



# **Cernach Housing Association Neighbour Disputes & Anti Social Behaviour Policy and Procedure**

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## **1. INTRODUCTION**

- 1.1 Cernach Housing Association is committed to helping tenants to maintain the quiet enjoyment of their homes by operating a policy and procedure, which endeavours to prevent situations arising that might lead to neighbour complaints.
- 1.2 It is the Association'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 procedure 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.
- 1.5 This policy and procedures which follow has been developed using SFHA Raising Standards in Housing Manual, and the Chartered Institute of Housing's action framework for housing practitioners and Governing bodies. Both of these documents provide a useful tool for Housing Officers and to which reference should be made when considering preventative action and practical steps to tackle neighbour disputes, harassment and anti social behaviour.

## **2. POLICY STATEMENT**

- 2.1 Cernach Housing Association will not tolerate any level of neighbour nuisance or any form of anti-social behaviour affecting its tenants. The Association will communicate clearly what standards of behaviour are acceptable. Where necessary the Association will use the most robust measures available to it to stop anti social behaviour.

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- 2.2 To achieve this, the Association will develop joint working with Strathclyde Police, the Community Wardens, Streetwatch 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 being developed for information sharing with the Police, Glasgow City Council and the Association. Bi-monthly meetings are also attended by Housing Officers at the police station.
- 2.3 The Neighbour Disputes and Anti Social Behaviour Policy has clear links to the Racial Harassment Policy, the Estate Management Policy, and the Allocation policy.

**3. DEFINITION OF ANTI SOCIAL BEHAVIOUR**

- 3.1 Anti Social behaviour is many things to many people. The Association's tenancy agreement describes anti social as 'causing or likely to cause alarm, distress, nuisance or annoyance to any person or causing damage to anyone's property. The crime and Disorder Act 1998 defined Antisocial behaviour as a person aged 16 years or over having behaved 'in an antisocial manner, that is to say in a manner that caused or was likely to cause alarm or distress...or...pursued a course of conduct that caused or was likely to cause alarm or distress to one or more persons not of the same household. Conduct includes speech and a course must involve conduct on at least two occasions. It involves incidents from minor nuisance, noise and neighbour disputes through to hate crime and serious violence and intimidation. The Antisocial Behaviour (Scotland) Act 2004 extended the use of ASBOs to 12-15 year olds.
- 3.2 Although many residents' disputes relate to issues such as stair cleaning and are not necessarily seen as anti social behaviour, many complaints of anti social behaviour have their origins in disputes over stair cleaning.
- 3.3 In many instances, conflicts between residents 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:
- 4.2 The Association 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 and will sign a Good Neighbour Policy Statement as a codicil to 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, Glasgow City Council and any other relevant agencies who could assist.
  - g) By encouraging effective participation to reduce the potential for neighbour disputes and relevant anti social behaviour
  - h) By adopting a zero tolerance approach to anti social behaviour affecting Cernach Housing Association 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 residents 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

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- o) Ensure that other relevant agencies such as Police, Social Work, Environmental Health and Glasgow City Council play a full role in resolving behaviour or taking action, particularly where it is more appropriate for them to do so.
- p) Where serious problems occur (especially of a criminal nature) the Association will engage the Police in working towards a solution.
- q) Where this fails the Association will take swift action to try to resolve the problem, 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 Association 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 ASBO's 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 Associations 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 Associations) 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 others to prevent and manage such behaviour.

## **6. POLICE INVOLVEMENT – A TRUE PARTNERSHIP APPROACH**

- 6.1 The Association 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 Association 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 Association and the Police and 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 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 Association 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 Association 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),

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would result in the Association 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 Association 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 Association seeking repossession of the property.
- c) Any other incidents involving drugs would be considered individually, within general anti-social behaviour criteria, eg 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 staff will liaise closely with local police officers and co-operate in initiatives to eradicate the trafficking of drugs.

#### **7.4.2 Director and Housing Services Manager**

The Director and Housing Services Manager 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 Association's position in relation to drug dealing will be featured in Newsletters to residents on a regular basis.

## **8. HARASSMENT**

### **8.1 Introduction**

Harassment is arguably the most serious of all neighbour and neighbourhood nuisance and is given a separate section within the policy in order to ensure that residents are left in no doubt as to the seriousness in which harassment is viewed by the Association and that staff are made aware of the particular

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procedures to be followed when a case of harassment occurs.  
This section will deal with harassment in general.

### **8.2 Definition of Harassment**

8.2.1 SFHA's "Raising Standards in Housing" (Chpt 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."

#### **8.2.2 Behaviour that can Constitute Harassment;**

- Bullying
- Unwelcome attention
- Subjecting someone to insults or ridicule because of their disability, HIV status, race, sex, sexuality, etc.
- 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

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8.2.3 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

8.2.4 The Association 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 Chapter 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.

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**8.4 Dealing with Harassment**

The Association 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 Association will also assist victims of harassment in accessing counselling and support services.

**9. CATEGORISATION OF DISPUTES**

9.1 It is useful to categorise complaint to encourage consistency of approach and to clarify to all concerned the likely response of the Association. 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: -

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 Association 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 channelled through the Police instead of contacting the tenant/resident directly, unprovoked 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.

The above lists are not intended to be exhaustive.

## **10. PROCEDURE AND DELEGATION OF RESPONSIBILITY**

- 10.1 The Association'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 issue of AT6 and NOP will be approved by Director. Approval for instigating court proceedings will be following approval by the Director and the Property Management Sub-Committee.
- 10.3 Any eviction or reduction of SST to a Short SST will be approved by the Director and the Property Management Sub-Committee of the Association.

## **11. THE ROLES OF THE PARTIES INVOLVED IN COMPLAINTS**

### **11.1 Association Tenants**

The Association 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-Association Tenants and Others**

11.2.1 Where a complaint is received against an Association tenant from persons other than another Association 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 an Association tenant against, for example, an owner or sharing owner, or the tenant of another landlord, then the Association 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 Association can liaise with the other Landlord where the case involves a non-Association tenant.

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The Association 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 Association**

- 11.3.1 In recognition of policy objectives, the Association 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 Association 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 Association 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 Association, 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 Association 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.
- 11.3.7 Staff will also ensure that an Action Plan is agreed with the complainant, following a discussion between the 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 Association may also consider the use of the following: -  
**Glasgow City Council's Community Relations Unit -**  
This unit has trained mediators and Association 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 Association of outcomes, for monitoring purposes.
- 11.4.3 The Association 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 RESIDENTS

### 12.1 Types of Support

The Association can support residents 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' (Chpt 16, p65) 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.

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- 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 – ie lighting, fencing, entry phones, etc.
- k) Install surveillance cameras in communal areas
- l) 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 Association may not be the solution.
- m) The Association 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 Association has introduced a number of initiatives in order to provide support to the community, as follows:

- a) Area Inspections: Housing Officers 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) CCTV: A number of CCTV (Close Circuit Television) cameras were installed by the Association to cover our housing stock and this supplements the Council operated CCTV cameras in our area of operation. Both systems are linked 24/7 to the GCC's patrol room in East End of Glasgow at London Road. The Housing Officers review the images daily and liaise closely with the CCTV centre in order to obtain maximum benefit from these cameras.
- c) Wider Drumchapel Antisocial Behaviour Forum: The Association has joined this forum which meets regularly to share experiences, problems and advice and jointly tackle the problems of antisocial 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

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- Police
  - d) Acceptable Behaviour Agreements: The Association has contacted the Police and use ABA's which require to be signed by the offender, a police officer and a representative from the Association.
  - e) Parenting Orders: These are effective from April 2005 and the Association 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 contact the Supporting People Team – Duty Support Worker on 0141 287 3158 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 Association 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 Association 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 Association may instruct court proceedings against their tenancy.
- b) Further breaches of tenancy may result in the Association instructing a solicitor to proceed to the Sheriff Court to request action against the tenancy in favour of the Association. This can take the form of Eviction or Recovery Proceedings.

### **15.4 Interdict**

- a) An interdict is a legal remedy to restrain wrongful behaviour, which is either occurring or is likely to occur. The behaviour could include a breach of tenancy agreement, threat of violence or a pattern of ongoing nuisance. An application

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for an Interdict or Interim Interdict can be made by either the Association or the tenant.

- b) Where an interdict is granted and the behaviour has not improved, then action can be taken for Breach of Interdict. For a “breach of interdict” the proof needed is comparable to that of a criminal prosecution, i.e. beyond all reasonable doubt and the penalty is either a fine or imprisonment.
- c) Examples of typical cases where Interdict/Interim Interdict have been granted are: -
  - i) Playing of loud music
  - ii) Swearing/shouting
  - iii) Noise
  - iv) Harassment of neighbours
  - v) Verbal abuse/threats to staff
  - vi) Wilful fire damage
  - vii) Flooding of neighbours
  - viii) Damage to property
- d) The main advantages of using Interim/Interdict are: -
  - i) Interim interdicts do not require witnesses to attend court
  - ii) Speed of action sends a message to both parties that steps are being taken
  - iii) Immediate protection
  - iv) Prevents behaviour of offender without need to evict

### **15.5 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 Association 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 **and drying greens.**

## **16. ANTI-SOCIAL BEHAVIOUR ORDER (ASBO)**

- 16.1 ASBO's came into force on 1<sup>st</sup> April 1999, via the Crime and Disorder Act 1998. The legislation was then updated on 26<sup>th</sup> July 2004, when Anti Social behaviour (Scotland) Act 2004 was implemented introducing an extension of powers to use ASBOs for 12-15 year olds. ASBOs 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.

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- 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 Association 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**

- 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

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- 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 Association 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. NOISE POLLUTION REGULATIONS**

### **18.1 Description**

- a) Under Section 80 of the Environmental Protection Act 1990 Glasgow City Council must take all reasonable steps to investigate complaints about noise. Section 82 of this act gives Glasgow City Council powers to deal with people who allow noise above a certain level to emanate from their premises. The appropriate officials to deal with noise complaints are environmental Health Officers, who will visit premises wherever the noise is excessive, and if so, take action by issuing a Noise Abatement Notice. Failure to comply with a Noise Abatement Notice is dealt with by the Criminal courts.
- b) The Anti Social Behaviour etc., (Scotland) Act 2004 also gives Glasgow City Council optional powers to deal with unreasonable noise within housing at the time of occurrence.
- c) Noise from neighbours is a common source of disturbance. The most frequent complaints are about barking dogs, loud music or TV, shouting, banging doors and DIY activities. The way tenants should approach this is to consider, in the first instance to approach their neighbour and explain politely that they are being troubled by noise. If they think the neighbour might react angrily to a complaint tenants should contact the Association who will write to the tenant to inform them to stop the noise nuisance
- d) Noise disputes are often resolve informally however, if the problem persists the tenant should be advised to keep a diary recording dates, times and cause of the noise and the effect it is having on them.
- e) The Association and the tenant should also contact the Environmental Health Department. Legal action should be the last resort. For persistent offenders the Environmental Health Officer may advise that the only permanent solution to

**Cernach Housing Association  
Neighbour Disputes & Anti Social Behaviour Policy (Cont'd)**

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the problem may to raise an eviction action and apply for an eviction decree.

## **19. DIFFERENT TENURES**

19.1 Complaints may be forthcoming from tenants and/or owners about one another. These complaints will be dealt with in the same way regardless of tenure, however the legal action which is relevant to owners is more limited. The following though, do apply –

- a) An application for ASBO
- b) Interdict
- c) Act for Specific Implement
- d) Notification to a lender of breach of legal obligations

19.2 It should be borne in mind that Glasgow City Council Anti Social Team can also intervene and manage cases specifically involving owners or private tenants, at no cost to the Association.

## **20. COMPLAINTS**

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

## **21. OTHER ISSUES**

### **21.1 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.

### **21.2 Housing Allocations and Anti-Social Behaviour**

In particular circumstances the Association 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.

**Cernach Housing Association  
Neighbour Disputes & Anti Social Behaviour Policy (Cont'd)**

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**21.3 Special Needs**

- a) The Association will assist all residents 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.

**21.4 Racial Harassment**

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

**21.5 Information**

A leaflet on neighbour disputes will be prepared for issue to residents. All neighbour complaints will be recorded on the day they are made on the Cirrus Complaints System to ensure accurate and adequate recording of incidents.

**22. ANTI SOCIAL BEHAVIOUR COMPLAINTS AND COMMITTEE MEMBERS**

- 22.1 If an anti-social complaint is made by or about a Committee member or a member of their immediate family it will be treated as any other complaint with the exception noted below: -
- a) Any Committee members directly involved in such a complaint must not be in attendance at a Committee meeting during discussion of a specific case or discussion of a policy matter which has a direct bearing on the Association's response to the complaint.

**Cernach Housing Association**  
**Neighbour Disputes & Anti Social Behaviour Policy (Cont'd)**

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- b) Management Committee members who have an indirect involvement in a specific case e.g. if they are resident in a close where a dispute or incident occurred will consider their attendance during any relevant discussion at a Committee Meeting.
- c) If upon investigation it is revealed that a committee member is behaving in an anti social manner they will be removed from Committee under the terms of Rule 43.2 and 44.1

**23. POLICY REPORTING AND MONITORING AND REVIEWING NEIGHBOUR COMPLAINTS**

23.1 Housing Officers will update the HSM when neighbour disputes/anti-social behaviour occur and detailed updates at the 1-2-1 meetings. The Property Management Sub Committee will monitor on a monthly basis all complaints received. The Property Management Sub-Committee 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.

**24. EQUALITY & DIVERSITY**

24.1 The Association's Equality and Diversity policy, which was approved by the Committee in April 2015 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 Association 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.

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<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.

**Cernach Housing Association  
Neighbour Disputes & Anti Social Behaviour Policy (Cont'd)**

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24.2 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).

24.3 In line with section 6.3 of the Equality and Diversity Policy, the Association 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.

## **25. RISK MANAGEMENT**

25.1 The Association has considered the potential risks of failing to adhere to this neighbour disputes and anti social behaviour policy. The Associations 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 Association is able to ensure that a consistent approach is adopted and that the service delivered is compliant with the law and best practice.

## 26. POLICY REVIEW

26.1 This policy will be reviewed every three years or sooner where changes in legislation affect procedure. The review will consider the Association'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, Streetwatch, Community Wardens, Glasgow City Council and others	<ul style="list-style-type: none"> <li>• Structured approach taken and solutions found</li> <li>• Association's limits recognised</li> </ul>
Record of neighbour complaints maintained and reported to Property Management Sub Committee	<ul style="list-style-type: none"> <li>• Staff and Committee awareness of problem and early corrective action taken</li> <li>• Reduction in neighbour disputes</li> </ul>
Information leaflet for tenants	<ul style="list-style-type: none"> <li>• Raised awareness of how Association will deal with complaints from start to finish.</li> <li>• Deterrent as gives notice that Association has zero tolerance</li> </ul>
Bi annual tenant satisfaction survey	<ul style="list-style-type: none"> <li>• High levels of tenant satisfaction with neighbourhood</li> </ul>

## 27. PROCEDURES FOLLOWING RECEIPT OF COMPLAINT

### 27.1 Recording of Complaints

- 27.1.1 All complaints will be recorded by the staff member on the Complaints Handling Database (Cirrus). 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 Director to monitor the complaints handling system, however each Line Manager will be responsible for their team.
- 27.1.2 The Housing Officer 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 Association'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 Association 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 Cirrus complaints handling 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 Cirrus complaints handling 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.

## **28. MONITORING OF CASES**

- 28.1 Where a case appears to have been resolved, then it will be monitored for six months, then closed.
- 28.2 The Cirrus complaints handling system should be noted with the proposed closure date.

## **29. LEGAL ACTION (REPOSSESSION)**

- 29.1 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.
- 29.2 Officers shall therefore make formal enquiries to establish the identities of such persons when commencing the legal process in a case.

## **30. SOCIAL WORK DEPARTMENT INVOLVEMENT**

- 30.1 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.
- 30.2 Where repossession has been granted, both Social Work Department and Glasgow City Council's Homelessness Services should be informed.



**To be signed by all new tenants at time of signing for their  
new home (NC1)**

**GOOD NEIGHBOUR  
POLICY STATEMENT**

The Association will help tenants maintain the quiet enjoyment of their homes by responding either directly or by reference to appropriate agencies to complaints made by tenants about the behaviour of their neighbours. As a last resort, the Association will seek to end the tenancy agreements of those tenants who in the opinion of the Association are the source of persistent, substantiated complaints of nuisance, annoyance or harassment against their neighbours.

**In this context:**

- 1. NUISANCE and ANNOYANCE** will be deemed by the Association to have been caused where tenants quiet enjoyment of their homes has been disrupted by neighbours, whether knowingly or unknowingly, including drug dealing, playing loud music, allowing unruly visitors, allowing unruly children or failing to control dogs or other domestic pets.
- 2. HARASSMENT** will be deemed by the Association to have been committed where tenants have set out deliberately to intimidate or otherwise dominate, one or more of their neighbours, including by sending "poison" letters, issuing verbal threats or carrying out physical attacks on neighbours persons or property.

**Cernach Housing Association  
Neighbour Disputes & Anti Social Behaviour Policy (Cont'd)**

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**Use of the House - Good Neighbour Management Agreement**

**The tenant agrees:**

- To occupy the house as a private dwelling house and as his/her only or principal home.
- To advise the Association of who will be living in the house and also of any changes in the household.
- Not to use nor allow the house to be used as a base for any business, or immoral or illegal purposes.
- Not to cause or allow any person occupying or visiting the house to cause nuisance or annoyance to neighbours, Association agents, Contractors or employees of the Association.
- Not to commit or allow members of his/her household or persons visiting the house to commit any form of harassment, including on the grounds of race, colour, religion, sex, sexual orientation or disability, which may interfere with the peace and comfort of, or cause offence to neighbours, members of their households or their visitors.
- To apply for permission which will not be withheld unreasonably to keep a dog and to keep any such dog or other domestic pet under supervision and control and to ensure that it does not cause nuisance to neighbours or deterioration in the condition of the house or common areas. The name, breed and age of dog will be contained in a dog register and held on file.

**Cernach Housing Association  
Neighbour Disputes & Anti Social Behaviour Policy (Cont'd)**

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\* If the tenant fails to carry out or have carried out or to take or have taken any works or steps as required by the tenants duties and obligations under this agreement the Association may give the tenant written notice requiring him/her to do so within a reasonable period of time and if he/she fails to comply with such notice the Association or its agents, contractors, employees may enter the house to carry out the necessary works or take the necessary steps and the tenant shall be obliged to reimburse all costs incurred by the Association or its agents, contractors or employees in doing so.

Signed by the tenant: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Signed by Staff Representative: \_\_\_\_\_

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

Witness (1<sup>st</sup>): \_\_\_\_\_

Address: \_\_\_\_\_

Witness (2<sup>nd</sup>): \_\_\_\_\_

Address: \_\_\_\_\_

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

Place of Signature: \_\_\_\_\_



## **NEIGHBOUR COMPLAINT ACKNOWLEDGEMENT      NC2**

Dear

NEIGHBOUR COMPLAINT REF: [ ]

We refer to the above and acknowledge receipt of your letter [dated]

We can confirm that the matter is being investigated and you will be contacted further within 5 working days to be advised of the outcome and any action to be taken.

Yours sincerely

**Housing Officer**

This complaint has been categorised as follows  
Category (C) - Breach of the tenancy Agreement  
Category (B) - Anti social behaviour  
Category (A) - Very serious anti social behaviour



**(NC3)**

## **CERNACH HOUSING ASSOCIATION LIMITED**

### **Interview Record Sheet**

**Name:**

**Address:**

**Date:**

**Time:**

**Nature of Complaint:**

**Category of Complaint:**

**Response to Complaint :**





**Cernach Housing Association  
Neighbour Disputes & Anti Social Behaviour Policy (Cont'd)**

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**To Caroline Shepherd  
Director  
Cernach Housing Association  
79 Airgold Drive  
Drumchapel  
Glasgow G15 7AJ**

Provision of information to Local Authority Housing Departments and Registered Housing Associations/Co-operatives.

In respect of the request for information dated \_\_\_\_\_ a search has been made of available records and the result is indicated below.

- (a) Form the information provided, there is no trace of the incident
- (b) The following information may apply

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The above information is supplied in strictest confidence. It should be noted that details cannot be provided in respect of cases, which at the time of request have been reported to the Procurator Fiscal and are therefore sub-judice

**From Strathclyde Police**

**Signature** \_\_\_\_\_

**Rank** \_\_\_\_\_

**Official Stamp**



## **FORM NC5**

Dear

### **BREACH OF TENANCY CONDITIONS**

We refer to the recent complaint of harassment made against you.

After investigation the Association finds the complaint upheld and informs you that this is a serious matter and deemed to be a breach of Tenancy Conditions.

We would inform you that should any further incidents occur then the Association will commence legal action for the recovery of your tenancy.

Yours faithfully

**Caroline Shepherd**  
**Director**

**ANALYSIS OF NEIGHBOUR COMPLAINTS**

**MONTH:** \_\_\_\_\_ **YEAR:** \_\_\_\_\_

**TABLE 1**

<b>Complaint Categories</b>	<b>Cat A</b>	<b>Cat B</b>	<b>Cat C</b>	<b>Total</b>
Brought Forward				
Plus/Minus: Changes of Category				
Plus: Received This Month				
Less: (Resolved) This Month				
Carried Forward				

**TABLE 2**

<b>Analysis of Unresolved Complaints</b>	<b>Cat A</b>	<b>Cat B</b>	<b>Cat C</b>	<b>Total</b>
Under Investigation/Being Monitored				
Interdict Applied For				
Interdict Being Monitored				
Specific Implement Applied For				
Specific Implement Being Monitored				
NOP Applied For (Monitoring inapplicable)				
Hearing Date Applied For				
Hearing Continued				
Eviction Pending				
<b>Total</b>				



## NEIGHBOUR COMPLAINTS RECEIVED

### ANNUAL ANALYSIS

	<u>(State Current Year)</u>	<u>(State Previous Year)</u>	<u>(State Two Years Ago)</u>
Category A			
Category B			
Category C			
TOTAL	_____	_____	_____
	_____	_____	_____

### COMMENTS

## NEIGHBOUR COMPLAINTS - TARGETS

YEAR: \_\_\_\_\_

	<u>Target</u>	<u>Actual</u>
1. Neighbour Complaints acknowledged within 2 working days	100%	
2. Neighbour Complaints investigated And responded to within 5 working days	100%	
3. Settling-in visits undertaken within one month of new tenant's entry	100%	
4. Racist or obscene graffiti removed within 48 hours.	100%	
5. All other graffiti removed within 5 working days.	100%	



**THIS FORM IS THE STRATHCLYDE POLICE RECOMMENDED  
FORMAT FOR ANACCEPTABLE BEHAVIOUR CONTRACT**

ACCEPTABLE BEHAVIOUR CONTRACT FOR A PERSON OVER 16  
YEARS

This Contract is made on ..... (Date)

Between..... (RSL)

And ..... (Name of  
subject)

Who resides at..... (Address)

.....

**AGREEMENT**

..... (Name of subject) **AGREES** the following in  
respect of future conduct.

1. I will not
2. I will not
3. I will not
4. I will not
5. I will not

**FURTHER**

**Cernach Housing Association  
Neighbour Disputes & Anti Social Behaviour Policy (Cont'd)**

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..... (Name of subject) enters into a commitment with ..... (RSL) and agrees not to act in a manner that causes or is likely to cause harassment, alarm or distress to one or more persons not in the same household.

**BREACH OF CONTRACT**

If ..... (Name of subject) does anything, which he/she has agreed not to do under Contract, which..... (RSL) considers amounting to anti-social behaviour, then:

- An application for **Possession** of..... (Address) may be made.
- ..... (RSL) may make an application through the Sheriff Court for an **Antisocial Behaviour Order**, which, if breached, he/she will be liable on conviction to a term of imprisonment/detention not exceeding five years or to a fine or both.
- If an Antisocial Behaviour Order is granted the Security of the Tenancy with ..... (RSL) may change to a **Short Scottish Secured Tenancy**.

**DECLARATION**

I confirm that I understand the meaning of this Contract and that the consequences of breach of the Contract have been explained to me. (Signed by subject)

Signed:.....Date:.....



**THIS FORM IS THE STRATHCLYDE POLICE RECOMMENDED  
FORMAT FOR AN ACCEPTABLE BEHAVIOUR AGREEMENT**

**ACCEPTABLE BEHAVIOUR AGREEMENT FOR A PERSON UNDER 16  
YEARS**

This Agreement is made on ..... (Date)

Between..... (RSL)

And ..... (Name of  
subject)

Date of Birth.....School Attended: .....

Who resides at..... (Address)

.....

**AGREEMENT**

..... (Name of subject) **AGREES** the following in  
respect of future conduct.

1. I will not
2. I will not
3. I will not
4. I will not
5. I will not

## **FURTHER**

..... (*Name of subject*) enters into a commitment with ..... (*RSL*) and agrees not to act in a manner that causes or is likely to cause harassment, alarm or distress to one or more persons not in the same household.

## **BREACH OF AGREEMENT**

If ..... (*Name of subject*) does anything, which he/she has agreed not to do under Agreement, which..... (*RSL*) considers amounting to anti-social behaviour, then:

- An application for **Possession** of..... (*Address*) may be made.
- ..... (*RSL*) may make an application through the Sheriff Court for an **Antisocial Behaviour Order**, which, if breached, he/she will be liable on conviction to a term of imprisonment/detention not exceeding five years or to a fine or both.
- If an Antisocial Behaviour Order is granted the Security of the Tenancy with ..... (*Local Authority/RSL*) may change to a **Short Scottish Secured Tenancy**.

**Cernach Housing Association  
Neighbour Disputes & Anti Social Behaviour Policy (Cont'd)**

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**DECLARATION**

I confirm that I understand the meaning of this Agreement and that the consequences of breach of the Agreement have been explained to me.

Signed: ..... (Subject)      Date: .....

I..... (Full name of Parent/Legal guardian) as parent/Legal Guardian of..... (Name of subject) agree to work with ..... (RSL) to offer support and where necessary remedy such behaviour.

Signed: ..... (Parent/Legal Guardian) Date: .....

**WITNESSED**

Signed: ..... RSL Officer

Date: .....

Signed: ..... Police Officer

Date: .....

Signed: ..... Other

Date: .....

**THIS FORM IS THE STRATHCLYDE POLICE RECOMMENDED FORMAT  
FOR AN UNACCEPTABLE BEHAVIOUR NOTICE**

**Subject of Notice**

**Address**

**Date of Issue**

You have been provided with the opportunity to enter into an Unacceptable Behaviour Notice by ..... (*Local Authority/RSL*) and Strathclyde Police. You have declined to take advantage of this opportunity. As a result ..... (*Local Authority/RSL*) and Strathclyde Police consider the under noted behaviour, which you have been responsible for, to be unacceptable.

**Description of Behaviour**

Should you continue to commit further acts of anti-social behaviour ..... (*Local Authority/RSL*) will take whatever legal action it deems appropriate to deal with your unacceptable behaviour.

I ..... (*name of subject*) acknowledge receipt of this notice and understand its meaning. The consequences of my involvement in such unacceptable behaviour have also been fully explained to me.

Signature of subject of notice .....

Signature of parent/guardian.....  
(*if appropriate*)