

To: Audit Risk and Scrutiny Board

On: 13th March 2023

Report by: Lead Officer

Heading: Neighbour Disputes

1. **Summary**

1.1 This paper will attempt to set out the scope and scale of neighbour disputes in Renfrewshire, the first aim of this investigation, set out in the initial report to the Audit Risk and Scrutiny Board on 23rd January 2023.

A number of sources of evidence and data have been drawn on to help illustrate the extent of neighbour disputes in Renfrewshire, and, where possible the different types of dispute.

1.2 The paper also addresses the specific issue raised at the meeting of the Audit Risk and Scrutiny Board on 23rd January 2023 regarding the use of domestic CCTV and the responsibility for regulating and enforcing the use of these systems in Scotland.

2. **Recommendations**

2.1 The Board is asked to:

- Note the content of the report

- Agree to move to the next stage of the review, to consider the current arrangements and approaches the Council and other stakeholders have for responding to neighbour disputes.

3. **Background**

3.1 One of the four stated aims of this investigation into neighbour disputes was to identify, as clearly as possible the scale of the problem in Renfrewshire. This report will attempt to clarify, for the Board, the extent of neighbour disputes from the data sources that are available.

3.2 It should be noted from the outset that there is no “single source of truth” to fully illustrate the number and type of neighbour disputes in Renfrewshire over time. This investigation has identified data from a number of sources which will give the Board an indication of the scale of neighbour disputes in Renfrewshire. The sources that the review draws on are:

- Renfrewshire Citizen’s Advice Bureau
- Renfrewshire Council Community Safety team
- Renfrewshire Housing Services
- Police Scotland reporting
- Renfrewshire Council mediation service

3.3 This report will also cover a specific issue raised at the previous meeting of the Board on 23rd January 2023, specifically the installation and use of domestic CCTV by individuals in Renfrewshire and the responsibility for the oversight and enforcement of its use.

4. **Scale of Neighbour Disputes in Renfrewshire**

4.1 The following section sets out data relating to neighbour disputes from a number of sources, identified in section 3.2 of the report, above. As noted, there is no “single source of truth” in relation to the total number of neighbour disputes in Renfrewshire. The data presented here is drawn from public and voluntary sector services who have a responsibility relating to neighbour disputes.

4.2 It is also worth noting that current recording of neighbour disputes does not provide any real detail as to the nature of those disputes. For example, the Police record and report on “neighbour disputes” but there is no further information available as to the cause of the dispute, be it over noise, anti-social behaviour and so on.

Renfrewshire Citizen's Advice Bureau

- 4.3 Renfrewshire Citizens Advice Bureau (CAB) is a local, independent charity which provides free, impartial and confidential advice and information about a range of issues and problems including debt, money and benefits, work, family issues, consumer problems and housing.
- 4.4 The CAB records its work via two processes, the initial “contact sheet”, when an individual makes first contact seeking advice from the CAB and cases recorded onto the CASTLE system, where the CAB has provided, advice, support, representation and so on.
- 4.5 Neighbour disputes feature significantly in the workload of Renfrewshire CAB. Table 1, below, shows the data for the initial contact sheets where neighbour disputes/ problems were mentioned. Renfrewshire refer to these as “neighbour issues”, which is the terminology used in the tables below.

Table 1: Renfrewshire CAB Neighbour issues Contact Sheet data

Year ending	No. of neighbour issues
2022	169
2021	154
2020	104

- 4.6 The data from the contact sheets shows a significant increase over the three year period illustrated in Table 1, above. The number of contacts involving neighbour issues increased from 104 in 2020 to 169 in 2022. This is an increase of 38.5% over a three year period, with a significant jump between 2020 and 2021. Anecdotally, the view is that the impact of Covid and the lockdowns played a significant role in this sharp increase in the number of initial contacts.
- 4.7 Table 2 below illustrates the number of neighbour dispute cases where Renfrewshire CAB provided advice, support or acted for the person making the complaint.

Table 2: Renfrewshire CAB Neighbour Disputes recorded on the CASTLE case recording system

Year ending	No. of Neighbour issues cases
2022	74
2021	98
2020	66
2019	54

- 4.8 The data shows a significant increase over time in the number of neighbour issue cases being dealt with by Renfrewshire CAB. The number of cases increased from 54 in 2019 to 74 in 2022, a 28% increase in cases. It should be noted that there was a “spike” in neighbour issue cases to 98 in 2021, before falling to 74 cases in 2022. The most probable cause of this spike is, again, the impact of Covid and lockdown, with many more people spending most of their time at home.

Renfrewshire Council Community Safety team

- 4.9 The Council's community safety team sits within the Communities and Housing Department. It leads on the Council's work on promoting community safety and tackling anti-social behaviour, principally through the Community Safety partnership and delivering the Anti-Social Behaviour strategy 2022-25.
- 4.10 The service records a range of anti-social behaviour complaints on the Flare data management system, ranging from fly-tipping to underage drinking, rowdy behaviour, abandoned vehicles and so on. Further details are contained in the Anti-Social Behaviour Strategy. For the purposes of this report, the reporting of domestic noise complaints is a clear proxy for neighbour disputes as set out in table 3 below.

Table 3: Domestic Noise Complaints

Year	No. of Complaints
2021/2022	546
2020/2021	576
2019/2020	1058
2018/2019	1285

- 4.11 The data contained in Table 3 shows a significant and sustained fall in the number of complaints over the 4 years from 2018/19 to 2021/22. The number of domestic noise complaints fell from 1285 in 2018/19 to 546 in 2021/22. This represents a reduction of 57.5% in the number of domestic noise complaints over the 4 year period. It should be noted that this fall started prior to the onset of Covid and the associated lockdowns from March 2020. This meant that Council officers could not attend noise complaints in person, which is likely to have reduced the number of complaints over time. There was a very substantial fall between 2019/20 and 2020/21 from 1058 complaints to 576.

Renfrewshire Council Housing Services

- 4.12 The Council's housing services deals with a range of complaints from Council tenants, including complaints about repairs, rents, allocations and Housing Benefit. The housing service also deals with neighbour complaints, most frequently relating to anti-social behaviour, as outlined in Table 4, below.

Table 4: Anti-social behaviour complaints received by the Council's housing service

Year	No. of Complaints
2021/2022	713
2020/2021	514
2019/2020	690

- 4.13 The number of complaints to housing services has remained around the same level, approximately 700 complaints a year, however there was a significant drop in the number of complaints on 2020/21, from 690 in 2019/20 to 514 in 2020/21.

Police Scotland

- 4.14 Police Scotland play a key role in Renfrewshire's Community Safety Partnership and respond to incidents of disorder and anti-social behaviour, including neighbour disputes. Table 5 sets out the data for incidents of neighbourhood disputes recorded by the Police over the last 4 years.

Table 5: Incidents of neighbour disputes recorded by Police Scotland

Year	No. of incidents
2021/2022	1109
2020/2021	1103
2019/2020	952
2018/2019	891

- 4.15 There has been a sustained and gradual increase in the number of neighbour dispute incidents that the Police responded to over a four year period between 2018/19 and 2021/22. The number of neighbour dispute incidents rose from 891 in 2018/19 to 2021/22. This represents a near 20% increase in neighbour disputes over the period.

Renfrewshire Council mediation service

- 4.16 Renfrewshire Council provides a mediation service. Mediation is a flexible process that can be used to settle disputes in a range of situations. Mediation involves an independent third party, the mediator, in this case provided by the Council, who helps people to agree a solution when there is a disagreement. The mediator helps parties work out what their issues and options are, then use those options to work out an agreement.
- 4.17 With the help of the mediator, the parties with the dispute decide whether they can resolve things and what the solution should be. The mediator does not take sides or make judgements. The mediator will ensure that both parties get a chance to state their case, hear the other side, work through the issues that are important to them and make an agreement. Mediation is a key way of helping to resolve neighbour disputes. There has been an increase in the number of referrals to the mediation service for neighbour disputes between 2021 to 2022. The number of referrals has increased from 130 to 143, a 9% increase.

5. Summary of findings

- 5.1 Section 4. of this report provides a significant amount of data from a number of services and sources to try and illustrate the scale of neighbour disputes in Renfrewshire over time. As noted earlier, there is no “single source of truth” which captures the full extent of neighbour disputes in Renfrewshire. Clearly, the data illustrated in section 4. record neighbour disputes which have come to the attention of public and voluntary services. There will be other neighbour disputes which do not come to the attention of these services. For example, Tenants and Residents Associations may be aware of neighbour disputes which services remain unaware of.
- 5.2 It is also the case that there will be overlap between across the data sets presented in this report. For example, specific incidents of neighbour disputes which the Police respond to may become cases that the community safety or housing services investigate more fully and record.
- 5.3 Similarly it is not possible, from the current data, to identify the cause of the neighbour dispute. It would be possible in most cases to drill down into the relevant data management system to look at individual cases, but reporting systems are not currently set up to do this. Outwith this investigation, it is not clear that there would be a rationale for reporting in such a detailed manner, although such information may help to inform operational decision making.

- 5.4 What does emerge from across the different data sets is that, except for the number of domestic noise complaints reported to the Council, there has been a sustained increase in the number of incidents/ complaints of neighbour disputes in Renfrewshire over the last 3-4 years. The reason services have seen these increases requires further investigation.
- 5.5 It should be noted that the impact of Covid and the associated lockdowns has had an impact on the incidence and reporting of neighbour disputes, particularly for noise complaints reported to the Council during 2020 and 2021. The extent of this impact needs to be further explored with services.
6. **Domestic CCTV**
- 6.1 At the previous meeting of the Audit, Risk and Scrutiny Board on 23rd January, the Board noted a particular interest in the use of “domestic” CCTV, which is CCTV systems fitted by individuals in their homes. One of the key questions relating to the installation and use of domestic CCTV systems was in relation to the responsibility for enforcing the rules on domestic CCTV use.
- 6.2 The Council’s powers in relation to domestic CCTV are limited to its installation by Council tenants. Under the tenancy agreement, tenants should not make any changes to fixtures and fittings in and around their home until they have received written permission from the Council. This means that although permission may be needed for the erection of CCTV cameras, the Council’s remit does not extend to approving or policing the processing of personal data by private individuals.
- 6.3 The data protection regulator is the Information Commissioner. As such, whilst the Council has a role in approving the erection of fixtures such as cameras, it does not have enforcement powers in relation to privacy infringement. Any privacy concerns about the use of devices need to be raised with the Information Commissioner’s Office(“ICO”).
- 6.4 The ICO provides information on their website specifically about the use of domestic CCTV. This states, “The use of recording equipment, such as CCTV or smart doorbells, to capture video or sound recordings outside the user’s property boundary is not a breach of data protection law. People should try to point their CCTV cameras away from their neighbours’ homes and gardens, shared spaces or public streets. But this is not always possible”.
- 6.5 The ICO’s advice continues, “When people capture images and audio recordings outside of their property boundary, they should consider how intrusive this activity is. They should consider whether they can point their cameras elsewhere or, if possible, apply filters or privacy

blocks. In these circumstances, data protection law requires them to follow certain rules, although these are difficult to enforce". It is the ICO's responsibility to enforce these rules. The rules are:

1. Tell people that they are using recording equipment.
2. In most circumstances, provide some of the recording if asked by a person whose images have been captured.
3. Regularly or automatically delete footage.
4. In most circumstances, delete recordings of people if they ask; and
5. Stop recording a person if they object to being recorded, but only if it is possible to do so. For example, if they can point the camera in a different direction but still use it for the same purposes, e.g., keeping their property safe.

6.6 The ICO notes that "It is difficult to enforce these rules, as it is not easy to find out if the person acts on a request to delete footage. We would not find it a fair or balanced action to go into a person's home to find out if they were complying with the law or take other enforcement action. Further, the ICO make clear that they cannot retrieve CCTV footage from domestic users to get cameras or recording equipment removed from an individual's home, to quote "it is highly unlikely that the ICO will consider it fair or balanced to take enforcement action against a domestic CCTV user".

6.7 Individuals who are involved in a neighbour dispute over domestic CCTV, when they think the rules for use are being broken can complain to ICO. The ICO can send a letter asking the CCTV owner to resolve matters in the dispute, e.g. by putting up the appropriate signage or respond to data protection requests from their neighbour.

6.8 The ICO's position is that there is a limited amount of action they can take after this point to make the person comply. It is highly unlikely the ICO will "consider it fair or balanced" to take enforcement action against a domestic CCTV user. This is because there is an exemption in data protection legislation for processing of personal data for private, household and domestic purposes which is of relevance to processing of personal data, including domestic CCTV images, by private individuals.

7. **Next Steps**

7.1 The next stage of the review will consider two of the original aims

1. current arrangements and approaches the Council and other stakeholders have for responding to neighbour disputes.

2. Review the current disposals/actions that are available to the Council and others to resolve neighbour disputes.

7.2 Evidence will be sought from Council services including Housing, Community Safety and other key stakeholders such as Police Scotland and Tenants and Residents associations.

Implications of the Report

1. **Financial** - None
2. **HR & Organisational Development** - None
3. **Community/Council Planning –**
 - Our Renfrewshire is thriving – None
 - Our Renfrewshire is well - None
 - Our Renfrewshire is fair - None
 - Our Renfrewshire is safe - None
 - Reshaping our place, our economy and our future - None
 - Building strong, safe and resilient communities - None
 - Tackling inequality, ensuring opportunities for all - None
 - Creating a sustainable Renfrewshire for all to enjoy - None
 - Working together to improve outcomes - None
4. **Legal** – The paper clarifies the legal powers of the Council and the ICO in relation to the domestic use of CCTV cameras.
5. **Property/Assets** – None
6. **Information Technology** - None
7. **Equality & Human Rights** - None
 - (a) The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report because it is for initiating an investigation on behalf of the Board. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed

and monitored, and the results of the assessment will be published on the Council's website.

- 8. **Health & Safety** - None
- 9. **Procurement** – None
- 10. **Risk** - None
- 11. **Privacy Impact** - None
- 12. **Cosla Policy Position** – None

List of Background Papers

- (a) Background Paper 1: Anti-Social Behaviour Strategy 2022-2025
- (b) Citizen's Advice Bureau report from CASTLE system.
- (c) Information Commissioner's Office for Scotland website
<https://ico.org.uk/for-the-public/domestic-cctv-systems/>

The foregoing background papers will be retained within Renfrewshire Health and Social Care Partnership for inspection by the public for the prescribed period of four years from the date of the meeting. The contact officer within the service is Andrew Noble, Renfrewshire Health and Social Care Partnership,
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