



ANTI-SOCIAL BEHAVIOUR POLICY

AS WITH ALL OF THE ASSOCIATION'S POLICIES AND PROCEDURES, THIS GUIDE, IN FULL AND IN PART, IS AVAILABLE IN SUMMARY, ON TAPE, IN BRAILLE, AND IN TRANSLATION INTO MOST OTHER LANGUAGES – PLEASE ASK A MEMBER OF STAFF IF YOU WOULD LIKE A VERSION IN A DIFFERENT FORMAT

August 2018

CONTENTS

	<u>Page Number</u>
1.0 Introduction	2
2.0 Defining Anti-Social Behaviour	2
3.0 Policy Statement / Key Principles	3
4.0 Categories of Complaint	4
5.0 Remedies for Tackling Anti-Social Behaviour	5
6.0 Performance Management	8
Appendix 1 – Legal and Good Practice Framework	9
Appendix 2 - Performance Indicators	10

ANTI-SOCIAL BEHAVIOUR POLICY

1.0 Introduction

Spire View Housing Association regards the occurrence of anti-social behaviour extremely seriously. As a result, the Association has introduced obligations within the Tenancy Agreement to ensure tenants, household members and visitors do not ***'harass or act in an antisocial manner to, or pursue a course of antisocial conduct against, any person in the neighbourhood'***.

This policy has been established to outline how the Association will tackle any form of anti-social behaviour. We are committed to meeting the Scottish Social Housing Charter. The Charter states: that "Social landlords, working in partnership with other agencies, help ensure that:

tenants and other customers live in well - maintained neighbourhoods where they feel safe.

This policy explains how we address anti-social behaviour. Staff procedures have been developed separately that detail how the policy is implemented and e.g. how quickly we will deal with complaints.

2.0 Defining Anti-Social Behaviour

2.1 What is Anti-Social Behaviour?

Anti-social behaviour is a term used to cover different types of behaviour. However, **The Crime and Disorder Act 1998** and **The Anti-Social Behaviour etc. (Scotland) Act 2004** considers a person to have engaged in anti-social behaviour if they act in a manner or pursue a course on conduct that causes or is likely to cause alarm or distress. This must be to at least one person who is not a member of their household. 'Conduct' includes speech and to be a 'course of conduct' requires it to have happened on at least 2 occasions. This definition mirrors that in the Association's SST under Section 3.2.

Anti-social behaviour can be committed by;

- the tenants or any other joint tenant
- any person living with the tenant e.g. family members or friends
- lodgers or sub-tenants
- visitors to your home

Anti-social behaviour can affect;

- people living in or visiting the locality e.g. neighbours, relatives or friends
- people engaged in lawful activity in the locality e.g. housing staff or contractors carrying out their duties

The term 'locality' includes the overall neighbourhood which can extend beyond the house and adjacent properties to the local housing area.

Anti-social behaviour covers a wide range of issues such as noise, dog fouling, rubbish dumping / litter, drug dealing, graffiti, nuisance or threatening behaviour, fighting, shouting and swearing, harassment etc.

2.2 Causes of Anti-Social Behaviour

Examples of some of the main causes of anti-social behaviour are;

- concentrations of household living in poverty
- people living together in tenemental property whose lifestyles are incompatible
- new building design requirements for modern living. For example, families now own sound systems, TV's, washing machines etc and this impacts on the original noise standards.
- people who lack or have turned down support considered necessary to assist them to sustain their tenancy in an appropriate manner
- lack of awareness of cultural differences amongst households

3.0 Policy Statement / Key Principles

- 3.1 The policy complies with the law and good practice in minimising and dealing with anti-social behaviour. Therefore, no action will be raised to recover possession of a property unless it is reasonable to do so. Appendix 1 details the legal and good practice framework
- 3.2 The Association implements management and legal remedies for dealing with anti-social behaviour. Eviction action will be used only as a last resort. Section 5.2 summarises these actions.
- 3.3 The Association ensures that our policies minimise anti-social behaviour by, for example, ensuring the way in which we allocate properties assists in establishing sustainable communities.
- 3.4 The Anti-Social Behaviour Policy has been devised based on a strategy of prevention. Staff will tackle complaints promptly and within set timescales.
- 3.5 All Association properties are designed and maintained to a standard that minimises anti-social behaviour.
- 3.6 This policy is publicised through the Associations newsletters, website, tenants' handbook and information leaflets.
- 3.7 Wherever possible the Association works jointly with other agencies to tackle anti-social behaviour e.g. Police, Social Work etc. Section 5.2.6 outlines these arrangements.

- 3.8 The Association ensures that in dealing with anti-social behaviour, duties are delegated to staff effectively and that staff will receive comprehensive, regular training.
- 3.9 The investigation and management of all anti-social complaints will take account of staff and complainant health and safety as a primary objective.
- 3.10 The Association has implemented performance management systems to monitor the effectiveness and efficiency of current practice. Appendix 2 details the specific performance indicators.
- 3.11 This policy will be reviewed formally every 2 years. Any necessary amendments will be made following full consultation with tenants and other service users.

4.0 Categories of Complaint

Response to complaints will vary depending on the nature and seriousness of the particular issues involved. Tenants should be encouraged to resolve minor complaints themselves whereas complaints of a more serious nature will require a response from the housing manager and some cases, liaison with other agencies such as Environmental Health, Police and Social Work. It is very difficult to categorise complaints however, for monitoring and reporting purposes, they broadly fall into the following categories;

- 4.1 Category A – Very Serious Complaint
Complaints which concern allegations of drug dealing, criminal behaviour involving threats of violence towards any member of the public, including members of staff, housebreaking, assault, criminal threats, serious harassment, racial harassment, and serious damage to property, including fire raising.
- 4.2 Category B – Serious Complaints
Complaints which concern allegations of aggressive / abusive behaviour, frequent disturbances, vandalism, drug / solvent / alcohol abuse, verbal written harassment and frequent and persistent noise.
- 4.3 Category C – Nuisance Complaints
Litter dumping, excessive noise, control of pets, boundary disputes, untidy gardens, children causing a disturbance, noisy party.

It is unlikely that all complaints will fit neatly into one category however some examples of categorisation would be;

- ***Untidy close / garden*** **Category C**
- ***Children causing noise disturbance*** **Category C/B**
- ***Rowdy visitors*** **Category C/B**

- ***Drug taking in close / garden*** **Category A**
- ***Assaults or threats of violence*** **Category A**

5.0 Remedies for Tackling Anti-Social Behaviour

The Association recognises that people themselves are not regarded as being anti-social but that complaints about someone's behaviour need to be tackled. Furthermore, the main way to resolve complaints of anti-social behaviour is through effective management. This involves working jointly with other agencies that have a responsibility for this matter too. These include local authority departments such as education, Land & Environmental Services (Environmental Control Unit), planning and social work etc. We will also work with the police, mediation and arbitration services and equality groups etc. Legal action will be considered only where management remedies have been ineffective or considered inappropriate.

In order to tackle anti-social behaviour effectively, the Association has introduced a comprehensive approach using both management actions (non-legal) and legal remedies. This section details the remedies we might use.

5.1 Management Actions (Non-Legal)

5.1.2 Contact / Advice

Making contact and providing advice to tenants can be effective in resolving some minor disputes / nuisance complaints e.g. a one off incident such as a party could be resolved by visiting those involved. In cases like this staff may offer advice or issue a breach of tenancy letter.

5.1.3 Breach of Tenancy Letter / Reminder

This can be issued following an interview with the perpetrator regarding their behaviour. The letter will detail how the tenancy has been breached and the consequences if the breach occurs again.

5.1.4 Mediation

Mediation is a remedy which can be considered where there is recurring anti-social behaviour and the relationship between the parties involved has broken down, or where the Housing Manager decides the Association's role has been exhausted. Mediation can be provided by;

- The Association Staff (we have 2 trained mediators)
- Staff from another housing organisation e.g. copperworks staff are also trained mediators
- An independent body e.g. mediation service, social work etc.

5.1.5 Acceptable Behaviour Contracts

An Acceptable Behaviour Contract (ABC) is a written agreement between the perpetrator (child or adult), the Association and. Police Scotland. The contract specifies a list of anti-social acts in which the

person has been involved and which they agree not to continue. The contract usually lasts for 6 months but can be renewed if necessary. Although the ABC is not legally binding, it can be used at court to support eviction action or an application for an Anti-Social Behaviour Order (ASBO).

If an individual fails to sign an ABC, an Unacceptable Behaviour Notice (UBN) can be issued. The UBN makes a person aware of their behaviour and the consequences if their behaviour continues. Again, it is not legally binding but can be used to support legal remedies.

5.2 Legal Remedies

In cases of serious or extreme anti-social behaviour, it may be necessary to pursue legal action including the following;

5.2.1 Interdict

This is a court order to prevent someone from doing something e.g. dumping rubbish in common areas, playing loud music, swearing, shouting, damage to property etc. The interdict / interim interdict can be a quick method of intervention.

5.2.2 Specific Implement

This is a court order requiring someone to do something which is their responsibility e.g. maintain their garden as specified in the tenancy agreement.

5.2.3 Anti-Social Behaviour Order (ASBO)

This is a court order preventing someone (aged 12 or over) from pursuing a certain course of conduct that is causing alarm or distress to the community, or behaviour that is likely to escalate to criminal level if not stopped. Applying for an ASBO is a civil action and is not a substitute for criminal proceedings, therefore, the Association can apply for an ASBO and attempt to recover possession at the same time. ASBO applications should be done in consultation with Police Scotland.

The Association can apply for an Interim ASBO / ASBO for anyone over the age of 12. They do not need to be a tenants, resident or owner etc. However, we would have to demonstrate to the Sheriff that it would be 'reasonable' to grant the order bearing in mind the behaviour of the person concerned. Examples of when an ASBO may be necessary include;

- racial harassment or homophobic behaviour
- persistent anti-social behaviour as a result of drug / alcohol abuse
- intimidation by threats and / or violence

The Scottish Executive publication '*Guidance on Antisocial Behaviour Orders – Antisocial Behaviour etc. (Scotland) Act 2004*' provides comprehensive information on ASBO's and the procedure for applications.

5.2.4 Short Scottish Secure Tenancy Agreement

If a full ASBO is granted against a tenant, or anyone living with them, the Association can serve a Notice on the tenant converting their tenancy to a Short Scottish Secure Tenancy (SSST). However, consideration will be given to the following;

- the nature frequency and duration of the anti-social behaviour
- the effect that the anti-social behaviour is having or is likely to have on the person
- action taken by the Association before raising ASBO proceedings
- support requirements of the household
- any other relevant factors

Where the tenancy has been converted to a SSST, the Association has a duty to provide or ensure the provision of housing support services to enable the tenancy to convert to a SST. A SSST will convert to a SST after 12 months unless the Association takes action to recover the tenancy.

5.2.5 Repossession

Whenever anti-social behaviour is extremely serious, the Association may consider seeking a court order for eviction and repossession of the property. This action will only be taken when all other appropriate remedies have failed to resolve the problem and it is deemed reasonable to seek eviction. This will always be a last resort.

5.2.6 Other Agencies

Other agencies have an important role to play in the implementation of this policy by using the powers available to them. For example, most neighbour nuisance constitutes an offence and the police should therefore be involved and, in some instances, take a lead role.

Legal remedies available to housing organisations are not always the most effective means of tackling anti-social behaviour. As a result, we will endeavour to establish close links as follows;

- working with police to use their legal powers to remove noise making equipment.
- liaising with police to use their powers to arrest people breaching legal orders
- working in partnership, where possible, with Land & Environmental Services (Environmental Control Unit) to tackle problems relating to rubbish, stair cleaning and dog fouling etc.

The Association has signed the Joint Protocol with Police Scotland, Glasgow City Council and RSL's. The Protocol provides guidance and a framework for lawful and productive sharing of information between the agencies. This includes information on warning letters, acceptable behaviour contracts, unacceptable behaviour notices, ASBOs and eviction action. The Association is fully committed to the aims of this protocol and will actively liaise with those involved.

6.0 Performance Management

Performance management is extremely important in order to assess whether the policy objective are being met. Furthermore, it is a requirement to meet The Scottish Social Housing Charter.

The specific indicators to monitor the policy are detailed in Appendix 2.

August 2018

Appendix 1 – Legal and Good Practice Framework

This section summarises the key legislation that can be used to tackle anti-social behaviour both by the association and in conjunction with other agencies;

Anti-Social Behaviour etc. (Scotland) Act 2004

Criminal Justice Act 2003

Housing (Scotland) Act 2001

Crime and Disorder Act 1998

Protection from Harrassment Act 1997

Civic Government (Scotland) Act 1982

Dangerous Dogs Act 1991

Environmental Protection Act 1990

In addition, the following section details key good practice documents consulted during the development of this policy;

Scottish Social Housing Charter

tenants and other customers live in well maintained neighbourhoods, where they feel safe

Housing and Neighbour Problems – Dealing with Nuisance and Anti-Social Behaviour

Scottish Office 1998

Putting Our Communities First: A Strategy for Tackling Anti-Social Behaviour

Scottish Executive 2003

Appendix 2 – Performance Indicators

1. Number of anti-social behaviour complaints received and by category i.e. A, B or C.
2. Number of management actions raised, broken down by type e.g. advice, breach of tenancy letter, mediation, ABC, UBN etc.
3. Number and types of legal actions e.g. interdict, specific implement, ASBO and eviction.
4. Household data of people against whom actions are raised including age, disability, gender and race.
5. Time taken (compared with targets set) to issue acknowledgement letters, conduct interviews, Investigate complaints and issue letters where complaints are unjustified.

This information will be collated on the computerised model “Complaints Register” and reported to the management committee on a quarterly basis.