



## **Dunbritton Housing Association Limited**

<b>Name of Policy</b>	<b>Antisocial Behaviour</b>
<b>Responsible Officer</b>	<b>Head of Housing Services</b>
<b>Date approved by Board</b>	<b>16 April 2025</b>
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<b>Section</b>	<b>Housing Services</b>
<b>Reference</b>	<b>HS12</b>

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## **1. INTRODUCTION**

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

## **2. AIMS & OBJECTIVES**

- 2.1 The aim of this policy is to outline the Association’s approach in dealing with neighbour complaints and other complaints involving antisocial behaviour (ASB) within its housing stock.
- 2.2 The specific aims are:
  - To deliver an effective and efficient ASB complaints response service to all tenants and residents within the Association’s housing stock.
  - To ensure consistency of service and approach to all tenants and residents of the Association.
  - To ensure the effective and appropriate sharing of information between the Association and its partners, Police Scotland, and all other relevant agencies.
  - To ensure a prompt response to complaints of ASB from tenants and residents 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 antisocial behaviour.

### 3. LEGISLATION

3.1 The Antisocial Behaviour etc. (Scotland) Act, 2004 (ASB Act) is the primary legislation which governs the way in which local authorities, RSLs and the police deal with antisocial behaviour.

3.2 Other relevant pieces of legislation are listed below. This list is not exhaustive, and partners to this policy should refer to any legislation as necessary.

- Antisocial Behaviour etc. (Scotland) Act 2004
- Crime and Disorder Act 1998
- Housing (Scotland) Act 2001 (as amended)
- UK General Data Protection Regulation 2016/679 and Data Protection Act 2018
- Regulation of Investigatory Powers (Scotland) Act 2000
- Equalities Act 2010
- Dangerous Dogs Acts 1991 & 2024
- Misuse of Drugs Act 1971

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 Local authorities and RSLs are required by the ASB Act to tackle ASB within their boundaries.

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 ASB 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 the 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 the Association 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, the 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 areas
- 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, a friend, relative, or visitor.
- 5.4 On receipt of a complaint, -the 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 within the remit of the Association and/or where the Association will not be able to prove the complaint being made, advice and assistance will be provided, including appropriate signposting to relevant agencies. In these cases, the customer will be clearly advised that the Association have no powers to progress the action and that no neighbour complaint can be lodged. The Association has authority only 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 the Association staff

**Category B - Serious and persistent antisocial behaviour** – Behaviour which is persistent or more serious and will 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 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. The Association 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, witnesses and any other agencies involved	Within 1 working day	Within 3 working days	Within 5 working days

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. ASB COMPLAINT PROCEDURE & INVESTIGATION

- All investigation timescales, actions and progress will be recorded on the Association’s housing management system (Homemaster) 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, if possible, e.g. police report, environmental health report similar.
- Evidence provided by family members, close friends, relatives, or any other individuals with a clear bias toward the complainant or the accused will not be accepted.
- All complainants will receive regular updates on their complaint until concluded, at least on a weekly basis.

Where the complaint is upheld, 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. Acceptance of such evidence will be at the discretion of the Association. In cases of extreme ASB, the Association may elect not to issue a warning letter before escalating to legal action.

- 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 6 months, 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, the Association will involve them in the interests of keeping areas or residents safe, preventing crime or similar.
- Taking all factors into account, alternative methods to warnings and legal action will be used where these will have a chance of success and that they will not be to the detriment of surrounding neighbours. These are outlined in the next section of this policy.
- In cases where there is a conviction for drug dealing, or significant drug possession, there will be a presumption in favour of raising legal action for eviction. In all cases where the streamlined eviction process is being considered, the Association will:
  - Obtain a copy extract conviction and police reports;
  - Have regard to the statutory guidance for social landlords for the streamlined eviction process;
  - Consider whether it is proportionate by taking into account a range of factors, including but not restricted to, the nature and severity of the offence; the effect on neighbouring residents; whether the behaviour is ongoing, or positive steps have been taken to prevent a recurrence.

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

8.1 Various tools are currently available in order that appropriate and informed decisions to deal with cases of ASB.

8.2 The following lists detail the main measures available when dealing with ASB:

8.2.1 Non-statutory actions:

- Intervention/diversion through involvement of other agencies
- Neighbourhood Mediation Service (NMS)
- Acceptable Behaviour Agreement (ABA)

For these actions to be effective, the individuals involved must reach an agreement and may be required to attend meetings, participate in discussions, and collaborate with the Association and/or any other relevant parties in doing so.

8.2.2 Statutory actions:

- Interdict/Interim interdict
- Antisocial Behaviour Order (ASBO)
- Short Scottish Secure Tenancy (SSST)

- Repossession
- Unacceptable Behaviour Notices (UBN)

These actions will be raised in the Sheriff Court.

8.3 To complement the existing measures available to landlords to address antisocial behaviour in, or in the locality of a social housing tenancy, several new provisions were introduced in the Housing (Scotland) Act 2014, which amended the Housing (Scotland) Act 2001. 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 to the Board of the Association on a quarterly basis:

- The number of ASB complaints 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 ASB complaint, 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. The Complaints Policy details the way in which you can complain and the timescales for responding. Tenants also have a right to complain to the Scottish Public Services Ombudsman if they are still unsatisfied after they have exhausted the Association's complaints procedure.

## **11. EQUALITIES COMMITMENT**

11.1 The Association is committed to upholding the Equality Act 2010 and the Equalities section of the Social Housing Charter, which mandates that all housing services are delivered in a way that acknowledges the diverse needs of each tenant, ensuring they are treated with dignity and respect. The Associations staff will remain vigilant to

identify whether any instances of ASB are connected to or may be considered hate crimes.

The Association will make every effort to provide copies of this policy in large print, audio format, additional languages, and any other accessible formats upon request.

## **12. SUSTAINABILITY**

- 12.1 To ensure the continued success of this policy, the Association is dedicated to fostering a shared responsibility among tenants for preventing and addressing ASB within the community. This commitment aligns with our goals of promoting a sustainable, inclusive, and respectful environment. The Association encourages responsible behaviour that supports the upkeep of clean, safe, and harmonious public spaces, and acts against any conduct that undermines the wellbeing of others. The Association will provide ongoing support, education, and resources to prevent ASB, while nurturing a positive, collaborative community culture. Regular reviews will be carried out to evaluate the policy's effectiveness, identify emerging challenges, and implement long-term, sustainable strategies that contribute to both the social and environmental well-being of the community.

## **13. LINKS WITH OTHER POLICIES**

- 13.1 The Association's Antisocial Behaviour Policy is linked to and supported by several other Policies, including:

- Allocations Policy
- Estate Management Policy
- Pets Policy
- Data Protection Policy
- Legal Action and Eviction Policy
- CCTV Policy
- Domestic Abuse Policy

