

POLICY

ANTI-SOCIAL BEHAVIOUR

Passed:-	11 th December 2019	Review Date:-	November 2022
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For further details please contact us on 0141 634 0555 or email us on enquiries@nvha.org.uk

1.0 AIMS AND OBJECTIVES OF THE POLICY

1.1 North View Housing Association ('the Association') will not tolerate any level of any form of anti-social behaviour and harassment.

1.2 The Association works to achieve the Scottish Social Housing Charter (Outcome 6) in relation to estate management, anti-social behaviour, neighbour nuisance and tenancy disputes:

'Social Landlords, working in partnership with other agencies, help to ensure that:

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

1.3 The aims and objectives of the Policy are as follows:

- to recognise that neighbour nuisance and anti-social behaviour is a multi-tenure issue and the Association will put in place the appropriate mechanisms to deal with this.
- to pursue early intervention and the use of all available approaches to conflict resolutions, to prevent escalation and ultimately to stop the anti-social behaviour.
- to protect individuals' and households' entitlement to peacefully enjoy their home.
- to provide a service, which will meet the needs of all tenants and the wider community interests.

1.4 The Association will implement this Policy in a way which is non-discriminatory and will promote equality of opportunity to those making a complaint and to those against whom the complaint is made.

1.5 All decisions taken in terms of this Policy will take into account that everyone has a human right to respect for their private and family life and their homes.

2.0 DEFINING ANTI-SOCIAL BEHAVIOUR

2.1 For the purposes of this Policy, anti-social behaviour and harassment are defined according to Section 3.2 of the Association's Scottish Secure Tenancy Agreement which



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states:

“Anti-social means causing or likely to cause alarm, distress, nuisance or annoyance to any person or causing damage to anyone’s property. Harassment of a person includes causing the person alarm or distress. Conduct includes speech”.

2.2 It is, however, acknowledged that anti-social behaviour can mean different things to different people and that expectations of standards of behaviour can vary.

3.0 ANTI-SOCIAL PREVENTION WORK

3.1 The Association will work in partnership with other agencies in relation to the prevention of anti-social behaviour. Other agencies include Police Scotland and Glasgow City Council.

3.2 The Association will, through its Wider Role Programme, aim to contribute to facilities and services for children and young people in the Windlaw area.

4.0 KEY PARTNERS

4.1 The Association will promote effective liaison and joint working arrangements with other agencies to prevent and respond to anti-social behaviour issues. Details of key partners are provided below.

Glasgow City Council – Neighbourhoods and Sustainability

4.2 The Association has a Service Level Agreement in place with Glasgow City Council (Neighbourhoods and Sustainability) which relates to the provision of a range of services to address anti-social behaviour issues within the Association’s area of operation.

4.3 Under the Agreement, Glasgow City Council provides the Association with a range of services aimed at addressing and reducing anti-social behaviour and criminal activity within the Association’s tenancies including:

- advice, assistance and guidance;
- staff training;
- anti-social behaviour investigation support;
- professional witness service;
- mediation;
- legal support.

Police Scotland

4.4 The Association will work in partnership with Police Scotland. It will meet with the Police to discuss areas of concern in relation to crime and anti-social behaviour as required.

4.5 The Association will provide information to and receive information from Police Scotland by way of the Disclosure mechanism.

Other Organisations/Agencies

4.6 It is recognised that some anti-social behaviour may be a result of mental health issues



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and other particular needs. The Association will work closely with Glasgow City Council's Social Work Services and any other relevant organisations in such cases in order that relevant support can be offered.

- 4.7 The Association will respond positively to cases where complaints are the result of unidentified support needs or inadequate support provision and will work with the tenant to attract the necessary level and type of support needed. The organisation will also make use of the Housing Options Tenancy Sustainment approach to identify and address any support needs (including the use of named contacts to seek support for tenants).
- 4.8 Where relevant, the Association will also work with other housing associations, other Glasgow City Council Services (such as Land and Environmental Services), the Procurator Fiscal's Office and the Scottish Children's Reporters Administration.

5.0 COMPLAINT CATEGORIES AND RESPONSE TIMESCALES

- 5.1 When complaints of anti-social behaviour are received, the Association will separate complaints into three different categories (detailed below) and aim to respond within the timescales set out:

- **Category 1**

This category of complaint will cover serious complaints such as criminal activity (for example, drug dealing or being concerned in the supply of drugs or growing drugs in the house, criminal dishonesty involving violence and housebreaking, violence, criminal threats, racial abuse and serious damage to property including fire-raising or tampering with the electricity meter). The Association will respond within **3 working days** unless there is a danger to an individual where the Association will act immediately.

- **Category 2**

This category of complaint will cover less serious instances of anti-social behaviour (for example, minor neighbour disputes, noise pollution, unruly children/visitors, rowdy behaviour, nuisance behaviour, vandalism) and the Association will aim to resolve these complaints within **10 working days**.

- **Category 3**

This category of complaint covers complaints about services which the Association does not provide (for example, parking difficulties). The Association will respond to these queries by providing information to channel any query to the appropriate agencies. These complaints will be dealt with within **10 working days**.

- 5.2 The Association recognises many complaints received and dealt with will refer more to 'neighbour disputes' as opposed to reports of anti-social behaviour and in these circumstances, the Association may adopt a different approach.



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- 5.3 The Association will undertake to investigate all complaints and ensure accurate records are maintained.
- 5.4 It is expected that residents will report incidents to the Association and be realistic about the action that it will be able to take in relation to any incident. Residents will also be expected to understand different cultures and lifestyles and support the Association when taking action against perpetrators.

6.0 SUPPORTING VICTIMS

- 6.1 The Association will aim to support victims where possible in an appropriate manner.
- 6.2 It will provide advice on options and agree a course of action which includes advice on other possible and/or more appropriate legal options.
- 6.3 The Association will offer advice about support agencies and make referrals where appropriate (for example, to Women's Aid and Victim Support).
- 6.4 It will also provide advice on action Police Scotland can take and refer to the organisation with the victim's consent.
- 6.5 The Association will treat damage by perpetrators as emergency repairs, where appropriate.
- 6.6 The Association will aim to remove any offensive graffiti from its property within 24 hours.

7.0 RELOCATING VICTIMS

- 7.1 It must be borne in mind that the Association has limited options to offer rehousing to existing tenants who feel the need to relocate due to anti-social behaviour activity. The Association will assist, as far as possible, with the process of relocation in cases where the victim or witness considers that it is not safe for him or her or any family member to remain in the property/area.
- 7.2 The Association will try to make use of moves within its area of operation where there is an intractable dispute between two families and where staff are unable to fault either of the parties and where other remedies, like mediation, have not been successful in resolving the situation.
- 7.3 An internal move of house will be carried out with the full co-operation of the family who are to be moved and this move will be to comparable accommodation and will follow the Association's Allocation Procedures.
- 7.4 The Association may also consider using a compulsory move in terms of Ground 8 of the Housing (Scotland) Act 2001 in appropriate cases

8.0 HOUSING ALLOCATIONS AND TENANCY CHECKS



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- 8.1 As part of the allocation process, the Association will request information from housing applicants' current and/or previous landlords regarding the conduct of their tenancy.



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9.0 HOUSING LIST SUSPENSIONS AND ANTI-SOCIAL BEHAVIOUR

- 9.1 The Association will suspend an application from the housing list for a period of time where the applicant, or any member of the household to be rehoused with the applicant, has perpetrated anti-social behaviour or harassment.
- 9.2 Where an application is suspended, the applicant will be advised of the reason for doing so and when the application is likely to become active again.
- 9.3 A reason for suspension may be where the Association has received an unsatisfactory tenancy check regarding the present or previous tenancy of the applicant.
- 9.4 In cases of conduct grounds, the Association will consider the evidence required to both suspend an applicant as well as the evidence of changes in behaviour that may support lifting a suspension. The following will be considered:
- the nature, frequency and duration of the conduct;
 - the extent to which the conduct is the consequence of acts or omissions of people other than the tenant;
 - the effect which the conduct had or is having on other people;
 - any alternative action taken by the landlord to address the conduct.

10.0 HOUSING ALLOCATIONS AND THE USE OF SHORT SCOTTISH SECURE TENANCIES

- 10.1 The Housing (Scotland) Act 2001 and the Housing (Scotland) Act 2014 provide for a Short Scottish Secure Tenancy to be used in certain circumstances. The Association will, when appropriate, make use of these tenancies.
- 10.2 Short Scottish Secure Tenancies may be used in a case when the applicant for housing has been evicted for anti-social behaviour within the last three years or when a tenant (or anyone living in the property) is subject to an Anti-Social Behaviour Order or has committed anti-social behaviour in, or in the vicinity of the house. The Association can also grant a Short Scottish Secure Tenancy to a new tenant if there has been anti-social behaviour associated with the household within the previous three years.
- 10.3 Where a Short Scottish Secure Tenancy is put in place, the Association will offer housing support, as is considered appropriate, is given in order that the tenancy can be converted to a full Scottish Secure Tenancy after 12 months. There is the scope, however, to extend this period by 6 months if the anti-social behaviour continues.
- 10.4 In deciding whether to offer a Short Scottish Secure Tenancy rather than a Scottish Secure Tenancy, we will consider the matters referred to below at 14.20.



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11.0 SIGNING UP TO A TENANCY

- 11.1 When signing up a new tenant, the clauses of the Agreement relating to anti-social behaviour are discussed to reinforce the responsibilities of both parties and this discussion is recorded on the Tenancy Sign Up Checklist.
- 11.2 Tenants are also given a Tenants Handbook which clearly outlines the tenant's responsibilities in relation to anti-social behaviour.

12.0 HOUSING ALLOCATIONS AND SENSITIVE LETTING

- 12.1 Many neighbour disputes or anti-social behaviour reports can be attributed to conflicts of lifestyle, rather than malicious behaviour.
- 12.2 Every case will be different but the principle of sensitive letting can be applied and could include situations where the Association would not allocate properties without considering the child density, age and health of neighbours in an area.

13.0 THE USE OF MEDIATION

- 13.1 Where an anti-social behaviour complaint is less serious or more a dispute in nature, the Association may approach the situation in a more informal manner and use a mediation approach.
- 13.2 The advantage of mediation is that mediation is designed to help people who are in dispute to reconcile their differences themselves, rather than have a solution imposed by the landlord or by the Courts.
- 13.3 Glasgow City Council provides the Association with a mediation service under the Service Level Agreement that is in place.

14.0 LEGAL REMEDIES

- 14.1 Legal remedies will only be used when preventative and informal management approaches have failed to resolve the problem or the behaviour is very serious.
- 14.2 The Association will use the solicitor and Glasgow City Council Neighbourhoods and Sustainability services for advice and support as well as for progressing legal actions.
- 14.3 Outlined below are a number of legal remedies which may be used by the Association to combat anti-social behaviour. The Housing (Scotland) Act 2014 introduces (from 1st May 2019) new measures to help address anti-social behaviour.

Interdict and Interim Interdict

- 14.4 An interdict is a court order which prohibits someone from carrying out an act which they are legally bound not to. It is a preventative measure to stop illegal acts occurring or



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continuing.

- 14.5 In cases where the Association can apply directly for an interdict against tenants (for example, for a breach of tenancy, or violence or harassment towards staff or non-tenants who are damaging the Associations property) interdicts may be requested. In cases where an owner occupier is behaving in an anti-social manner towards a tenant then the tenant will be advised by the Association to apply directly to the Court.

Statutory Nuisance related to Environmental Health

- 14.6 Glasgow City Council's Land and Environmental Services and Neighbourhoods and Sustainability Team have powers to deal with and enforce action against certain types of nuisance, including noise. The Association will, when possible, work with these services to resolve complaints.

Anti-Social Behaviour Orders (ASBOs)

- 14.7 When appropriate, the Association will pursue ASBOs. An ASBO is a preventative order made by a Court to protect victims of anti-social behaviour and the wider community from further acts of anti-social behaviour.
- 14.8 Normally an ASBO will set out certain restrictions on the perpetrator (for example, that they cannot go to certain areas nor do certain things that are associated with their unacceptable behaviour). If the person does not follow the conditions laid down then the Order is breached. This is a criminal offence and can lead to a fine or imprisonment.
- 14.9 An ASBO can be served on a tenant, member of the tenant's household and in certain circumstances, persons in the Association's area. The Court will make an Order if three conditions are satisfied:
- the person has acted in an anti-social manner, or pursued a course of anti-social conduct on at least two occasions;
 - alarm or distress must have been caused, or have likely to be caused, to one or more persons who are not members of the same household as the persons against whom the order is made;
 - the order is necessary to protect persons in the area from further anti-social acts.

Closure Order

- 14.10 Included within part 4 of the Anti-Social Behaviour etc (Scotland) Act 2004 are powers for the Police to apply to the court to close off residential and non-residential premises, prohibiting all access to them. This power has been created in order to allow action to be taken on premises where serious and persistent disorder or serious nuisance is being caused to the local community.
- 14.11 If a Closure Order is granted, the premises can be closed for up to three months, with a possible extension of a further six months. If anyone remains within or enters the premises once the order has been served, they would be guilty of an offence, which could result in a fine or imprisonment, or both.



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- 14.12 The Association will ask Police Scotland to consider Closure Orders if the circumstances are appropriate.



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Acceptable Behaviour Contracts (ABCs)

- 14.13 An ABC is a voluntary written agreement between a person who has been involved in anti-social behaviour and one or more local agency whose role it is to prevent such behaviour.
- 14.14 ABCs are commonly used for young people but may also be used for adults.
- 14.15 ABCs are a preventative measure aimed at stopping the problem behaviour rather than punishing the offender.
- 14.16 The Association will use ABCs when appropriate.

Summary Cause Proceedings for Recovery of Possession

- 14.17 Where a tenant's behaviour reaches a certain level that gives the Association concern, a Notice of Proceedings may be served on the tenant(s) and anyone over the age of 16 who is part of the household. A Notice of Proceedings is the first step in the Association pursuing recovery for possession.
- 14.18 Under the Scottish Secure Tenancy, Section 16 of the Housing (Scotland) Act 2001, the grounds for the Court terminating a tenancy include four grounds which can be used to evict a tenant for anti-social behaviour. These are as follows:

Ground 1 – The tenant has broken some condition of the tenancy agreement (for example, not to cause nuisance or annoyance to others).

Ground 2 – The tenant, or someone residing in or visiting the tenant's house, has been convicted of using the house or allowing it to be used for illegal or immoral purposes or a criminal offence, punishable by imprisonment, which was committed in the house or the locality.

Ground 7 – The tenant or someone residing in the tenant's house has been anti-social to anyone else in the locality or has pursued a course of conduct amounting to harassment of such a person and it is not reasonable for the landlord to transfer the tenant to another house.

Ground 8 – The tenant or someone residing in the tenant's house has been guilty of harassment, nuisance or annoyance in the house or in the neighbourhood of the house, or has continued to cause alarm and distress to someone in the locality and it is appropriate, in the landlord's opinion, to transfer to another house.

Tenancy Conversion – Short Scottish Secure Tenancy

- 14.19 The Housing (Scotland) Act 2014 allows the Association to convert an existing tenant's Scottish Secure Tenancy to a Short Scottish Secure Tenancy (from 1st May 2019) where there is evidence of anti-social behaviour at the property or in the locality within the last three years. Evidence is required for this and the Association needs to clearly state the reasons for any decision. The Association will offer appropriate housing support for the 12 month duration of the Short Scottish Secure Tenancy Agreement.



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North View is a registered Scottish charity – charity registration number SC032963

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14.20 In deciding whether to convert a tenancy to a short tenancy (which would then give the Association a greater right to evict if there is a further beach of the tenancy), we will take into account the following:

- who has behaved antisocially and their connection to the property;
- how long the anti-social behaviour has been going on and the persistence of the behaviour;
- the person affected by the anti-social behaviour and their connection to housing;
- whether and to what extent the behaviour has affected household members, neighbours or others in the community;
- the impact on neighbours and communities over time and the impact on the stability of the community;
- what action, if any, the person behaving antisocially is taking to make positive change;
- any issues around the vulnerability of the tenant, members of their household or those directly affected by the anti-social behaviour;
- other steps which have been taken/which could be taken by the landlord or partner agencies to address the anti-social behaviour;
- how frequently the person visits or lives at the property and the effect of the behaviour on neighbours;
- any action the tenant is taking to stop the person returning to the property;
- that there is reliable evidence of the anti-social behaviour;
- evidence of the steps taken to manage or resolve the antisocial behaviour; and
- consider what support may be required to manage or resolve the anti-social behaviour and assist in sustaining the tenancy.

14.21 Section 7 (1) (a) of the 2014 Act amends section 34 (7) of the 2001 Act which means that when offering or converting a tenancy to a Short Scottish Secure Tenancy on any of the anti-social behaviour grounds, landlords must ensure that any housing support it considers to be appropriate is made available for each case.

14.22 We will, consider and decide what support is required in consultation with other agencies and support services. This may include access to a drug or alcohol rehabilitation programme or Social Work Services support.

14.23 Tenants have a right of appeal to the courts if they are not satisfied regarding the conversion of their existing Scottish Secure Tenancy to a Short Scottish Secure Tenancy.

Streamlined Eviction

14.24 Section 14(2) of the Housing (Scotland) Act 2014 amends Section 16 of the Housing (Scotland) Act 2001, meaning that from 1st May 2019 there is no longer a requirement that the Court considers whether it is reasonable to make an eviction order in certain cases where there has been a conviction for an offence punishable by imprisonment. This means that the Sheriff must grant an order for eviction in these circumstances and where the conviction was within the previous 12 months.



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- 14.25 When appropriate, the Association will seek the advice of its solicitor and Glasgow City Council Neighbourhoods and Sustainability.
- 14.26 In deciding whether to proceed with an eviction based upon a conviction, we will take into account the following:
- the nature and seriousness of the offence, including any recurring nature of convictions or cumulative effect of several incidents, or the potential seriousness of a one off offence;
 - who has been convicted of the offence and their connection to the property;
 - where the offence was committed and the connection to the social housing tenancy;
 - whether and to what extent the offence has affected neighbours or others in the community;
 - the impact on neighbours and communities over time and the impact on the stability of the community;
 - what action, if any, the person convicted of the offence is taking to make positive change;
 - impact of eviction on household members;
 - other steps taken/which could be taken by the landlord or partner agencies to address the anti-social or criminal behaviour.

It should be noted that this is not an exhaustive list and is for example only.

15.0 CCTV

- 15.1 The Association will support the use of CCTV cameras designed to cover the communal areas of the estate and where necessary, install cameras to cover specific areas/closes for a limited amount of time. There are currently two permanent CCTV cameras within the Association's area of operation that are linked into the Glasgow-wide scheme managed by Glasgow City Council. The reference numbers and the control centre contact telephone number for these cameras will be published in the Association's newsletter from time to time (to allow residents to request cameras to be trained on any anti-social behaviour activity taking place).
- 15.2 The use of CCTV will be a deterrent and will also provide visual information which the Association will use to witness and take action against persons committing anti-social behaviour. Any use of CCTV will follow any current legislative provisions.

16.0 ACTION AGAINST NON-TENANTS AND OWNER OCCUPIERS

- 16.1 Where possible every effort will be made to resolve the problem through informal, non-legal remedies such as mediation. Cases will be referred to Glasgow City Council.
- 16.2 If the complaint involves criminal behaviour, the complainant should be encouraged to contact Police Scotland.



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17.0 INFORMATION AND CONSULTATION

- 17.1 Tenants will be consulted in relation to the review of this Policy in line with the Association's Resident Participation Strategy. The concerns and views expressed through consultation will be taken into account and will be fed into the Policy revision process.
- 17.2 From time to time, the Association will include information about anti-social behaviour issues in its newsletter.
- 17.3 Copies of this Policy will be made available, at no cost, to individuals upon request. If appropriate, and where requested by a resident, the Association will provide this Policy in large print, Braille, on tape or in other non-written formats and in the language requested.

18.0 CONFIDENTIALITY

- 18.1 Complainants will be assured confidentially as much as possible. They will be informed if the case is being passed to the solicitors and asked at that time if they would wish to act as witnesses.
- 18.2 Every effort will be made in cases where there is a serious threat of witness intimidation to maintain the complainant's anonymity, including the use of professional witnesses in Court. Witnesses will be encouraged to inform the Police Scotland should there be any threat of intimidation, real or perceived, as soon as possible.
- 18.3 The context of confidentiality will also explain to the complainant if multi agency working is used (i.e. that information may be passed onto other agencies that are assisting with the case, but those agencies and the Association will comply with the General Data Protection Regulation).
- 18.4 The Association will also ensure that additional reassurance is given that its Management Committee does not receive information about the identity of the persons involved in individual cases.

19.0 TRAINING

- 19.1 The Association is committed to the provision to staff training in relation to the roles and responsibilities of staff, key agencies and legal processes.
- 19.2 The Association will utilise training opportunities offered by partner agencies (including Police Scotland and Glasgow City Council's Neighbourhoods and Sustainability).

20.0 ROLE OF MANAGEMENT COMMITTEE

- 20.1 The Housing Management Sub-Committee/Management Committee of the Association will review this Policy every three years and monitor the outcome of the Policy. An interim review will, however, be required once the commencement timetable and guidance for



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implementation have been published in relation to the Housing (Scotland) Act 2014, which brought in changes to assist housing organisations in responding to anti-social behaviour.

- 20.2 The Committee will be provided with statistical information in relation to anti-social behaviour complaints on a quarterly basis.

21.0 CONCLUSION

- 21.1 The Association recognises the importance of tackling anti-social behaviour at the earliest stage using best practice techniques and procedures.
- 21.2 The Association acknowledges that anti-social behaviour is a complex and dynamic problem, which is likely to change over time.
- 21.3 Failure to tackle anti-social behaviour and harassment problems can lead to a diminishing of people's right to the peaceful enjoyment of their home and surrounding area.
- 21.4 North View Housing Association will work with residents and other organisations to eliminate any such behaviour and by doing so, make the Association's area of operation a safe, secure and peaceful place to live.
- 21.5 The Association will continue to aim to adopt the highest possible standards of estate management and repairs services, including regular estate inspections to deal with issues such as vandalism and graffiti.

End of policy

Amendments

- 5th May 2010 - policy reviewed.
24th June 2016 - policy reviewed.
21st November 2018 - policy reviewed.
11th December 2019 - policy reviewed.



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