat" complaints and so we will always encourage and support complainants to speak to their neighbour in the first instance and only involve us if this approach does not succeed in resolving the issue.
- 1.9 We will strive to resolve incidents of neighbour nuisance and antisocial behaviour to the best of our ability. We will do this by effectively communicating with all relevant parties involved throughout the investigation of the issue.
- 1.10 Except in the most serious circumstances, we will always seek to address neighbour nuisance or antisocial behaviour using this policy and the procedure that supports it. However, if the behaviour persists and more serious action is required, we will usually revert to use of the Partnership policy beginning at section 9.2.3 (final warning) or 9.2.4 (accompanied visit or ABA) and monitor progression of the case through the monitoring group process outlined at section 5. This ensures that serious antisocial behaviour is dealt with consistently wherever it occurs in East Lothian.
- 1.11 We will treat all complaints fairly and equally, always follow law and Best Practice when taking action, using all remedies available to us. A useful list of terms is provided in the introduction to the Partnership policy and need not therefore be duplicated here but remedies may include (but are not limited to):

- Mediation / Resolution
- Notice of Proceedings
- Acceptable Behaviour Agreements
- Antisocial Behaviour Orders
- Repossession Action
- Interdict
- Action of Specific Implement

We will always seek to ensure that the remedy used is proportional to the type of behaviour reported but recognise that even low level nuisance may result in serious action if it is repeated, and the perpetrator refuses to desist.

- 1.12 Dependent upon the severity of a situation and the availability of witnesses, we may consider the use of professional witnesses.
- 1.13 We will rarely consider legal action against children. However, in the event that legal action is considered we will always work with the Antisocial Behaviour Partnership (whose membership includes Social Work), East Lothian Council's Community Protection Team (charged with delivering the East Lothian Antisocial Behaviour Strategy), parents and any other appropriate organisation through the case monitoring structure outlined in section 5 of the Partnership policy.

2.0 Definitions

- 2.1 Neighbour nuisance is the term used to describe thoughtless or sometimes deliberate behaviour that interferes with the complainant's enjoyment of their home and can generally be dealt with entirely through the operation of this policy.
- 2.2 The Antisocial Behaviour etc. (Scotland) Act 2004 defines antisocial behaviour as:

'a person engages in antisocial behaviour if the person (a) acts in a manner that it likely to cause alarm, distress, nuisance or annoyance; or 2 (b) pursues a course of conduct that causes or is likely to cause alarm, distress, nuisance or annoyance, to a person residing in, visiting or otherwise engaging in lawful activity at, or in the locality of, a relevant house'

Such behaviour is generally of a more serious or persistent nature and will usually be dealt with under the Partnership policy.

2.2 Antisocial Behaviour Order (ASBO):-

‘civil orders to protect the public from behaviour that causes or is likely to cause harassment, alarm or distress. An order contains conditions prohibiting an individual from carrying out specific anti-social acts or (for example) from entering defined areas.’

2.3 Harassment (Section 26, Equality Act 2010)

Harassment is unwanted conduct related to a relevant protected characteristic which has the purpose or effect of:

- Violating a person’s dignity, or
- Creating an intimidating, hostile, degrading, humiliating or offensive environment for that person

3.0 Legal & Regulatory Framework

3.1 We will comply with all relevant legislation including (the list is not exhaustive):

- The Housing (Scotland) Act 2001
- The Housing (Scotland) Act 2014
- Antisocial Behaviour etc. (Scotland) Act 2004
- Crime & Disorder Act 1998
- Hate Crime and Public Order (Scotland) Act 2021
- The Human Rights Act 1998
- The Equality Act 2010
- The Data Protection Act 2018 and the UK General Data Protection Regulation

3.2 We will also comply with the Scottish Housing Regulator’s Social Housing Charter Outcomes and Standards which support the requirements of the Scottish Social Housing Charter, and in particular, the following outcomes:

Equalities	Social landlords perform all aspects of their housing services so that: they support the right to adequate housing, and every tenant and other customer has their individual needs and rights recognised, is treated fairly and with respect, and receives fair access to housing and housing services
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Communication	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, ASB, neighbour Nuisance and Tenancy Disputes	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	Tenants get the information they need on how to obtain support to remain in their home; and ensure suitable support is available, including services provided directly by the landlord and by other organisations

4.0 What is Neighbour Nuisance and Anti-Social Behaviour

4.1 Anti-social behaviour can mean different things to different people and the expectations of standards of behaviour can vary. However, examples of antisocial behaviour include the following:

- Noise
- Rowdy behaviour such as shouting, swearing and fighting
- Intimidation of neighbours and other through threats or actual violence
- Harassment, including racial harassment, sexual harassment or sectarian aggression
- Verbal abuse
- Vandalism, property damage & graffiti
- Drug dealing
- Animal nuisance, including dog fouling
- Dumping rubbish
- Failure to keep communal areas clean and tidy
- Failure to maintain the garden at a reasonable standard
- Running a business from a property

5.0 Responsibilities of Tenants

5.1 Tenancy agreements are legal contracts which state that a tenant is responsible for their own behaviour, those living with them and for visitors. Tenant responsibilities include:

- Showing reasonable consideration for their neighbours at all times
- Ensuring that no damage occurs to their home
- Being responsible for the behaviour of visitors in the home and in the vicinity of the home
- Ensuring that pets are kept under control
- Ensuring that their home, garden and common areas are kept clean and tidy
- Not behaving in an aggressive or intimidating way
- Not behaving in a way that may cause nuisance and annoyance due to late night use of domestic appliances, stereo equipment and noise caused by raised voices, either by tenants or visitors to the home
- Aiming to discuss issues with their neighbour to see a problem can be resolved
- Agreeing to mediation support if it is offered
- Reporting any anti-social incidents to us
- Reporting suspected criminal behaviour to the police

6.0 Principles

- 6.1 We recognise the importance of tackling unacceptable or antisocial behaviour and understand the impact it can have on residents' lives. As a result, we will not tolerate such behaviour and aim to take quick and effective action to tackle it.
- 6.2 We will respond to all complaints made about the behaviour of our tenants, but, other than to offer advice, will not become involved in personal disputes which whilst they often result in neighbour complaints are not directly related to tenancy conditions.
- 6.3 We will try to prevent neighbour nuisance and antisocial behaviour by providing information on Getting Along With Neighbours prior to the start of a tenancy (either through the My New Home process or in paper form for offline tenants), and referring specifically to the relevant clauses of the tenancy agreement when signing up a new tenant. We will also provide new tenants with clear information about the type of conduct we consider unacceptable.

- 6.4 We will also try to minimise complaints of neighbour nuisance by proactively managing our properties and estates, identifying issues as early as possible and addressing them quickly and effectively, following our Estate Management Procedures.
- 6.5 If we receive a complaint of harassment e.g. racial harassment or incidents related to any other protected characteristic, we will adopt a complainant centred approach and will always believe that the harassment has occurred whilst we investigate the facts.
- 6.6 We will encourage tenants and residents to report all racist incidents. We will also state the action that we will take to deter perpetrators and to give victims information and confidence to report racist incidents or any other incident related to a protected characteristic.
- 6.7 If we allocate an available property to an applicant who has, or has someone living with them, who has behaved antisocially in the preceding three years before being considered for the tenancy, we may grant a Short Scottish Secure Tenancy (SSST) for a period of 12 months, in order to monitor the conduct of the tenancy. If we do not receive any complaints of antisocial behaviour and there are no other tenancy breaches during this period, the tenancy will automatically convert to a Scottish Secure Tenancy. We may extend the SSST for a further 6 months provided there are housing support services in place and will give the tenant the reason for doing this. Extending the period allows the new tenant extra time to improve their behaviour.
- 6.8 If a tenant, members of their household or visitors have behaved antisocially, we may also convert an existing Scottish Secure Tenancy to a Short Scottish Secure Tenancy for a period of 12 months to monitor behaviour. During this period, we will seek to support the tenant in their efforts to address the antisocial behaviour. If the behaviour improves the tenancy will automatically convert to a SST unless we decide to extend the SSST for a further 6 months. We will only do this if housing support services are in place and will tell the tenant why we are doing it. If the tenant fails to co-operate with the support and/or the behaviour continues we will seek a repossession order from the Court.
- 6.9 If we become aware that a tenant, a member of their household, sub tenant or a visitor, has been convicted of criminal or antisocial behaviour punishable by imprisonment (irrespective of whether the conviction itself imposed a term of imprisonment), in or in the locality of their home, we may consider taking repossession action against the tenant whether or not complaints have been made by neighbours. Such action will only be taken within 12 months of the date of the conviction, in line with the streamlined eviction process. Whilst this action is very specific, it should be noted that we can still take legal action at any time during a tenancy, should a tenant, member of their household, subtenant or visitor pursue a course of antisocial behaviour.

6.10 We aim to create and maintain conditions in which tenants can enjoy their home and surroundings in peace without excessive disturbance from others and will take positive and decisive action to deal with neighbour nuisance or antisocial behaviour. We will do this by:

- Being clear with complainants when it is not appropriate or desirable for us to become involved in a dispute and, wherever possible, giving advice on how best to resolve the issue or directing the complainant to a more relevant organisation who may be able to help
- Where we decide that an investigation is needed, we will do so efficiently and effectively, in confidence and within agreed timescales
- Taking any appropriate action, including court action against the perpetrators

6.11 We will respect that a complainer may wish to remain anonymous and where appropriate, alternative methods to provide evidence may be used. However, anonymity may not be possible in some circumstances, for example, where a person or child is at risk of serious harm or when required to do so by law or a court order.

6.12 Although we will usually investigate, we will always exercise extreme caution and discretion when dealing with anonymous complaints, as they may be malicious and may be a form of harassment.

6.13 Many neighbour complaints are received by telephone when we will gather all of the information we need from the complainant to be able to deal with the issue. It will often be necessary for staff to carry out home visits to the alleged perpetrator, which may on occasion be out of office hours. In such circumstances, staff will take the appropriate action in accordance with our Lone Working Policy.

7.0 Responding to Neighbour Nuisance and Antisocial Behaviour Complaints

7.1 The complaints we receive can range from minor incidents of neighbour nuisance to occasionally very serious antisocial behaviour, which can be life threatening. When we receive any report of neighbour nuisance or antisocial behaviour we will;

- Establish the facts of the complaint; the nature of the incident(s)/behaviour giving rise to the complaint, frequency, duration and impact, gain contact details for any witnesses and ensure that the information is accurately recorded
- Decide whether the complaint would be more appropriately directed towards another agency (e.g. East Lothian Council, the Police) and, if so, explain this to the complainant, providing contact details

- Consider whether mediation may be an appropriate response and if so, arrange a referral
- Explain to the complainant how the complaint will be handled including timescales and possible outcomes

7.2 We will allocate the complaint to one of four categories which will determine whether and if so, how quickly we will aim to investigate further and resolve the problem:

- **Category A:**

Incidents of a very serious nature including but not limited to, physical violence, criminal behaviour, harassment relating to a protected characteristic, significant escalation or increase in frequency of disturbances or excessive noise. Police involvement is very likely, and complaints of this nature will usually be escalated to the Partnership and raised at the Adult Monitoring Group.

- **Category B:**

Incidents which indicate antisocial behaviour, such as persistent excessive noise, frequent disturbances, threats of violence, vandalism to property. Police involvement may be evident.

- **Category C**

Incidents which clearly breach a tenancy condition, but which are of a relatively minor nature, e.g. occasional noise, clash of lifestyles, noisy or uncontrolled pets.

- **Category D**

Incidents that would be more appropriately dealt with by another agency or where the most appropriate response is to provide advice only to the complainant. Such incidents will be recorded and may be escalated to an investigation should the problem persist. This category also includes estate management issues such as a failure to keep communal areas tidy, dumping of furniture and rubbish in stairwells and common areas, untidy gardens and abandoned vehicles.

7.3 We aim to respond to complaints within the following timescales:

Timescale	Category A	Category B	Category C	Category D
Acknowledge Receipt Within:	-*	-*	3 days	3 days
Respond Within:	3 days	5 days	10 days	10 days

* We will not normally acknowledge receipt of Category A & B complaints given the urgency needed to deal with these.

- 7.4 Complaints can be made by telephone or in writing (including by email, live chat or through the complaints facility in My Home), through a referral from the Antisocial Behaviour Helpline or by a third party. On receiving a complaint, staff will categorise it, acknowledge receipt where appropriate, and aim to investigate and make an initial assessment within the agreed timescales.
- 7.5 We may contact the person making the complaint to clarify what the problem is and obtain any further information we need. Staff will explain that reported incidents are treated confidentially, but sometimes the person causing the problem will be able to guess who has reported the incident. We will discuss security measures and provide advice if there is a threat to a person's safety.
- 7.6 When investigating the incident staff may visit other residents in and around the neighbourhood to seek witnesses. Normally, the witnesses must be over 16 and not related to the person reporting the incident. Staff will also contact other agencies that may have been involved in the incident such as the Police, the Community Protection Team, Mediation service etc.
- 7.7 If the behaviour complained about is persistent and repeated, we will advise the person(s) reporting the incident to keep a log of all incidents and telephone the police where necessary. We will be happy to assist the victim with contacting the police and/or other appropriate organisations if the perpetrator has committed a criminal offence. In cases where an Antisocial Behaviour Order or repossession action are being considered the person will be made aware that they may be required to give evidence in court.
- 7.8 When staff have obtained all relevant information about an incident, they will speak with the alleged perpetrator to discuss the problem, this will usually be at their home. This can result in the tenant being given verbal advice or a formal warning as appropriate.
- 7.9 On completion of an investigation staff will write to both parties confirming the outcome.
- 7.10 For the avoidance of doubt, whilst we will always endeavour to obtain corroboration of a complaint, e.g. by speaking to witnesses or using noise detection equipment, in the absence of corroboration, staff will exercise professional judgement based on their discussions with both parties and any witnesses and any previous history of neighbour nuisance in deciding whether or not the Scottish Secure Tenancy Agreement has been breached and, if so, the action to be taken.
- 7.11 With the exception of Category D complaints, staff will continue to monitor complaints after the completion of an investigation to ensure they remain resolved. They will do this by staying in regular contact with the complainant for a period of one to six months dependent upon the nature of the complaint.

8.0 Mediation

- 8.1 Mediation can be used to resolve neighbour disputes or antisocial behaviour such as:
- One to one incidents where the antisocial behaviour is repetitive but not escalating
 - When a group of tenants jointly report antisocial behaviour about one or more tenants
- 8.2 Mediation will only work if all parties involved in the issue agree to participate but will often be suggested for category C or D complaints and some category B complaints.
- 8.3 We will offer mediation to help neighbours reach an agreement that all or both of them can live with. This may not always be a resolution of the problem but could be a measure towards this.

9.0 Acceptable Behaviour Agreements (ABA's)

- 9.1 An Acceptable Behaviour Agreement is a contract that can be used to ensure that an individual agrees to act in a manner acceptable to the community and the Association. They are issued following a joint visit between the Police and Housing Officer and can be useful in helping to address unacceptable behaviour perpetrated by young people, not party to a SST.
- 9.2 We will only use ABA's through the Antisocial Behaviour Partnership as a final attempt to avoid more serious legal action.

10.0 Breach of Tenancy Agreement

- 10.1 If a tenant has been found in breach of their tenancy agreement there are several courses of action we may take dependent on the severity, impact or the frequency of the behaviour. This can range from a warning letter to more serious action such as converting the tenancy to a Short SST, an Antisocial Behaviour Order or eviction.
- 10.2 Although we will maintain confidentiality as far as possible when investigating reports of antisocial behaviour, if an Antisocial Behaviour Order is granted and it is appropriate in the circumstances, we will inform the complainants that an Order has been granted and the terms of the Order so that they can monitor the effectiveness of the Order and report any breaches of the terms (which are a criminal offence) to the police.

11.0 Tenancy Support

11.1 We will offer support to those tenants reporting / experiencing antisocial behaviour in a number of ways, for example by:

- Responding to complaints promptly and suggesting positive solutions
- Agreeing an Action Plan with those experiencing continuous antisocial behaviour and reviewing this with them throughout the case
- Keeping those experiencing antisocial behaviour informed of any material changes throughout the course of an investigation. This feedback may include advice on the limitations of our powers to deal with specific incidents or circumstances, and in such cases, we may make a referral to an alternative agency to assist
- Signposting tenants to external agencies that may be able to assist, for example, Victim Support

11.2 Our Housing & Community Outreach Service will work closely with our more vulnerable tenants experiencing continuous antisocial behaviour. They may also work with perpetrators who may have had their tenancy converted to a Short SST to ensure appropriate housing support services are in place.

11.3 We will consider management transfers in exceptional circumstances only, such as when a tenant or member of a tenant's family is subject to such serious antisocial behaviour or harassment that they are unable to remain in their present home and East Lothian Council is unable to assist under Homelessness legislation.

11.4 The Housing Manager will seek approval from the Senior Management Team for Management Transfers .

12.0 Eviction

12.1 We will instruct repossession action as a last resort, when all other appropriate remedies to stop the antisocial behaviour have been considered or have failed.

12.2 Evictions will only occur after they have been considered and approved by Senior Management. Evictions will be reported to the ELHA Board however the tenant's identity will not be disclosed.

13.0 Equal Opportunities

13.1 We will not discriminate in the operation of this policy on the basis of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity; race, religion or belief, sex, or sexual orientation.

- 13.2 We aim to promote equal opportunities and comply with the requirements of the Equality Act 2010.
- 13.3 Upon request we will make information available in alternative formats, for example, in large print. We are members of Happy to Translate and subscribe to Language Line, which enables us to access instant translations services from any telephone, 24 hours a day if English is not a tenant's first language.
- 13.4 We also provide information about our policy on elha.com which has a range of accessibility features to support tenants, for example, Readspeak, a text re-size function, Google Translate and we operate Live Person, where customers can 'chat' with staff online.

14.0 Confidentiality, Data Protection and Information Exchange

- 14.1 We respect the privacy and confidentiality of each case and are aware of the legal obligations under the Data Protection Act 1998, however, in some cases, we may be required to exchange information with external agencies where it is lawful to do so in order to prevent and protect our communities from antisocial behaviour. The type of information which may be shared includes, but is not limited to:
- The nature and location of incidents of antisocial behaviour
 - Personal information as to complainants and witnesses
 - Details of relevant visits to the property by agencies including the police
 - Convictions, cautions, reprimands, bail conditions, progress of criminal cases

15.0 Staff Training

- 15.1 All relevant staff will receive training in order for them to understand and apply our policy appropriately.

16.0 Monitoring & Performance

- 16.1 All reports of neighbour nuisance or antisocial behaviour are recorded in a database allowing us to identify repeat offenders and monitor our performance.
- 16.2 The Housing Manager is responsible for monitoring all incidents of neighbour nuisance or antisocial behaviour as part of the ongoing performance reporting and review process.

16.3 The Performance Committee will monitor performance through the submission of quarterly reports to make sure that the aims of this policy are being achieved.

16.4 We will publish performance on our Performance 365 microsite on elha.com.

17.0 Review of Policy

17.1 The Director of Housing is responsible for making sure that this policy is reviewed every five years and that any significant changes required are submitted to the ELHA Board for approval.