



**Aberdeenshire** *housing partnership*

# **Tackling Anti Social Behaviour Policy**

**May 2006**

## **TACKLING ANTI SOCIAL BEHAVIOUR POLICY**

**Aberdeenshire Housing Partnership believes that effective and efficient management of anti social behaviour is vital to our success to maintain strong, safe and attractive communities.**

**The range and scope of anti social behaviour (ASB) is a broad one, ranging from minor disputes linked to life style, to severe problems such as drug dealing and prostitution. ASB problems can be very difficult to resolve, very stressful for tenants and extremely time consuming.**

**With this in mind, we will exercise judgement and pragmatism in progressing cases to successful conclusions.**

**Aberdeenshire Housing Partnership is committed to resolving ASB fairly, quickly and effectively.**

## **KEY AIMS AND OBJECTIVES IN TACKLING ANTI SOCIAL BEHAVIOUR:**

- To take effective action to assist those who are affected by or are victims of ASB.
- To effectively resolve problems and enforce the clauses within the tenancy agreement.
- To minimise the effects of ASB on the physical appearance of estates.
- To minimise the negative effects of ASB on the reputation of estates and therefore the demand for units therein.
- To be an integral part of our commitment to tenancy support, reducing conflict and where possible reaching agreed solutions to ASB.
- To offer customers the best possible service in relation to ASB by gaining their confidence, not raising expectations, being realistic, keeping them informed and working with them to resolve problems.

## **1. TERMS OF REFERENCE**

1.1 This policy was compiled with reference to the following relevant legislation:

- Anti social behaviour Scotland Act 2004
- Housing (Scotland) Act 2001
- Human Rights Act 1998
- Data Protection Act 1998
- Race Relation Act 1976
- Sex Discrimination Act 1975
- Disability Discrimination Act 1995

## **1.2 Performance framework**

This policy complies with Communities Scotland Performance Standard AS1.9.

## **2. OUR POLICY PRINCIPLES**

2.1 Our key principles in the management of cases of ASB are:

- Focus on preventative work
- Focus on housing problems
- Encourage and facilitate self-help

- Set and monitor action plans for serious cases
- Keep complainants informed, keeping to response timescales
- Ensure the complainant understands what our powers in the matter are, and the role of any other agencies involved
- If we are unable to assist, state this clearly and as soon as possible. Offer advice on who can help

### **3.0 PREVENTION**

3.1 It is vital that before signing up as a tenant all applicants are aware of what is expected of them and our commitment to dealing quickly with any anti social behaviour.

#### **3.2 Welcome meetings at new developments**

Prior to all handovers at new developments a welcome meeting will be held. The main aim is to introduce new tenants to each other and enable them to meet and chat to their neighbours prior to moving in. During the meeting as well as explaining their tenancy agreement, a good neighbour guide will also be given out and discussed.

3.3 Whilst signing up new tenants for existing properties the good neighbour guide will be discussed and included in every signing up pack.

### **4.0 ASSESSING ANTI SOCIAL BEHAVIOUR (ASB)**

#### **4.1 Definition of anti social behaviour (ASB)**

“A person engages in anti social behaviour if they act in a manner or pursue a course of 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 own household.”

Conduct includes speech and to be a course of conduct it must happen on at least two occasions.

This definition is as stated in the Anti Social Behaviour (Scotland) Act 2004.

4.2 ASB can range from the very minor to the very severe. The following list is intended as a guide to assessing the severity of problems; however a relatively minor problem can be treated as a serious incident if the ASB is persistent or frequent.

### **Minor ASB**

One off noise incidents  
Low level occasional noise nuisance  
First instance parking problems  
Untidy/messy gardens/driveways  
Minor problems with individual children  
Minor car repairing problems  
Pet fouling & control of pets  
Running a business  
Vandalism

### **Serious ASB**

Substance abuse causing ASB  
Drug dealing  
Prostitution  
Stolen goods storage  
Persistent noise nuisance  
Persistent major car repairs  
Domestic/family violence  
Severe child/youth problems  
Alcohol/drug abuse causing ASB  
Threats and acts of violence  
Serious harassment  
Severe vandalism

### **Serious ASB which will be visited within 5 working days**

Drug dealing, persistent noise nuisance, domestic/family violence threats and acts of violence, serious harassment.

## **5.0 SOURCES OF REFERRAL**

- 5.1 Notifications of ASB can come from various sources, for example; tenants of the Partnership and other landlords, private residents, relatives of tenants, contractors working on the scheme, schools, businesses, other professionals e.g. health visitors, social workers, community mental health workers, occupational therapists, the Police. All of these are valid sources and this list is not exhaustive.
- 5.2 The information about ASB does not necessarily have to be in writing, it can be received in the following formats;
- By letter
  - By phone
  - By interview
  - By email
  - At a site inspection

## **5.3 Anonymous Information**

If information is given anonymously AHP will:

- If by phone or in person (by someone who wishes to remain anonymous), staff will reassure the person that all information will be treated as confidential. Staff will let them know if the problem is an existing one and also inform them if actions are already being taken without giving specific details.
- Explain the Partnership's course of action from the stage of the referral and if possible persuade them to give their details to assist us in building up a better picture of the situation.
- If by letter, and the alleged ASB is severe, staff will investigate the complaint, despite the fact that the information has been given anonymously. Where appropriate pass the information to a third party e.g. the Police if allegations are of criminal activities.

## **6.0 KEY STAGES**

### **6.1 STAGE ONE- ASSESSMENT OF THE CASE**

Aberdeenshire Housing Partnership will assess, as listed above in 4.0, whether the incidents are minor or serious ASB.

### **7.0 STAGE TWO- ASSESS IF IT IS A PROBLEM THAT ABERDEENSHIRE HOUSING PARTNERSHIP CAN DEAL WITH**

At the outset we will assess if the ASB problem falls into the remit of the Partnership to resolve. The points we will consider are;

- Is it is a clash of lifestyles, morals or personalities where it would be inappropriate for Aberdeenshire Housing Partnership to get involved.
- Is the report is about incidents that can only be sorted out by the Police or another agency and do not constitute a breach of the tenancy agreement. For example credit card fraud, a child being bullied at school.

7.1 If the problem is not the responsibility of the Partnership the Housing Officer will make it clear to the complainant, explaining why and offering advice on which agencies are best placed to help them.

## 8.0 STAGE THREE - ACTIONS

### 8.1 In minor ASB incidents we will:

- **Encourage self help**

Self-help is the Partnerships' preferred initial option in minor ASB cases. A friendly word may be all it takes to solve the problem and ensure that they can continue to live as neighbours amicably.

Our involvement at an early stage can escalate matters on occasions, by putting things on an official and formal level.

- **Send out an ASB Information Pack**

This comprises: a summary of our policy, incident logging sheets, next steps and further help and advice information. Issue standard leaflet(s) if appropriate to person complaint is about. Further action and visits will be carried out on receipt of log sheet giving details of incidents.

### 8.2 Consider which options to use

Below is the menu of options we will use in minor ASB cases. There is no specific order, as the nature of cases will vary, the Housing Officer will assess which options are appropriate for each case individually.

- **Tenancy support measures**

Tenancy support measures for vulnerable tenants which would resolve the problem e.g. helping to apply for a furniture grant to provide carpets reducing noise disturbance to neighbours.

- **Interviews**

An interview is needed to discuss the matter further with the complainant. Following the interview the Housing Officer will assess if an informal discussion with the perpetrator may be the most effective course to take.

- **Agency help**

Nuisance or a clash of lifestyles may be caused by a person's inability to manage a tenancy, e.g. because of dependency on drugs or alcohol, mental health problems, learning difficulties. If this is the case, the Housing Officer will ask the perpetrator for their agreement for the involvement and help from a relevant agency.

- **Partnership working**

We will work positively with other organisations and landlords to find ways of jointly solving ASB cases. AHP is committed to working together to agree actions that will provide long term solutions. For example, another landlord, local authority departments and the Police.

- **Case monitoring**

The Housing Officer will monitor the case regularly. Even if no further complaints are received the Housing Officer will contact the complainant two months after receiving the first/latest complaint and enquire as to the current situation.

- **Closing cases**

If at the end of the two months the situation is resolved the Housing Officer will write to the complainant and if appropriate, the perpetrator to confirm the case has been closed.

- **Reviewing cases**

At any time the complainant can contact us to make further complaints should the original or new incidents of ASB occur. The case will be reviewed and the previous actions taken will be considered and in agreement with the Housing & Property Services Manager action can be escalated.

## **9.0 SERIOUS ASB INCIDENTS**

9.1 Below is the menu of options for use in serious ASB cases. As with minor cases there is no specific order, as the nature of cases will vary, the Housing Officer will assess which options are appropriate for each case individually:

- **Send out an ASB Information Pack.**

This comprises: a summary of our policy, incident logging sheets, next steps and further help and advice information. Visit will be carried out to complainant within 5 working days.

- **Interviews**

An interview is needed to discuss the matter further with the complainant. Following the interview the Housing Officer will assess if a discussion with the perpetrator may be the most effective course to take.

- **Agency help**  
Nuisance or a clash of lifestyles may be caused by a person's inability to manage a tenancy, e.g. because of dependency on drugs or alcohol, mental health problems, learning difficulties. If this is the case, the Housing Officer will ask the perpetrator for their agreement for the involvement and help from a relevant agency.
- **Partnership working**  
We will work positively with other organisations and landlords to find ways of jointly solving ASB cases. . For example, another landlord, local authority departments and the Police. AHP will continue to support and be a partner in the Aberdeenshire Anti Social Behaviour Strategy. As a partner of this group we work together to agree actions that will provide long term solutions to anti social behaviour problems and concerns in Aberdeenshire.
- **Develop an action plan**  
The Housing Officer in consultation with the Housing & Property Services Manager will agree an action plan and a specific timescale.
- **Acceptable behaviour Contract (ABC)**  
Following investigations by the Housing Officer an ABC maybe considered appropriate and effective. An ABC is a formal document signed by the perpetrator agreeing in detail the behaviour/actions they agree not to engage in. The signing of an acceptable behaviour contract may encourage commitment from either or both parties. The ABC will be amended to suit each case so that it remains relevant and personal for the person(s) signing.

An ABC can also apply to tenants with regard to the actions of their family members and/or visitors to their property. An ABC has no legal basis but is a positive step by the perpetrator agreeing to undertake to change their behaviour/actions.

- **Noise monitoring**  
In cases of recurring and frequent noise complaints the case can be referred, with the complainant's agreement, to Aberdeenshire Council, Environmental Health Team for noise monitoring equipment to be installed. Aberdeenshire Housing Partnership will be in attendance with the Environmental Health Officer to hear the tape being played. Any further action will be dependent on the noise levels and separate powers are available to Environmental Health.

- **Mediation services**

If the problem is linked to a clash of lifestyles, this may be a preferred option. Mediation will be carried out by external experienced mediators currently provided free under the community mediation scheme. Aberdeenshire Housing Partnership can only refer a case with the agreement from both or all parties involved.

The mediators will contact the parties direct and offer; face to face mediation (where both parties meet round the table with the mediators) or shuttle mediation (the parties do not meet face to face and the mediators' shuttle between each party. The details of the mediation remain confidential but Aberdeenshire Housing Partnership will be informed of the outcome of mediation and any agreed actions.

- **Internal transfers**

Transfers can be useful where a tenant is being victimised or threatened with violence. Where other methods have appeared to fail and the dispute is ongoing, perhaps to the detriment of the health of the tenants, then a transfer may be considered. A transfer to another Aberdeenshire Housing Partnership property must be approved by the Housing & Property Services Manager and the Chief Executive, and normally on a 'like for like basis' e.g. flat to a flat, 2 bedroom property to a 2 bedroom property. No betterment will be considered.

Due to the number of properties and the location of its houses Aberdeenshire Housing Partnership will endeavour to make a suitable offer of a transfer. If a transfer offer is made and refused by the tenant no further offers will be made. Any appeal by a tenant that a transfer offer was not reasonable will be considered and decided by the Housing Committee.

In cases involving the immediate move of a vulnerable person Aberdeenshire Housing Partnership will approach other housing organisations to try to find temporary or permanent accommodation.

## **9.2 LEGAL REMEDIES**

There are a range of legal remedies available. The decision to take legal action will be agreed by the Housing & Property Services

Manager, the Chief Executive and the Chair of the Housing Committee.

In exceptional cases where tenants lives may be at risk the agreement of two of the three individuals listed above can approve the commencement of legal action. Legal action will be considered only when a range of the above actions has failed and the incidents continue to be of a serious nature. In exceptional cases e.g. extreme violence, cases can be escalated immediately for legal action.

Below is the menu of legal remedies we will consider using in serious ASB cases. The Housing & Property Services Manager and Chief Executive will, in consultation with our solicitors, assess which option(s) are appropriate for each individual case.

- **Serving a Notice seeking possession (NOP)**  
An NOP is a legal notice giving a tenant notification that in 28 days time and any time during the next six months Aberdeenshire Housing Partnership can commence legal action. The notice will state the grounds the action is being taken on.
- **Anti social behaviour order (ASBO)**  
An order that can only be granted by a Sheriff at a Court hearing. A legal case must be made by Aberdeenshire Housing Partnership and must be dealt with by a solicitor and needs to have Police agreement. Housing Associations now have powers to apply directly to the Court for an ASBO.
- **Interim ASBO**  
An interim ASBO can be applied for pending the Court hearing date and issued by the Sheriff Clerk. The interim ASBO has immediate effect and is effective up until the Court hearing when a Sheriff will make the final decision.
- **Transfer to a short secure Scottish tenancy (SSST)**  
If an ASBO is granted Aberdeenshire Housing Partnership has the legal right to transfer the tenant to a short secure tenancy agreement. This gives the tenant a six month tenancy and at the end of the six months their tenancy can be automatically ended and the tenant evicted. At the end of the six month tenancy period if no further reports/incidents of ASB have been reported the tenant will be granted a full Scottish secure tenancy (SST).

- **Interdict**  
Legal remedy available to landlords and in some circumstances individuals. An interdict is a court order prohibiting a person from carrying out a particular act.
- **Eviction**  
The most severe legal remedy to deal with anti social behaviour is eviction. It must be based on one of the grounds specified in the Housing Scotland Act 2001.  
Aberdeenshire Housing Partnership must be able to prove the existence of the ASB and the Court must then decide whether it is reasonable to grant an eviction order.

The Court will consider many matters for before granting an order including: the seriousness of the conduct, frequency, length of time and the other actions taken by the landlord to stop the conduct.

## **10.0 ASB COMPLAINTS**

- 10.1 All complaints are logged individually and kept in the ASB complaints file.
- 10.2 A quarterly report on ASB complaints received is submitted to the Board. Bi annually a report will also be submitted to the Housing Committee to identify: case numbers, category, current stage, final outcome and areas for service/policy improvement.

## **11.0 MONITORING AND REVIEW**

- 11.1 All relevant aspects of the anti social behaviour policy will be monitored. Aberdeenshire Housing Partnership will also monitor such items as:
- reviewing action plans;
  - checking that the service is effective and fair to all tenants;
  - seeking tenants' views on the service;
  - reporting results on a regular basis;
  - reviewing policies, practices and performance at regular intervals.

11.2 The Housing & Property Services Manager is responsible for ensuring that this policy and the procedures which support it are implemented by all relevant staff.

11.3 This policy is to be reviewed by the Housing Committee every 3 years, or as required following a substantive legislative or performance requirement.

## 12.0 OTHER RELATED POLICIES

- Complaints policy
- Equality & diversity policy
- Harassment of minorities policy

Policy reference number	H03
Current version approved	24 March 05 (amended May 06)
Policy approved by	Housing Committee
Date of next review	24 March 2008
policy complies with	Performance Standard AS1.9