

**PORT OF LEITH HOUSING ASSOCIATION LIMITED**

**Estate Management Policy**

**1.0 Introduction**

- 1.1 Estate Management concerns both the outward appearance of a development and the attitude and behaviour of residents. The Policy and Procedures adopted for estate management are important as their success or otherwise will impact on the daily life of residents and will reflect on the Association's reputation as a landlord.
- 1.2 The aspects of Estate Management most commonly referred to by tenants are the general appearance of the area, the conduct of tenants in relation to their tenancy conditions and the problem of neighbour disputes and anti-social tenants. This policy will refer to each of these issues
- 1.3 In the Association's Tenant Participation Policy, adopted in January 1995, it is stated that:

"The Association seeks to promote viable communities and harmonious relationships between neighbours in the estates which it develops. The Association will arrange meetings of tenants in new schemes after the initial allocation of the properties, to inform new tenants about the Association and explain rights and responsibilities. The tenants will be informed of the Association's Tenant Participation Policy and invited and given assistance to establish a Tenants' Group within the estate if they wish to do so. The Association will assist tenants by providing accommodation for meetings, providing typing and photocopying facilities as appropriate."

This action is taken with all new developments and is a fundamental part of good practice in estate management.

**2.0 Estate Management Monitoring Visits**

- 2.1 A proactive approach is a necessary part of effective estate management. Monitoring visits by the Housing Officer will be carried out regularly on every estate. Common stairs, windows and bin areas should be checked to ensure that an acceptable standard of cleanliness is being maintained. Where necessary, tenants should be reminded of their obligations and stair cleaning cards provided. Where a service charge is levied for stair and window cleaning and common landscaping, these areas should be checked to ensure that the work has been carried out to the agreed specification. If not, contact should be made with the contractor to agree on improvements. Any repairs required in communal areas should be noted and passed to the **Property** Section for action. The general condition of the area should be noted. Any problems or improvements required should be noted and passed to the relevant section or external agency.

Where action is required, a follow-up visit should be made to check that the work has been carried out to the required standard.

**In addition to the above, formal visits will be made to each estate by the Housing and Property officers with tenants advised in advance and invited to join the “walk around” to establish the priorities of those living in the area. Improvements suggested by tenants will be given careful consideration, subject to budget constraints.**

### **3.0 Tenant Conduct and Breach of Tenancy Conditions.**

- 3.1 In many cases, a Breach of Tenancy Condition is relatively minor, although very annoying for other residents and of concern to the Association. For instance, tenants who fail to maintain their gardens or clean common stairs could be taken to Court over such matters, but it would be most unlikely that any Sheriff would grant a decree in these circumstances. Legal action should be treated as a last resort and other options should be fully explored first. Tenants should always be contacted and reminded of their obligations under the Tenancy Agreement. If tenants are unable to clean stairs or maintain garden ground due to age or ill health, appropriate advice and assistance should be given by the Housing Officer. There are community projects which provide help with gardens etc., and they should be contacted for assistance.
- 3.2 Where a number of tenants are involved in one communal stair, the Housing Officer should meet with them and discuss the problems and potential solutions to harness efforts of all concerned in improving matters. Where tenants fail to co-operate, the Environmental Health Department can be contacted for assistance where the standard of stair cleaning or garden maintenance constitutes a health hazard. The agreement of all tenants in a stair to pay for stair cleaning through a service charge should be sought. This can provide the quickest and most successful solution to a stair cleaning problem. **When new developments are being planned, a stair cleaning service will be included from the handover stage.**

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

- 4.1 In the Association's procedures for dealing with neighbour disputes it is stated that "The Association recognises that there are circumstances under which disputes will occur between neighbours. Such problems may be caused by noise, tenants not fulfilling their obligations ..... , lack of control of children, aggressive or annoying behaviour. The Association attempts to prevent the creation of such problems by taking care to design out factors causing problems in the estates which it develops and by making allocations sensitively to ensure that the potential for conflict within stairs/schemes is minimised. Where problems do occur and the difficulties cannot be resolved by the neighbours themselves, the Association will attempt to intervene to resolve the dispute. In many cases an informal chat will be all that is required to resolve trivial complaints."

4.2 When a complaint is received the Housing Officer will follow the Association's procedures for dealing with neighbour disputes and will investigate by interviewing the tenants concerned, taking note of any circumstantial evidence and taking heed of any comments that near neighbours have to make which is relevant to the particular situation. The tenant will be encouraged to provide details of dates, times and the nature of events about which they are complaining and be advised to continue to do so in the future if events are repeated since this level of evidence would be required should the matter proceed to Court at a later stage. The complainant should also be advised of the formal legal process Housing Associations must follow and of the requirement under current laws for witnesses to give evidence in Court. Although the Civil Evidence (Scotland) Act 1988 allows hearsay evidence to be used in proceedings and written statements to be admitted as evidence, Sheriffs will usually prefer to hear from witnesses in person and the failure of a witness to appear in Court will weaken their case substantially. **Where tenants are afraid of retaliation, the use of Independent Witnesses will be considered.**

4.3 All complaints will be dealt with on a confidential basis and the name of the complainant will not be divulged to the neighbour who is allegedly causing the problem. When the Housing Officer has had the opportunity to obtain as much information as is necessary to make a judgement on how severe the problem is and whether there has been some unreasonable behaviour on the part of the neighbour, appropriate action should be taken. Depending upon the type and severity of the problem this could be to:-

- a) monitor the situation further
- b) interview the alleged perpetrator and make them aware of the problem and of the need to ensure no further nuisance is caused
- c) issue verbal or written warnings
- d) offer mediation through a formal mediation service
- e) alert the Environmental Health Department of the City of Edinburgh Council if the complaint involves noise or a health hazard
- f) alert Social Work Department if Social Work support could be of assistance in resolving the matter
- g) take specific action to resolve any particular problems e.g. instituting stair cleaning rota where no stair cleaning has been done
- h) involve the Police if action is available under the Civic Government (Scotland) Act 1982 as described in Appendix I. **Use the joint protocol for information sharing between Police and RSLs where criminal behaviour is suspected.**
- i) **involve the City of Edinburgh Council Housing Investigation Team.**

The complainant will be advised of the action taken to deal with the problem which they have raised. Where the complaint is persistent and of a serious nature the Housing Officer will investigate matters thoroughly by interviewing near neighbours and contacting the police if they have had involvement for corroboration of events. Note will be taken of any physical signs which corroborate complaints e.g. vandalism or

other specific damage to property. Photographs of the damage should be taken if possible. **The Housing Manager should be advised of any investigation into anti social behaviour.**

- 4.4 If it is warranted at this stage the Housing Officer will issue a severe warning letter and may also issue a Notice to Quit and Notice of Proceedings for Recovery of Possession. This would inform the tenant that the Association views their breach of the Tenancy Agreement in a very serious light and intends to proceed with Court action for re-possession of the property, if the perpetrator does not stop behaviour which is causing nuisance or improve their behaviour towards other neighbours. It is possible that at this stage the perpetrator will be able to identify the complainant(s), due to the requirement to provide detailed information on a Notice of Proceedings for Recovery of Possession. The complainant should be made aware of this. **Where retaliation is likely, Independent Witnesses from the Housing Investigation Team should be used. Close liaison between the Association, the HIT section of City of Edinburgh Council and the local Police will be essential in cases involving serious, persistent anti social behaviour.**
- 4.5 If the problem behaviour continues after these steps have been taken the case will be reviewed and a forward plan agreed by the Housing Officer and Housing Manager. It is recognised that by this stage the complainant(s) may have suffered the problem for some time and may be distressed by the situation. The Housing Officer will keep near neighbours informed of the action being taken by the Association to attempt to resolve matters. Breaches of tenancy should be clearly detailed on all correspondence with alleged perpetrators and reference made where appropriate to specific legislation and to clauses in the Tenancy Agreement. **Anti Social Behaviour Orders** may require consideration, depending on the circumstances. These are granted, at the Sheriff's discretion and take immediate effect. They are used to prevent someone from carrying out an act which is in breach of their tenancy conditions or which causes damage to the landlord's property. Breach of **an ASBO is a criminal offence** for which the tenant may be fined or imprisoned.
- 4.6 **Under the provision of the Housing (Scotland) Act 2001, if an ASBO is sought and awarded, the tenant's Scottish Secure Tenancy will be converted to a Short Scottish Secure Tenancy. This has a lesser security of tenure, which means that the tenancy can be ended if the anti social behaviour continues providing that appropriate support was made available to the tenant.**
- 4.7 If the case proceeds to Court and a Decree for Eviction is awarded to the Association an Eviction Report will be put to the Association's Housing Sub-Committee for its consideration and approval.

## **5.0 Conclusion and Recommendation**

5.1 Estate management is an important part of housing management in two respects:-

- i) effective estate management impacts on the quality of life of tenants.
- ii) the external appearance of an estate and the conduct of its tenants influences perceptions of how the Association performs as a landlord.

5.2 The Association recognises the importance of effective estate management and will adopt a proactive role in the management of its estates to achieve the best standards possible. The Estate Management Policy and related procedures should be reviewed on a **five** yearly basis, taking account of its operation to date, new guidance on best practice and changes in legislation and legal remedies.

5.3 The Housing Management Sub-Committee is invited to endorse the Estate Management Policy and related procedures.

## **APPENDIX I**

Police action may be taken under the Civic Government (Scotland) Act 1982 under the following sections:-

Section 47	Urination in public
Section 48	Dog fouling in public
Section 49	Dangerous/annoying creatures (noise or disturbance from animals)
Section 50	Public drunkenness
Section 54	Noise nuisance
Section 92	Lack of cleaning of common stair
Section 93	Fire hazardous waste in common stair

**MW/EM/Housing/EMP**  
**6<sup>th</sup> May 2004**