

**To: Audit, Risk and Scrutiny Board**

**On: 22 January 2024**

---

**Report by: Lead Officer**

---

**Heading: Neighbour Disputes**

---

## **1. Summary**

- 1.1 At the meeting on 22<sup>nd</sup> August 2022, members of the Audit, Risk and Scrutiny Board agreed an annual programme of activity for the Board for 2022/23. This included an investigation into neighbour disputes in Renfrewshire.
  - 1.2 Following the Board in March 2023 there has been a change in Lead Officer. This has brought about a change in timescales due to handover. An updated timescale is included in Section 4 within the report for approval.
  - 1.3 This report considers the current arrangements and approaches the Council and other stakeholders have for responding to neighbour disputes and reviews the current disposals/actions that are available to the Council and others to resolve neighbour disputes.
- 

## **2. Recommendations**

The Board is asked to:

- note the progress contained within the report; and
  - approve the updated timescale as outlined in Section 4 of this report.
- 

## **3. Background**

- 3.1 At the Audit, Risk and Scrutiny Board in August 2022 it was agreed that the review of Neighbour Disputes be looked at in the widest sense and should also include anti-social behaviour. It was agreed that the purpose of the investigation into neighbour disputes would be fourfold:
  1. Try to establish the scale and nature of neighbour disputes in Renfrewshire,

2. Set out the current arrangements and approach the Council and other stakeholders have for responding to neighbour disputes,
3. Review the current disposals/actions that are available to the Council and others to resolve neighbour disputes, and
4. Identify any other approaches, policy changes or mitigating actions that could be available to the Council within existing resources.

- 3.2 Since the previous report on Neighbour Disputes was brought to Board in March 2023, there has been a change in Lead Officer due to the previous Lead Officer taking up a new post outwith the Council.
- 3.3 The previous Lead Officer had completed point 1 of the investigation (the scale and nature of neighbour disputes in Renfrewshire) and it had been agreed to move to the next stage of the review.
- 3.4 This change in Lead Officer has impacted on the original timescales of the investigation and an updated timetable is included in Section 4 for consideration.

#### 4. Updated Timetable for Neighbour Disputes Investigation

- 4.1 The scoping of the investigation was agreed at Board in January 2023, with a paper on the scale and nature of neighbour disputes being brought in March 2023. With the change in Lead Officer for this investigation, an updated timetable is proposed below:

Date of Board Meeting	Stage of Investigation
23 <sup>rd</sup> January 2023	Scoping paper to initiate investigation - <b>Complete</b>
13 <sup>th</sup> March 2023	Continuation of investigation - <b>Complete</b>
22 <sup>nd</sup> January 2024 - <b>Revised</b>	Continuation of investigation – Point 2
18 <sup>th</sup> March 2024 - <b>Revised</b>	Continuation of investigation – Point 3, including input from those with Lived Experience and regulatory disposals
20 <sup>th</sup> May 2024 - <b>Revised</b>	Draft Final Report to Board
27 <sup>th</sup> June 2024 - <b>Revised</b>	Final Report to Full Council

#### 5. Progress Update

- 5.1 Following the change in Lead Officer, and time taken to familiarise with the investigation and progress to date, the review has been progressing well. Research has been undertaken with a particular focus on point 2 of the original aims to 'set out the current arrangements and approach the Council and other stakeholders have for responding to neighbour disputes'. This work also ties in with point 3, to review the current disposals/actions that are available to the Council and others to resolve neighbour disputes.

- 5.2 This report provides a summary and highlights findings from the research into the tools that different organisations use in the first instance, with the disposals and actions (including legislation and regulatory powers) being dealt with in a future paper in response to point 3. Research to date has involved communications with a number of other Scottish Local Authorities; Local Housing Associations; Police Scotland; and key internal stakeholders.
- 5.3 Contact was made via email to the other 31 Scottish Local Authorities and a range of local Housing Associations, with questions on 5 areas of neighbour disputes and anti-social behaviour. This was made up of direct emails (where names of relevant Officers were known in other local authorities) or contacting via generic email addresses on the Local Authority/Housing Association website. From this initial contact, 16 local authorities responded (52%) and 3 local housing associations have also made contact.
- 5.4 In some cases, Officers responded to the questions via email. But a number of local authorities and housing associations also agreed to set up a phone interview in order to talk through the various approaches taken across a range of issues. All internal Officers agreed to meet in person, or held interviews over Teams. These interviews have also now been completed, along with a phone interview with Police Scotland.

### **General Neighbour Disputes and Anti-Social Behaviour**

- 5.5 There are differences across the 32 local authorities in how neighbour disputes and antisocial behaviour are dealt with. Some local authorities will support and respond to all tenures; others would support and respond to Council Housing tenants only (where they have Housing stock) and signpost other tenures to alternative organisations; and others support and respond to all social housing tenants only. Renfrewshire Council support and respond to all tenures.
- 5.6 For low level neighbour disputes where a private rented property is causing the issue, a number of local authorities would refer the complainer to the landlord in the first instance due to responsibilities under their landlord registration licence. This was often the case with Registered Social Landlord tenants also, with complainers being encouraged to contact the RSL in the first instance to try and resolve, with the local authorities stepping in if required.
- 5.7 Processes across all local authorities generally differ slightly dependent on tenure due to the range of levers available, and the issue being reported. Internally within local authorities it is often different teams that deal with different aspects of neighbour dispute and antisocial behaviour dependent on the legislation it falls under and/or potential actions – between Housing, Community Safety and/or Environmental Health teams. This is true within Renfrewshire Council, with close working between departments on cases.
- 5.8 It was noted by all organisations that reports can come in via a variety of sources – including via Housing Officers, the Community Safety Team, Environmental Health, Elected Members, Police Scotland, online reporting forms and phone calls to generic Customer Service lines. The importance of ensuring that information for members of the public on who to contact is easily

accessible to all was highlighted, to ensure the appropriate response as quickly as possible to resolve issues. The importance of being clear on when local authorities can intervene as well as what the limitations are (and why) was also raised by a number of local authorities in order to manage expectations and ensure cases are signposted to the best source of assistance as quickly as possible and minimise being passed between organisations/departments.

- 5.9 The most common sources of neighbour disputes were similar across all local authorities and housing associations – the most common relating to noise and waste (misuse of bins, including not putting out for collection, using bins belonging to others and placement of bins when out for collection) as well as parking and issues relating to communal spaces. In all cases, when a report comes in it would be investigated by relevant Officers who would contact the complainer, including home visits where appropriate, and would then identify the relevant course of action and next steps.
- 5.10 The majority of local authorities had seen changes in levels of disputes as well as reasons for disputes. This was generally found to be initially due to the pandemic and lockdown, with people being at home more. This also links with a clash of lifestyles, which was reported as a major factor in neighbour disputes and noise complaints. This includes situations such as different working patterns, where one party may leave early for work, or return late at night. Many local authorities also acknowledged mental health being impacted by the pandemic and further exacerbated by the cost of living crisis. They are also often seeing a rise in complex cases particularly in relation to mental health and addiction. Cross-agency working is pivotal in ensuring access to services and support, and prevent people from falling through the gaps in services.
- 5.11 A resource that was highlighted was the Anti-Social Behaviour Officers' Forum (ASBOF). The Forum was found to be an important source of information with knowledge sharing on best practice and effective responses between local authorities as well as opportunities to raise any new issues or patterns that are arising to see how others have approached these.
- 5.12 It was acknowledged that early intervention is key to resolve issues and prevent potential future escalation. This includes a need for cases to be reported as early as possible and communication to members of the public around how to report issues, with the pathways and options available to different tenures believed to be critical.

### **Mediation and Conflict Resolution Services**

- 5.13 Mediation is a recognised early intervention tool to help neighbours to resolve their difficulties. Figures provided via the Antisocial Behaviour Officers' Forum (ASBOF) indicated around 90% success rate for sustainable outcomes – i.e. those who engaged with mediation services did not have to contact the local authorities again. In most cases, including in Renfrewshire, specially trained mediators are used who would not have taken part in any previous part of the process (e.g. investigation) and so are completely impartial.

- 5.14 Mediation requires both parties to be willing to take part and find a solution but can take 2 different forms: joint mediation and shuttle mediation. Renfrewshire Council uses both forms:
- **Joint Mediation:** the Mediation Officer will meet both parties in a neutral venue, often a community space to discuss the issues together and hopefully reach a resolution.
  - **Shuttle Mediation:** an alternative option whereby the Mediation Officer goes between the two parties, exchanging information without the need to meet in the same space and communicates on behalf of each party to help to resolve the situation.
- 5.15 There are a range of reasons why one or both parties are not willing to enter into mediation, with the most common reason being that the situation had escalated too far by the time it was reported. But in instances where mediation was used, local authorities overwhelmingly found it to be a positive and vital tool to resolving issues and preventing escalation. Resolutions ranged from neighbours just agreeing not to speak to each other/stay out of each other's road to one party offering the other party a lift home at the end of the session.
- 5.16 Again, there were differences in provision of service – some Local Authorities (including Renfrewshire Council) provide mediation free of charge to all tenures. Others would charge for non-Council Housing tenants, including charging Registered Social Landlords who refer to the service. The remainder either provided no service or would signpost all residents to mediation services offered by SACRO (a Scottish community justice organisation) at their own cost.
- 5.17 All organisations who responded had access to interpretation services where language may be a barrier to communication, but there was a gap with regards to assisting deaf and hearing impaired people (BSL interpreters). The same is true of communicating information to those who may want to report issues, including deaf and hearing impaired people and blind and visually impaired people.
- 5.18 Being a victim of neighbour nuisance or anti-social behaviour can have a huge impact on people's lives and affect mental health and wellbeing. It can also contribute to people feeling unsafe and/or anxious in their home and it is key to ensure that support is available for those suffering from unreasonable behaviour. The need to support those who may be perpetrating anti-social to change behaviour was also raised. And the reasons behind the behaviour can be complex – the behaviour can be driven by trauma as well as triggering a trauma response in those that it is affecting.
- 5.19 Renfrewshire Council have recognised the importance of trauma informed and responsive services, and training is being rolled out across Housing and Community teams due to the front-facing nature of their roles. Other local authorities also provide trauma informed training to assist officers in carrying out their duties, whilst some of those who didn't currently were interested in the approach or are considering it.

5.20 Some local authorities use voluntary tools such as Acceptable Behaviour Contracts (or Acceptable Behaviour Agreements) in a range of circumstances to encourage and support perpetrators to take responsibility and change their behaviour. Unlike Anti-Social Behaviour Orders (ASBOs), Acceptable Behaviour Contracts are not legally binding but outline a range of acceptable and unacceptable behaviours to allow individuals to recognise and take responsibility for their behaviours. These Acceptable Behaviour Contracts are not designed to replace Anti-Social Behaviour Orders but are seen as an early intervention tool to prevent the need for legal action. If the behaviour remains persistent, then further legal action will also be considered, but it is an approach designed to be used for anyone who is willing to work together with agencies to change their behaviour.

### **Noise Monitoring**

5.21 Noise nuisance was commonly reported as one of the top complaints with regards to neighbour disputes and/or anti-social behaviour across local authorities and housing associations.

5.22 Noise nuisance is identified where something is unreasonable to the average person, taking into account factors such as locality, impact, time, frequency, duration, convention and avoidability. It was acknowledged that people who are causing noise disturbance may not always be aware. Issues can be exacerbated by poor sound-proofing and circumstances such as houses having no curtains, poor quality or no underlay and in some cases no carpets. If the person feels safe to do so, generally they are encouraged to approach their neighbour in the first instance in case they are unaware they are causing an issue.

5.23 When the noise issue is persistent over time, residents are encouraged to keep a diary of dates and times of noise disturbance. Local authorities generally then use the MATRON (or similar) noise recording system in order to gain corroboration for difficult to prove noise nuisance cases, e.g. instances where there aren't any witnesses/corroboration due to time of night or location of properties. In these cases, the system is installed in the house of the complainer in order to monitor noise levels over a period of time and this is then analysed and used to take further action against perpetrators.

5.24 Before the noise recording system is installed in a property, surrounding properties are all notified that at some point over the next few weeks there will be a recording system installed and it was found that this notification alone can often stop problems in blocks of flats.

5.25 In addition to formal noise recording systems, a number of local authorities use a 'noise app'. Renfrewshire Council are exploring this option also. This enables a resident to submit noise complaints via their mobile device, so that they can be submitted at the time it is happening without the need for a formal recording system to be installed in the property. Local authorities reported the app as being useful in a number of ways:

- access to formal MATRON systems can lead to delays in assessing issues if the system is being used in another property
- it enables Officers to identify areas of need for MATRON system to be installed

- residents can submit any time of day or night as and when the noise is happening, without needing to wait for a Warden/Officer to attend for corroboration.

5.26 Local authorities who use the noise app also reported that it was not found to increase Officer workload (i.e. it was not leading to increased levels of noise complaints being received) but they believed it was leading to higher quality of reporting from residents. It was acknowledged, however, that not all residents would have access to an app and that the diary sheets were important to retain. Formal recording systems are also required in the case of any formal court action as the noise app would not be submissible in Court.

### **Multi-Agency Meetings**

5.27 Partnership working is key to tackling anti-social behaviour and the importance of cross-agency collaboration in understanding and responding to incidents of anti-social behaviour was highlighted by all interviewees – across local authorities, housing associations and Police Scotland.

5.28 All local authorities who responded hold multi-agency meetings – with key organisations including Police Scotland, Scottish Fire and Rescue Service, Housing Associations and other local partners such as those involved in mental health support services and addition services. The aim of these meetings is to ensure early intervention and a coordinated partnership approach to ensure solutions are delivered effectively and efficiently and with knowledge sharing and input across organisations.

5.29 Across local authorities, multi-agency meetings were generally scheduled on a set frequency to discuss general anti-social problems and decide actions. In instances where there was a specific case requiring a cross-organisation approach, a special meeting would be held to focus more on outcomes. The frequency of these scheduled multi-agency meetings varies across local authorities. Renfrewshire's model involves daily tasking meetings, whereas some local authorities met with partner agencies every other day, or every 3 days.

5.30 Renfrewshire has established a Community Safety Partnership Hub consisting of statutory, voluntary and community organisations based on the MARAC model (multi-agency risk assessment conference). This approach has been recognised as best practice and includes the CCTV Operations. There is no single pathway for a referral into the Hub - any of the services can bring cases/information to the table and have signed up to the information sharing protocol.

5.31 In addition to the noise monitoring and mediation discussed earlier, the range of resources and good working practices utilised by the Renfrewshire Community Partnership include:

- multi-agency daily tasking meetings
- multi-agency 'hot spot' and escalation through monthly tasking (tackling specific cases about individuals or by location)
- Youth Officers – officers with a particular focus on early intervention and joint working with schools and youth organisations

- A Police Scotland Local Authority Liaison Officer (LALO) at multi-agency meetings to coordinate multi-agency responses to community problems
- Senior Community Support Officers
- Public Space CCTV operators
- Victim support for persons affected by anti-social behaviour

5.32 This approach combines this broad range of services to support communities across Renfrewshire, through targeting anti-social behaviour, its causes and effects and ensures a robust approach to tackling public protection issues affecting residents in Renfrewshire.

## **6. Next Steps**

- 6.1 The next stage of the review will focus on the current disposals/actions that are available to the Council and others to resolve neighbour disputes (including legislation and regulatory powers).
- 6.2 To ensure the broadest review of the process, this will include speaking to key community organisations, such as Citizens Advice Bureau and Victim Support, as well as speaking to residents with lived experience of neighbour disputes and anti-social behaviour. This will help to identify any potential gaps in service provision or areas in the process where improvements could be made from a service user point of view through embedding learning from those who have been through the process.



## Implications of the Report

1. **Financial** - None directly arising from this report.
2. **HR & Organisational Development** - None directly arising from this report.
3. **Community/Council Planning** - None directly arising from this report.
4. **Legal** - None directly arising from this report.
5. **Property/Assets** – No current implications.
6. **Information Technology** – No current implications.
7. **Equality and Human Rights** - 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 relates to carrying out 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 and Safety** - No current implications.
9. **Procurement** - No current implications.
10. **Risk** - No current implications.
11. **Privacy Impact** - No current implications.
12. **COSLA Policy Position** - No current implications.
13. **Climate Risk** - No current implications.

---

### List of Background Papers:

Audit, Risk and Scrutiny Board Annual Programme  
Neighbour Disputes Paper - Audit, Risk and Scrutiny Board, January 2023  
Neighbour Disputes Paper - Audit, Risk and Scrutiny Board, March 2023

**Author:** Roz Smith, Climate Emergency Lead Officer, Chief Executive's Service