

ANTI SOCIAL BEHAVIOUR POLICY

SEPTEMBER 2024



LANARKSHIRE
HOUSING ASSOCIATION LTD



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ANTI SOCIAL BEHAVIOUR POLICY

(*Note Lanarkshire Housing Association hereinafter referred to as LHA)

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ANTI SOCIAL BEHAVIOUR POLICY

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1.0 INTRODUCTION

Lanarkshire Housing Association (we) regard the occurrence of anti-social behaviour as extremely serious. There are obligations outlined in section 3.1 of your Scottish Secure Tenancy Agreement (SST) which state;

"You, those living with you and your visitors must not harass or act in an antisocial way towards other people in the neighbourhood, including residents, visitors, our employees, agents, contractors and people who live in your house"

This policy has been established to outline how we will tackle any form of anti- social behaviour. It will aim to meet the statutory requirements of the following Scottish Social Housing Charter outcomes

Charter Outcome 1 – Equalities: ‘every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services.

Charter Outcome 2 – Communication ‘tenants and other customers find it easy to communicate with their landlord and get the information they need about their landlord, how and why it makes decisions and the services it provides’.

Charter Outcome 6 – Neighbourhood and Communities ‘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’.

Charter Outcome 11 – Tenancy Sustainment ‘tenants get the information they need on how to obtain support to remain in their home: and ensure suitable support is available, including services provided directly by the landlord and by other organisations’.

This policy explains how we address anti-social behaviour. Staff procedures have been developed separately that detail how the policy is implemented.

2. SCOPE

This policy covers the rights of LHA tenants, recipients of a service from LHA, our employees and anyone who delivers a service on our behalf.

3.0 AIMS AND OBJECTIVES

3.1 The policy complies with the law and good practice in minimising and

dealing with anti-social behaviour.

No action will be raised to recover possession of a property unless it is reasonable to do so.

- 3.2 We implement management and legal remedies for dealing with anti-social behaviour. Eviction action will be used only as a last resort. Section 5.2.7 summarises these actions.
- 3.3 We ensure that our policies minimise anti -social behaviour by, for example, ensuring the way in which we allocate properties assists in establishing sustainable communities.
- 3.4 The Anti-Social Behaviour Policy has been devised based on a strategy of prevention. Staff will tackle complaints promptly and within set timescales.
- 3.5 Wherever possible we work jointly with other agencies to tackle anti-social behaviour e.g., Police, Social Work, etc. Section 5.2.8 outlines these arrangements.
- 3.6 The investigation and management of all anti-social complaints will take account of staff and complainant health and safety as a primary objective.
- 3.7 We have implemented performance management systems to monitor the effectiveness and efficiency of current practice.
- 3.8 The procedure for handling complaints will vary depending on the category of the complaint.

4.0 LEGAL AND GOOD PRACTICE REQUIREMENTS

The provisions and implementing of the Antisocial Behaviour Policy aim to comply with the following legislation and statutory documents:

- Housing (Scotland) Act 2001
- Housing (Scotland) Act 2014
- Anti-Social Behaviour etc. (Scotland) Act 2004
- Criminal Justice Act 2003
- Housing (Scotland) Act 2001
- Housing (Scotland) Act 2010
- Housing (Scotland) Act 2014
- Crime and Disorder Act 1998
- Protection from Harassment Act 1997

- Civic Government (Scotland) Act 1982
- Dangerous Dogs Act 1991
- Environmental Protection Act 1990

5.0 DEFINITION AND CAUSES OF ANTI- SOCIAL BEHAVIOUR

Anti-social behaviour is a term used to cover different types of behaviour. The Crime and Disorder Act 1998 and The Anti-Social Behaviour etc. (Scotland) Act 2004 considers a person to have engaged 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 household. 'conduct' includes speech and to be a 'course of conduct' requires it to have happened on at least 2 occasions. This definition mirrors under Section 3.2 of our SST.

Anti-social behaviour can be committed by

- tenants or any other joint tenant
- any person living with the tenant e.g., family members or friends
- lodgers or sub-tenants
- visitors to the property

People's Antisocial behaviour can affect living in or visiting the locality e.g.

- neighbours, relatives, or friends
- people engaged in lawful activity in the locality e.g., housing staff or contractors carrying out their duties

The term 'locality' includes the overall neighbourhood which can extend beyond house and adjacent properties to the local housing area.

Anti-social behaviour covers a wide range of issues such as noise, dog fouling, rubbish dumping/litter, drug dealing, graffiti, nuisance or threatening behaviour, fighting, shouting, and swearing, harassment etc.

Examples of some of the main causes of anti-social behaviour are:

- concentration of households living in poverty
- people with incompatible lifestyles living in close proximity to one another
- older properties with inadequate insulation
- sustainability issues with people who lack or have turned down support considered necessary to assist them to sustain their tenancy

- cultural differences amongst households

6.0 ASSESSING AND CATEGORISING ANTI-SOCIAL BEHAVIOUR COMPLAINTS

Response to complaints will vary depending on the nature and seriousness of the particular issues involved. Tenants should be encouraged to resolve minor complaints themselves whereas complaints of a more serious nature will require a response from the Housing Officer.

Where appropriate staff should draw on the experience of agencies including the Police, Support Providers, Social Work Department, Health Services, Environmental Health, Cleansing Departments and Mediation Services.

Targets associated with each category are interim, based on the initial information received or as a result of investigations.

- 6.1 Tenants are made aware of their responsibilities in our Scottish Secure Tenancy (SST). The SST confirms that '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. A course of conduct must involve conduct on at least 2 occasions.
- 6.2 The Antisocial Behaviour etc. (Scotland) Act 2004 provides a range of powers to tackle ASB and alleviate activities which may contribute to ASB. We aim to address emerging local problems proactively, pursuing appropriate tenancy and legal actions in response to specific or identified tenancy or area problems.
- 6.3 We will assess incidents of reported ASB in compliance with our Estate Management Policy and Charter indicator 19 which details 'that landlords set timescales for managing and resolving their anti-social behaviour cases. It is acceptable for timescales to vary depending on the severity of the anti-social behaviour.'

Our anti-social response timescales were previously agreed in consultation with our Tenant Focus Group. The group also agreed with the categories proposed for ASB. This strategy does not propose to change these. These remain as follows:

- Category 1. Severe/Criminal - would include allegations of drug dealing, criminal violent behaviour, serious harassment, hate crimes, domestic abuse, or serious damage to property

Response Time – 1 working day then progress in 1 working day

- Category 2. Serious/Persistent Serious/persistent complaints - persistent noise (including loud music/banging), abusive or threatening behaviour, harassment, and minor damage to property

- Response Time – 3 working days and progress in 3 working days
Category 3. Breach of Tenancy - Disputes about communal areas, minor noise nuisance and lifestyle clashes

Response Time – 3 working days and progress in 10 working days

- Category 4. Level Nuisance - One off parties and general living noise

Response Time – advice given at point of contact and follow up in 20 working day

7.0 REMEDIES FOR TACKLING ANTI-SOCIAL BEHAVIOUR

We recognise that to tackle anti-social behaviour we must tackle the offending behaviour. The main way to resolve complaints of anti-social behaviour is through effective management. This involves working jointly with other agencies that also have a responsibility for this matter. These include local authority departments such as the Local Authorities anti-social behaviour teams, other housing providers, education, environmental health, planning and social work etc. We will work in partnership with a variety of organisations to achieve an acceptable solution. Legal action will be considered only where management actions (non-legal remedies) have been ineffective or considered inappropriate.

In order to tackle anti-social behaviour effectively, we have introduced a comprehensive approach using both non-legal and legal remedies. This section details the remedies we may use.

7.1 Management Actions (Non-Legal)

7.1.1 Contact / Advice

Making contact and providing advice to tenants can be effective in resolving some minor disputes/nuisance complaints. For example, a one-off incident such as a party could be resolved by visiting those involved. In cases like this staff may offer advice or issue a breach of tenancy letter.

7.1.2 Breach of Tenancy Letter (Warning Letter)

This can be issued following an interview with the perpetrator regarding their behaviour. The letter will detail how the tenancy has been breached and the consequences if the breach occurs again.

7.1.3 Mediation

Mediation is a remedy which can be considered where there is recurring anti-social behaviour and the relationship between the parties involved has broken down. Mediation can be provided by, or in partnership with the Local Authorities anti-social behaviour teams.

7.1.4 Acceptable Behaviour Contracts

An Acceptable Behaviour Contract (ABC) is a written agreement between the perpetrator (child or adult), Lanarkshire Housing Association and Police Scotland. The contract specifies a list of anti-social acts in which the person has been involved and which they agree not to continue. The contract usually lasts for 6 months but can be renewed if necessary. Although the ABC is not legally binding, it can be used at court to support eviction action or an application for an Anti-Social Behaviour Order (ASBO).

If an individual fails to sign an ABC, an Unacceptable Behaviour Notice (UBN) can be issued. The UBN makes a person aware of their behaviour and the consequences if their behaviour continues. Again, it is not legally binding but can be used to support legal remedies.

7.2 Legal Remedies

In cases of serious or extreme anti-social behaviour, it may be necessary to pursue legal action including the following;

7.2.1 Fixed Penalty Notices

Local authority's anti-social behaviour teams can issue a Warning Notice to a tenant requiring them to reduce the noise or face a fixed penalty notice if the noise is actionable under their powers. Community Enforcement Officers can also issue a fixed penalty notice in relation to dog fouling offences.

7.2.2 Notice of Proceedings (NOP)

When dealing with a complaint of anti-social behaviour where the subject of the complaint is a Lanarkshire Housing Association tenant, we may raise proceedings by serving a NOP on the tenant for recovery of possession of the house where there is a breach of their tenancy conditions. An NOP is the first stage of legal action that can be considered to address a breach of tenancy conditions.

7.2.3. Interdict

This is a court order to prevent someone from doing something, for example, dumping rubbish in common areas, playing loud music, swearing, shouting, damage to property etc.; The interdict/interim interdict can be a quick method of intervention.

7.2.4 Specific Implement

This is a court order requiring someone to do something which is their responsibility e.g., maintain their garden as specified in the tenancy agreement.

7.2.5 Anti-Social Behaviour Order (ASBO)

This is a court order preventing someone (aged 12 or over) from pursuing a certain course of conduct that is causing alarm or distress to the community, or behaviour that is likely to escalate to criminal level if not stopped. Applying for an ASBO is a civil action and is not a substitute for criminal proceedings; therefore, we can apply for an ASBO and attempt to recover possession of the house at the same time. ASBO applications should be done in consultation with the Police.

We can apply for an Interim ASBO/ASBO for anyone over the age of 12. They do not need to be a tenant, resident, or owner etc. However, we would have to demonstrate to the Sheriff that it would be 'reasonable' to grant the order bearing in mind the behaviour of the person concerned. Examples of when an ASBO may be necessary include:

- racial harassment or homophobic behaviour
- persistent anti-social behaviour as a result of noise nuisance/drug/alcohol misuse
- intimidation by threats and/or violence

The Scottish Executive publication 'Guidance on Anti-social Behaviour Orders - Antisocial Behaviour etc. (Scotland) Act 2004' provides comprehensive information on ASBO's and the procedure for applications.

7.2.6 Short Scottish Secure Tenancy Agreement (SSST)

A SSST is based on the Scottish Secure Tenancy introduced by the Housing (Scotland) act 2001. A SSST is a short term or probationary tenancy agreement that can be given to tenants. The Housing (Scotland) Act 2014 section 7 sets out new grounds for granting an SSST.

The grounds are:

- Where at tenant or existing tenant or anyone who is part of the household is subject to and Antisocial Behaviour Order (ASBO) or
- A prospective tenant has had an eviction order granted against them in the previous 3 years as a result of anti-social behaviour

The new grounds for a SSST are:

- Where a tenant or prospective tenant has pursued a course of antisocial behaviour in the previous 3 years.

There is no requirement for the matter to have gone to court or the person to have any conviction for anti-social behaviour. In granting an SSST for any of the reasons above consideration will be given to the following

- the nature, frequency and duration of the anti-social behaviour
- the effect that the anti-social behaviour is having or is likely to have on the person
- action taken by Lanarkshire Housing Association before raising ASBO proceedings
- support requirements of the household and any other relevant factors

We will include the behaviour of any tenant, joint tenant, anyone residing at the property, any sub-tenant or any visitors to the property when considering the granting of an SSST or conversion from an SST

When granting an SSST on any anti-social grounds it must be for a minimum period of 12 months.

Where the tenancy has been converted to an SSST, there is a duty to provide or ensure the provision of housing support services to enable the tenancy to convert to an SSST.

A SSST will revert back to an SST after 12 months unless action is taken to recover the tenancy or Lanarkshire Housing Association seeks to continue the SSST for a further period of 6 months.

If antisocial behaviour recurs after conversion to a full SST, Lanarkshire Housing Association can seek repossession through the courts or a further ASBO can be sought, and if granted the tenancy may be converted to a SSST.

7.2.7 Repossession

Whenever anti-social behaviour is extremely serious, we may consider seeking a court order for eviction and repossession of the property. This action will only be taken when all other appropriate remedies have failed to resolve the problem and it is deemed reasonable to seek eviction. This will always be a last resort. There are situations when an eviction decree should be our first option, for example, drug dealing, using the property to cultivate drugs or serious incidents of violence and intimidation.

7.2.8 Streamlined eviction process

In addition to 6.2.7. we may make use of the streamlined eviction process outlined in Section 16 of the Housing (Scotland) Act 2014.

We must be able to confirm that a tenant, joint tenant or someone living in or visiting the property has been convicted of a criminal offence punishable by imprisonment within the previous 12 months.

We can only use this process when:

- Where paragraph 2 of Schedule 2 of the Housing (Scotland) Act 2001 exists: - using the house or allowing the house to be used for immoral or illegal purposes or an offence punishable by imprisonment committed in, or in the locality of the house
- It is a serious anti-social behaviour/criminal conviction
- The conviction is connected to the tenant's property
- It is necessary to protect the local community
- Where other measures to manage/improve behaviour have been tried where appropriate

We will only use this process where we believe the action to be justifiable and proportionate and take into consideration the following:

- The nature and seriousness of the offence
- Who has/could have been convicted?
- Any connection to the property
- Where the offence was committed
- Impact on the household
- Impact on the neighbourhood/community
- Impact on neighbourhood/community over time and on community stability

We will also consider the actions taken by a convicted person to address their behaviour before considering this process, such as repeat behaviour, engagement in training/ employment, accessing and attending rehabilitation programmes or engaging with support services.

7.2.9 Other Agencies

Other agencies have an important role to play in the implementation of this policy by using the powers available to them. For example, most neighbour nuisance constitutes an offence and the police should therefore be involved and, in some instances, take a lead role.

Legal remedies available to Registered Social Landlords are not always the most effective means of tackling anti-social behaviour. As a result, we will endeavor establish close links as follows.

- Work with the police to use their legal powers to remove noise making equipment
- Liaising with the police to use their powers to arrest people breaching legal orders
- Work in partnership, where possible, with environmental wardens to tackle problems relating to rubbish, stair cleaning and dog fouling etc
- Work in partnership with the Local Authorities anti-social behaviour teams.

8.0 EQUALITY & DIVERSITY

This Policy will always be carried out in accordance with Lanarkshire Housing Association's Policy of Equality & Diversity which aims to promote diversity, fairness, social justice, and equality of opportunity by adopting and promoting fair policies and procedures.

9.0 PUBLICISING AND AVAILABILITY

This policy is available on the Lanarkshire Housing Association website. A summary of this policy can be made available in other formats and languages.

10.0 MONITORING AND PERFORMANCE

10.1 Performance management is extremely important in order to assess whether the policy objectives and statutory obligations are being met. In line with the introduction of the Scottish Social Housing Charter we aim to involve tenants in the decision-making process with regards to anti-social behaviour policies and procedures through planned reviews.

We will seek feedback via the following methods:

- Monitoring and reporting on cases which are ongoing and not closed
- Information (Newsletters etc.)
- Social Media
- Complaints about our service
- Satisfaction surveys after cases are closed off

- Tenant Participation Committee

It is a requirement to meet the Scottish Housing Regulator's activity standards. The specific indicators to monitor the policy are detailed below

- Number of anti-social behaviour complaints received, by category
- Update of cases which are outstanding by category of complaint
- Number and types of legal actions e.g., interdict specific implement, ASBO and eviction
- Household data of people against whom actions are raised including age, disability, gender, and race
- Time taken (compared with targets set) to issue acknowledgement letters, conduct interviews, investigate complaints, and issue letters where complaints are unjustified.

11.0 COMPLAINTS (if applicable within the policy)

Anyone wishing to make a formal complaint about the services provided by the organisation should do so as per our complaint's procedure.

12.0 DATA PROTECTION AND GENERAL DATA PROTECTION REGULATION (GDPR)

We take the issue of security and data protection very seriously and strictly adhere to guidelines published in the Data Protection Act of 1998 and the General Data Protection Regulation (EU) 2016/679 which is applicable from the 25 May 2018, together with any domestic laws subsequently enacted.

We are notified as a Data Controller with the Office of the Information Commissioner and we are the data controller of any personal data that you provide to us.

Any questions relating to our privacy practices should be sent to enquiries@lanarkshireha.com or telephone 01689 269119.

13.0 OTHER RELEVANT POLICIES AND PROCESURES

This Policy also relates to:

- Complaints Policy and procedures
- Estate Management Policy and procedures
- Allocation Policy and procedures
- Equal Opportunities Policy and procedures

- Recharge Policy and Procedures

14.0 POLICY REVIEW

This policy will be reviewed every three years, or sooner if legislative or best practice changes requires it.

Lanarkshire Housing Association Equality Impact Assessment Tool



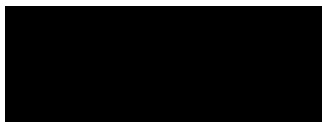
Name of the policy / proposal to be assessed	Anti-Social Behaviour Strategy	Is this a new policy / proposal or a revision?	Change from Strategy to Policy
Person(s) responsible for the assessment	Liz White		
1. Briefly describe the aims, objectives and purpose of the policy / proposal	<p>This policy will</p> <ul style="list-style-type: none"> allow us to apply the terms of our tenancy agreement in relation to respect for others. Assist in the resolution of neighbour nuisance complaints. Ensure that we meet legislative and regulatory requirements in dealing with ASB ensure our estates are safe places to live and our housing stock remains in demand. Enable us to monitor and address any emerging problems to alleviate any decline in demand for specific areas Help to address anti-social behaviour both on our own, and in partnership with others in mixed tenure estates. <ul style="list-style-type: none"> Facilitate a multi-agency approach to effectively utilise enforcement of legislative powers, in addition to local initiatives to prevent and tackle ASB in our communities. 		

<p>2. Who is intended to benefit from the policy / proposal? (e.g. applicants, tenants, staff, contractors)</p>	<p>Tenants, Factored Owners living in multi- tenure estates, communities, staff and contractors carrying out work on behalf of LHA.</p>
<p>3. What outcomes are wanted from this policy / proposal ? (e.g. the benefits to customers)</p>	<ul style="list-style-type: none"> • Resolve as many disputes as possible, by mutual agreement between the parties involved at an early stage. • Complaints relating to neighbour disputes are dealt with in a sympathetic, effective manner and with the minimum of delay. • Complaints are responded to within defined timescales, dependent on the severity of the dispute. • Support tenants who are finding difficulties in sustaining their tenancy because of estate management or anti-social behaviour issues. • Provide staff with clear guidance on how to resolve ASB complaints and raise awareness of the variety of options available.

<p>4. Which protected characteristics could be affected by the proposal? (tick all that apply)</p> <p> <input checked="" type="checkbox"/> Age <input checked="" type="checkbox"/> Disability X Marriage & Civil Partnership <input checked="" type="checkbox"/> Pregnancy/Maternity X Race X Religion or Belief X Sex X Gender Reassignment X Sexual Orientation </p>
<p>5. If the policy / proposal is not relevant to any of the protected characteristics listed in part 4, state why and end the process here.</p> <p>n/a</p>

	Positive impact(s)	Negative impact(s)
<p>6. Describe the likely positive or negative impact(s) the policy / proposal could have on the groups identified in part 4</p>	<p>By ensuring we have clear processes in place and a zero-tolerance approach to ASB targeted at any of the protected group and communities.</p>	
<p>7. What actions are required to address the impacts arising from this assessment? <i>(This might include collecting additional data, putting monitoring in place, specific actions to mitigate negative impacts).</i></p>	<ul style="list-style-type: none"> • Improved Monitoring of complaints that involve a tenant with any of the protected characteristics alongside outcomes. • Supporting procedures require to be reviewed to help staff deal with ASB complaints and implement the policy. • Training on new policy and procedures. 	

Signed:



Housing Services Director 23/8/2024

Date the Equality Impact Assessment was completed:

Please attach the completed document as an appendix to your policy / proposal report