



# ANTI-SOCIAL BEHAVIOUR POLICY

**Approved by Committee: 3<sup>rd</sup> March 2015**

**Date Due for Review: March 2018**

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## **Introduction**

This policy sets out the Association's commitment to effective management of neighbour disputes and anti social behaviour in accordance with Good Practice guidance and current legislation.

The Association recognises the need for fair and effective policies to be in place and intends to take firm but appropriate action to deal with neighbour disputes and anti social behaviour and will ensure that both committee members and staff receive adequate training on this policy.

## **Aims of the policy**

The Association is committed to providing good quality housing in a way which assists people to live in a peaceful community. We also aim to enable all tenants to have quiet enjoyment of their homes and a decent and safe environment in which to live.

The Association wishes to provide tenants with or assist them to obtain support and assistance required to establish and maintain their tenancies.

We will provide tenants with clear information about what we can do in response to complaints and what assistance is available from other agencies. We will also try to resolve complaints at an early stage, in order to prevent them escalating into more serious problems.

In the early stages of any incidence of nuisance, the emphasis will be on resolving the problem by discussion and mediation if appropriate.

In cases of persistent or serious breaches of tenancy conditions we will take firm action against the tenant causing such a breach.

This may result in an Acceptable Behaviour Contract being issued, or legal action being taken, which could eventually result in an Anti social Behaviour Order and ultimately eviction from the property.

The Association will not tolerate violence, intimidation, harassment or illegal activity or any kind in our properties. We will respond to complaints of this nature by working with other agencies to address problems.

We are not able to take action against people who are not our tenants, but will provide advice and assistance wherever possible.

## **Definition of Anti Social Behaviour**

A working definition of Anti Social behaviour is "behaviour which adversely affects a person's quality of life, peaceful enjoyment of their home and a right to live in a decent and safe environment"

The Anti Social Behaviour (Scotland) Act 2004, states that a person engages in anti social behaviour if they “act in a manner that causes or is likely to cause alarm of distress; to at least one person not of the same household as them”

### **Definition of Anti Social Behaviour ‘Case’**

A ‘case, of anti social behaviour will be defined as the 1<sup>st</sup> reporting of a complaint against an Association tenant or resident.

### **Definition of Anti Social Behaviour ‘Incident’**

An anti social behaviour ‘incident’ will be defined as a further complaint of the same nature, against a tenant/resident where there is an ongoing anti social case which has not been closed having been resolved.

There are a wide range of activities which can be classified as neighbour disputes and anti social behaviour.

For our purposes these fall into one of the following three categories;

### **Category A Very Serious**

Include illegal behaviour, e.g drug dealing, racial and serious harassment, violence, malicious damage.

Convictions for the possession of drugs for personal use will not normally result in the Association seeking an eviction unless there are other aspects of anti social behaviour involved, such as nuisance to neighbours, damage to property, or repeat offending.

### **Category B Serious Cases**

Include frequent disturbances, vandalism, persistent noise, nuisance. e.g. playing loud music noisy visitors

### **Category C Nuisance Cases**

Complaints of a minor nature, but which breach the tenancy conditions include, control of pets, cleaning of stairs and common areas, unkempt gardens

Appendix 1 details what the Association will not action as anti-social behaviour

### **Prevention**

The Association will seek to prevent as far as is possible causes of anti-social behaviour and neighbour disputes.

Such measures will include

1. Ensuring that overall security in the area is sufficient to minimise the impact of anti social behaviour
2. Ensuring that the tenancy agreement is explained fully at the commencement of the tenancy

3. Enforcement of tenancy conditions
4. Ensuring that effective estate management procedures are in place and taking prompt action where there is a breach of tenancy conditions.

### **Dealing with Anti Social Behaviour**

All complaints concerning neighbour disputes or anti social behaviour by tenants of the Association should be in writing and signed by the complainant. If appropriate staff will help tenants to put their complaints in writing. In cases where the complainant is not willing to provide a signed witness statement the complaint will be treated as a verbal complaint. The complainant will be advised that without a witness statement it is unlikely to lead to further action.

The majority of complaints concerning neighbour disputes or anti social behaviour by tenants of the Association will be investigated by Association staff. However everyday living noise and minor lifestyle differences are not classed as anti social behaviour and will not be investigated under the terms of the policy. A list of examples of such behaviour is included at **Appendix 1**.

Anonymous complaints will be acted upon; however the information will be noted and filed for information only. We reserve the right to act on verbal complaints and anonymous letters if the matters described are considered sufficiently serious eg police attendance.

All complaints will be acknowledged and the complainant will be advised of what action if any the Association intends to take.

The Association will seek advice and assistance from external bodies where it is deemed appropriate to do so. E.g Police, Social Work Dept, Glasgow City Council Neighbour Relations Team.

We will assess each complaint to decide whether it is a tenancy issue, criminal activity or both. Association staff will visit those involved or arrange appointments at the office, if there is an issue of safety, following this appropriate action will be taken.

This could include

- Issue of verbal or written warning
- Refer to other agencies
- Charging tenants for cost of rectifying damage
- Management transfer
- Legal action
- Converting tenancy to Short Scottish Secure Tenancy in line with the provisions of the Housing (Scotland) Act 2014

Association staff will endeavour to ensure that confidentiality will be maintained at all times. However the complainant will be advised that due to the nature of some complaints it will not always be possible to protect the complainants identity. Complainants will be kept informed at each stage of the investigative process.

## **Legal Remedies**

The Association will seek to use a variety of appropriate legal remedies in dealing with anti social behaviour. Legal action is the last resort but will be taken if it is clear the complaint cannot be resolved in any other way and it is reasonable to do so. There is no standard approach to deciding when certain legal remedies will be applied. We will consider the options available and those that are most likely to be appropriate and effective in the circumstances of each case.

Such legal remedies may include:-

- I. eviction for breach of the tenancy agreement
- II. the use of professional witness
- III. interim anti social behaviour orders
- IV. anti social behaviour orders

We will liaise with Glasgow City Council with regard to serving Anti Social Behaviour Orders under the terms of the Anti Social Behaviour (Scotland) Act 2004. (An Anti Social Behaviour Order can be made against a person aged 12 or over in any housing tenure. It prohibits, indefinitely or for a period, the offender from doing anything prescribed in the order.)

An Anti Social Behaviour Order will be considered if it is clear that the complaint cannot be resolved in any other way and it is reasonable to do so. Anti Social Behaviour Orders will be considered for:-

1. Category A + B: Extreme Cases/Serious Cases
2. Owner Occupiers + Private Tenants where Ruchazie Housing Association has no recourse under our Secure Tenancy Agreement.
3. Children of tenants under the age of 16.

Prior to consideration, the Association will either enter into discussions with the Police, relevant voluntary groups and the children's hearing system. We will endeavour to work jointly with any external agencies to ensure cases are handled effectively.

## **Community safety**

The Association will work with other groups and services to develop initiatives that will improve the overall safety of residents and staff, and maintain good environmental standards in the area.

## **Owner Occupiers and Non Tenants**

In cases where anti-social behaviour disputes involve Association tenants and owner-occupiers or non tenants Ruchazie Housing Association will make every attempt to resolve problems through informal, non legal remedies such as mediation

## **Harassment**

Ruchazie Housing Association will not tolerate any harassment of, or by, its tenants, their households and visitors on whatever grounds.

The Association will support people who are being harassed and will treat all reports of harassment with the utmost urgency. If necessary, the Association will instruct court action which could result in a fine, prison sentence and eviction from the property.

### **Equal Opportunities**

The Association will act fairly in all matters connected to anti social behaviour and neighbour disputes. We will not discriminate between persons on grounds of sex, marital status, on racial grounds or on grounds of disability age, sexual orientation, language or social origin or of any personal attitudes, including religious or political opinions.

### **Committee and Staff Responsibilities**

The Housing Services Sub Committee has overall responsibility for policy development and performance monitoring in relation to neighbour disputes and anti social behaviour.

Monthly reports detailing the number of cases, categories and achievement against targets will be provided to the Association's Housing Services Sub Committee. Confidentiality will be maintained at all times.

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 following exception:

Any Committee member 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.

The association will ensure that sufficient resources are available to enable staff to deal with cases of anti social behaviour and neighbour disputes fairly and appropriately.

### **Performance Information**

The Association will endeavour to respond to cases reported within the following timescales

Category A	Extreme Cases	2 working days
Category B	Serious Cases	3 working days
Category C	Nuisance Cases	7 working days

A case will be considered to be closed 1 month after all investigations have been completed and appropriate action taken.

On completion of our investigations the complainant will be given the opportunity to provide feedback to us and invited to complete an 'anti social questionnaire.'

## Appeals

All complainants and alleged perpetrators have the right of appeal against any decision made concerning a neighbour dispute or complaint about anti social behaviour or harassment.

The appeal must be made in writing addressed to the Association's Director, within 7 days of the decision being conveyed.

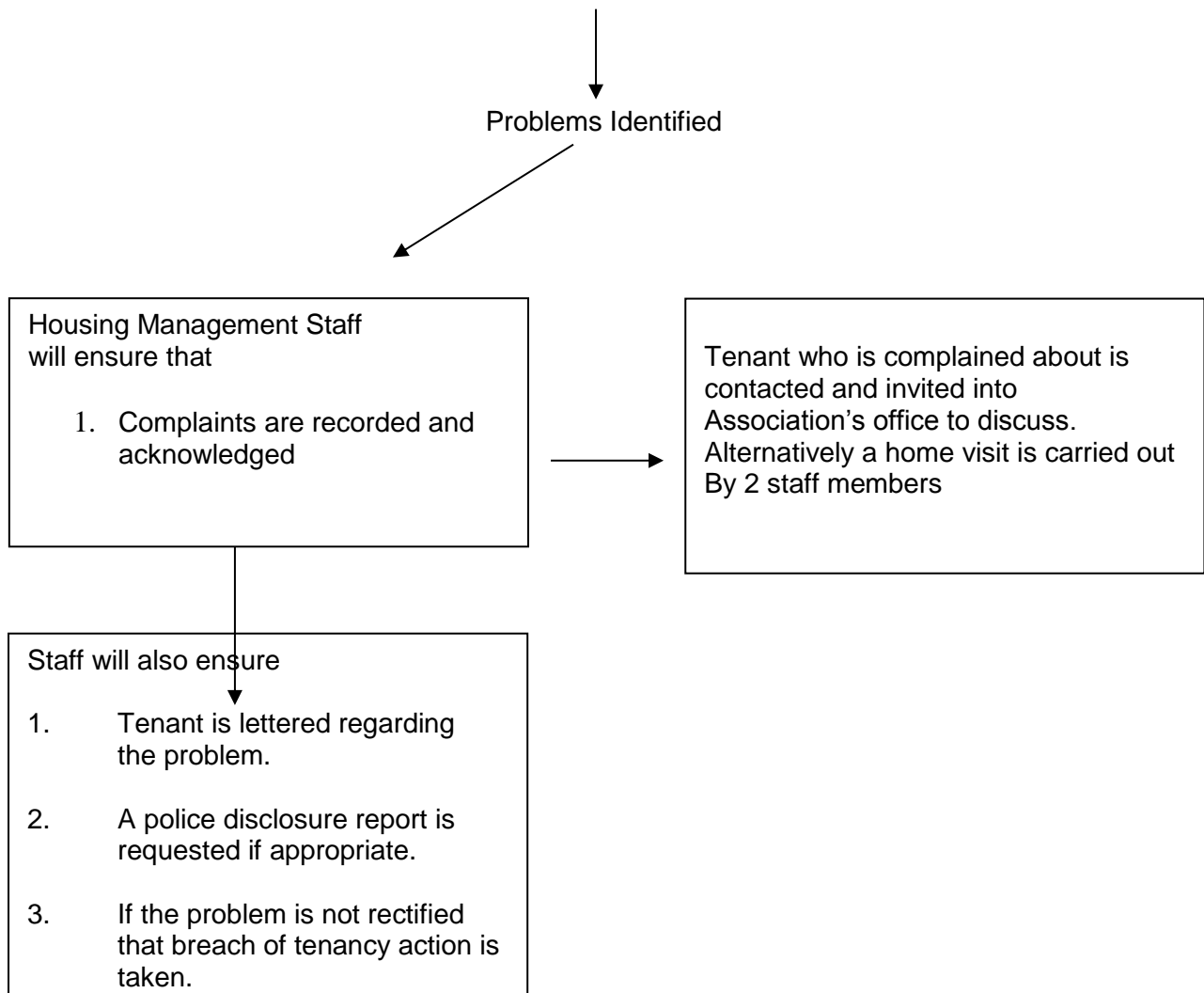
## Complaints about our service

All complainants and alleged perpetrators have the right to make a complaint if they feel that an allegation of anti social behaviour or harassment has not been dealt with properly by Association staff. Complaints of this nature will be considered under the complaints policy.

## Policy review

This policy will be reviewed every three years or sooner if there are legislative changes.

### Anti Social Behaviour PROCEDURES





Everyday living noise or minor lifestyle differences are not classed as anti social behaviour and will not be investigated under the terms of the policy.

Examples:

- Parties where the level of noise nuisance has been such that the Police/Noise Enforcement team have not been called.
- Incidents where the Police/Noise Enforcement Team have been called and do not issue any warnings.
- Noise from people walking across wooden floor whilst wearing shoes, doors banging, noise from passage up and down stairs.
- Noise from people using washing machines, tumble driers, vacuum cleaners, lawnmowers etc between 9am and 8pm
- Balls going into neighbours gardens.
- Children falling out with each other.
- Cooking smells
- Noise from children playing in or near their own home including in shared back gardens between 9am and 9pm
- Vehicle nuisance, revving engines, loud music from cars, careless driving, racing, parking irresponsibly.
- Throwing snowballs.
- Looking out of windows
- Where children are playing outside in small groups between 9am and 9pm causing no damage to landscaping or property.
- Noise associated with the playing of games
- Children drawing with chalk on pavements.

When we will not deal with a complaint we will if possible give advice on other agencies that may be able to help.