



## Dunbritton Housing Association Limited

<b>Name of Policy</b>	<b>Anti-Social Behaviour</b>
<b>Responsible Officer</b>	<b>Housing Services Manager</b>
<b>Date approved by Board</b>	<b>23 February 2022</b>
<b>Date of next Review</b>	<b>February 2025</b>
<b>Section</b>	<b>Housing Services</b>
<b>Reference</b>	<b>HS12</b>

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**Contents.**

Section		Page
1.	Introduction	3
2.	Aims and Objectives	3
3.	Legislation	4
4.	Risk Management	5
5.	Antisocial Behaviour – Definition & Categories	5
6.	Complaint Response Timescales	7
7.	Complaint Procedure and Investigation	8
8.	Alternative Management / Legislative Tools	9
9.	Performance Reporting	10
10.	Complaints / Appeals Procedure	10
11.	Equality and Diversity	11
12.	Links to Other Policies	11

## **1. INTRODUCTION**

- 1.1 Dunbritton Housing Association is a registered social landlord established in 1992 to provide housing for social rent and services to owners through factoring.
- 1.2 We are governed by our Board, which is supported by a number of Committees. Our governance arrangements set out clearly the roles and responsibilities of our Board and Committee members and our members of staff.
- 1.3 Operational services are delivered through our office based at 1 Hatters Lane, Dumbarton G82 1AW.
- 1.4 As a landlord, Dunbritton Housing Association aims to promote the health and wellbeing of our customers by providing quality homes, located in estates that are safe, environmentally clean, and well managed.

## **2. AIMS & OBJECTIVES**

- 2.1 It is the aim of this policy to outline Dunbritton Housing Association's approach in dealing with neighbour complaints and other complaints involving antisocial behaviour (ASB) within its housing stock.
- 2.2 The specific objectives are:
  - To deliver an effective and efficient ASB complaints response service to all tenants and residents within Dunbritton Housing Association's housing stock.
  - To ensure consistency of service and approach to all tenants and residents of Dunbritton Housing Association.
  - To ensure the effective and appropriate sharing of information between Dunbritton Housing Association and its partners, Police Scotland, and all other relevant agencies.
  - To ensure a prompt response to complaints from residents and others of ASB and to make use of all appropriate measures for the early resolution of complaints.
  - To take positive and decisive action in responding to and investigating complaints of ASB.
  - To provide information, advice and assistance to all tenants and residents in relation to ASB.
  - To provide training and support to staff dealing with ASB.

- To keep abreast of good practice and to incorporate this in services, policies, and procedures.

2.3 This Policy takes account and aims to meet the Scottish Housing Regulator's Scottish Social Housing Charter, specifically standard 6:

Social landlords, working in partnership with other agencies, help to ensure as far as reasonably possible that:

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

This **outcome** covers a range of actions that social landlords can take on their own and in partnership with others. It covers action to enforce tenancy conditions on estate management and neighbour nuisance, to resolve neighbour disputes, and to arrange or provide tenancy support where this is needed. It also covers the role of landlords in working with others to tackle anti-social behaviour.

### 3. LEGISLATION

3.1 While the Antisocial Behaviour etc. (Scotland) Act, 2004 (ASB Act) is the primary legislation governing the way in which local authorities, RSLs and the police deal with antisocial behaviour, there are several other Acts that are also relevant.

3.2 The most relevant pieces of legislation are listed below, however, this list is not exhaustive, and partners to this policy should make reference to any legislation as necessary.

- Antisocial Behaviour, etc. (Scotland) Act, 2004
- Crime and Disorder Act, 1998
- Housing (Scotland) Act, 2001 & 2014
- Data Protection Act 1998 & General Data Protection Regulations 2018
- Equalities Act 2010
- Misuse of Drugs Act 1971
- Short Scottish Secure Tenancies for Antisocial Behaviour and Other Miscellaneous Changes to Short Scottish Secure Tenancies - Statutory Guidance for Social Landlords

3.3 As mentioned above, the ASB Act confers various powers and requirements on local authorities, RSLs and the police in tackling antisocial behaviour.

3.4 Foremost among these provisions is the requirement for the local authorities and RSLs to tackle ASB within their boundaries.

Part One of the Act also sets out a requirement for local authorities to prepare and publish, jointly with the police, a strategy for dealing with ASB behaviour.

The ASB Act comprises 13 Parts that address various aspects of ASB behaviour, and which set out different approaches to each of these elements.

Each part of the Act creates specific powers to tackle ASB behaviour, along with associated offences for failure to comply with these powers and requirements.

It should be noted that certain parts of the Act contain powers that are exclusively within the remit of the police.

The parts of the Act which are relevant to this policy are: -

- Part 1- Joint police / LA ASB Strategy
- Part 2 – ASBOs
- Part 3 – Dispersal of groups (police power)
- Part 4 – Closure of Premises (police power)
- Part 5 - Noise Nuisance
- Part 6 – Environmental
- Part 7 / 8 ASB notices / landlord register
- Part 9 – Parenting Orders

#### 4. RISK MANAGEMENT

4.1 Non-implementation of this policy may result in financial risk in terms of the costs associated with vandalism and graffiti, and potential costs relating to legal actions and court costs.

4.2 The risks associated with the non-implementation of this policy are: -

- Failure to comply with legislation and Scottish Government guidance
- Failure by Dunbritton Housing Association to meet one of its key business objectives
- Failure to work in partnership with other agencies to deliver a holistic service that positively impacts communities and individuals
- Potential financial damage where vandalism or damage to property results
- Potential damage to DHA reputation if not seen to deal with ASB effectively
- Potential damage to the desirability of housing stock
- Potential degeneration of communities

#### 5. ANTISOCIAL BEHAVIOUR DEFINITION & CATEGORIES

5.1 Antisocial behaviour is defined under the ASB Act as:

Where a person:

- Acts in a manner that causes, or is likely to cause alarm or distress,
- or,
- Pursues a course of conduct that causes or is likely to cause alarm or distress to at least one person who is not in the same household.

**‘Conduct’** includes speech, and a **‘Course of conduct’** must be conducted on at least two occasions.

- 5.2 It is clear from this definition that ASB encompasses a wide range of behaviour. To this end, Dunbritton Housing Association will split ASB complaints received into 3 separate categories (see section 5.6) which will cover areas such as;
- Noise
  - Dog fouling
  - Abandoned cars
  - Threatening behaviour
  - Common areas or close cleaning
  - Litter or rubbish dumping
  - Vandalism
  - Harassment
  - Drug dealing
  - Parking issues
  - Smoking in common arears
  - Frequent disturbances
  - General disturbances
- 5.3 Acting in an antisocial manner within or around the vicinity of a tenancy is in breach of a Scottish Secure Tenancy Agreement. This applies whether it is the tenant, a member of the tenant's family or even a friend, relative, or visitor.
- 5.4 On receipt of a complaint, Dunbritton Housing Association will establish the facts of the case as far as possible, however, it will be made clear to anyone reporting ASB that there is a burden of proof and that we must be able to prove that the incident has taken place and that it is linked to a tenant, their relatives, friends, visitors or similar.
- 5.5 Where it is clear that a reported incident is not antisocial in nature, is not the remit of the Housing Association and/or where DHA will not be able to prove the complaint being made, advice and assistance, including appropriate signposting to relevant agencies will take place. In these cases, the customer will be clearly advised that DHA have no powers to progress the action and that no neighbour complaint can be logged. DHA only has jurisdiction where a condition of the tenancy agreement has been broken and cannot become involved directly or take action in instances where this does not apply.
- 5.6 As well as the categories in 5.2, by way of a guide of severity, behaviour will be split into three main types:
- Category A - Extreme** - Any complaints that relate to extreme forms of anti-social behaviour and include certain types of serious criminal behaviour such as proven and convicted drug dealing. Although behaviour which is criminal in nature is entirely within the remit of the police, certain action may also be taken by the landlord. Examples include but are not limited to:

- Drug dealing

- Unprovoked assault
- Hate crime/other harassment
- Violent conduct towards neighbours, partner agency or DHA staff

**Category B - Serious and persistent anti-social behaviour** – Behaviour which is persistent or more serious and may typically result in ASBO, interdict and eviction proceedings. Examples include but are not limited to:

- Frequent disturbances
- Vandalism/damage to property
- Threatening behaviour

**Category C - Nuisance behaviour** – Behaviour which is less serious and can be more of a nuisance than antisocial and may include low level neighbour disputes which may be dealt with by mediation or the landlord. Examples include but are not limited to:

- Infrequent disturbance
- Noise complaints
- Running a business (without permission)
- Verbal harassment
- Unauthorised alterations
- Behaviour of visitors/children
- Basic breaches (i.e.) pet nuisance, stair cleaning
- Maintenance of garden/common grounds etc.
- Bin misuse
- Minor drug issues
- Fly-tipping / litter complaint
- Boundary disputes
- Parking
- Smoking within DHA's common areas e.g., closes, internal landings etc.
- Family disputes affecting neighbours

## 6. COMPLAINT RESPONSE TIMESCALES

6.1 The following table details the timescales for responding to complaints falling into each of the three categories listed in the previous section. We will strive to meet these in all cases.

<b><u>Action</u></b>	<b><u>Category A</u></b>	<b><u>Category B</u></b>	<b><u>Category C</u></b>
Contact complainer	Within 1 working day	Within 3 working days	Within 5 working days
Contact neighbours,	Within 1 working day	Within 3 working days	Within 5 working days

witnesses and any other agencies involved			
Interview alleged offender	Within 1 working day (subject to access, e.g., if detained by Police or similar)	Within 5 working days	Within 10 working days
Case evaluation/action – outcome letter	Within 5 working days (subject to all evidence being available)	Within 5 working days (subject to all evidence being available)	Within 10 working days (subject to all evidence being available)
Case outcome monitoring	Up to 28 days following initial report	Up to 28 days following initial report	Up to 28 days following initial report
Case Closure	28 days following the initial report	28 days following the initial report	28 days following the initial report

## 7. COMPLAINT PROCEDURE & INVESTIGATION

7.1 The Anti-Social Behaviour procedure, which is a separate document, details how a complaint will be dealt with internally by officers of the Association.

- All investigation timescales, actions and progress will be recorded on the Association's housing management system (Kypera). This system will form the basis for ongoing monitoring and reporting by staff.
- Reporters of ASB will be encouraged in all cases to obtain independent third-party evidence, e.g. Police report, environmental health report, social work report or similar.
- In order to satisfy burden of proof, supporting evidence will not be accepted from family members, close friends, relatives, or any other parties where a clear allegiance to the complainer or accused is evident.
- All complainers will receive regular updates on their complaint until concluded, at least on a weekly basis.

- Where the complaint is substantiated a warning for breach of tenancy will be issued unless there are mitigating circumstances, e.g., domestic abuse, medical issue or similar. In these cases, third party supporting evidence is required.
- Where the alleged offender is not able to be contacted or refuses to co-operate, appropriate action will be taken based on the evidence available.
- All complainants will receive an outcome letter detailing the action possible/not possible/taken.
- All warnings issued will outline the reasons for the warning and evidence found.
- Warnings for breach of tenancy will stand for 1 year, except in extreme and serious cases where they may be referred to for up to 3 years.
- Where a partner agency may have an interest or be directly affected/have a role to play, we will involve them in the interests of keeping our areas or residents safe, preventing crime or similar.
- Taking all factors into account, alternative methods to warnings and legal action will be used where it is clear that these will have a chance of success and that they will not be to the detriment of surrounding neighbours. These are further outlined in the next section of this policy.
- A zero-tolerance approach will be taken in cases where convicted drug dealing or serious substance abuse is confirmed. In these cases, a conjoined or separate legal action for repossession of the tenancy will be made.

## **8. ALTERNATIVE MANAGEMENT / LEGISLATIVE TOOLS**

- 8.1 Various tools are currently available in order that appropriate and informed decisions to deal with cases of anti-social behaviour.
- 8.2 The following list, which includes both legislative and non-legislative actions, details the main measures available:
- Intervention / diversion through involvement of other agencies
  - Neighbourhood Mediation Service
  - Acceptable Behaviour Agreement (ABA)
  - Interdict / Interim interdict
  - Anti-Social Behaviour Order (ASBO)
  - Short Scottish Secure Tenancy (SSST)
  - Repossession
  - Unacceptable Behaviour Notices (UBN)
- 8.3 In order for intervention / diversion, mediation, and ABAs to be successful, an agreement and a degree of commitment are required by the person(s) involved.

8.4 The remaining measures are legislative and require legal actions to be raised in the Sheriff Court.

8.5 To complement the existing measures available to landlords to address antisocial behaviour in, or in the locality of a social housing tenancy, a number of new provisions were introduced in the Housing (Scotland) Act 2014 (“the 2014 Act”).

These measures include:

- A new short Scottish secure tenancy for antisocial behaviour
- A power for landlords to extend the term of some short Scottish secure tenancies by 6 months, including those related to previous antisocial behaviour, where housing support services are being provided
- A new streamlined eviction process where there has been a recent criminal conviction punishable by imprisonment for tenancy related antisocial or criminal behaviour within the previous 12 months

## **9. PERFORMANCE REPORTING**

9.1 In order to monitor the policy outcomes, the following information will be reported on a quarterly basis to the Board:

- The number resolved within the prescribed targets
- The year-to-date position

9.2 The Charter defines ‘resolved’ as: -

- Where the landlord has taken appropriate measures, as set out in its ASB policies and procedures, to address the cause of the anti-social behaviour complain, or
- Where the landlord does not have authority or powers to resolve it has fully provided a full explanation of the landlord’s position.

## **10. COMPLAINTS / APPEALS PROCEDURE**

10.1 Any tenant who feels aggrieved by their treatment under this Policy can ask for a copy of the Association’s Complaints Policy, which is available at the Associations office. Tenants also have a right to complain to the Public Services Ombudsman. The Complaints Policy details the way in which you can complain and the timescales for responding.

## **11. EQUALITIES COMMITMENT**

11.1 As a service provider and employer we recognise the requirements of the Equality Act 2010, oppose any form of discrimination and will treat all customers, internal and external, with dignity and respect. We recognise diversity and will ensure that all of our

actions ensure accessibility and reduce barriers to employment and the services we provide.

## **12. LINKS WITH OTHER POLICIES**

12.1 Our Anti-Social Behaviour Policy is supported by and links to a number of other Policies;

- Allocations Policy
- Estate Management Policy
- Data Protection Policy

