

Anti-social Behaviour



This document provides a brief overview of our approach to antisocial behaviour. Our anti-social behaviour policy (available on our website www.pineview.org.uk or by contacting us) applies to tenants, owners, sharing owners and their household members.

What is Anti-social Behaviour?

Anti-social behaviour can be difficult to define. It can mean different things to different people. It can involve incidents ranging from minor nuisances such as noise and neighbour disputes up to serious violence and intimidation.

The Anti-Social Behaviour (Scotland) Act 2004 states:

‘A person engages in anti-social behaviour if he / she:

a) Acts in a manner that causes or is likely to cause alarm or distress: or

b) Pursues a course of conduct that causes or is likely to cause alarm or distress, to at least one person who is not of the same household’

‘Conduct includes speech and a ‘course of action ‘ must be conducted on at least 2 occasions.

We believe that all forms of anti-social behaviour are unacceptable and should never be tolerated. Anti-social behaviour can seriously affect the quality of life of residents and communities. We firmly believe that tenants should be able to live peacefully in their homes and in their community.

Complying With Your Tenancy Agreement

It is important that you and any members of your household have consideration for your neighbours and their right to live safely and peacefully. This includes making sure that you are not too noisy and that you keep tidy any shared areas you are responsible for, such as your garden or close landing.

Your tenancy agreement explains what we expect of you as a tenant and if you keep to this it will help you to be a good neighbour. It is very important that you read your tenancy agreement and adhere to it at all times.

How to Discuss Problems with Your Neighbour

We hope you will be able to enjoy your home without any difficulties or issues. However, if you feel a neighbour is acting unreasonably, we would recommend you try to discuss the issue with them before you contact us. This can often sort the problem out quickly and help to stop any problems getting worse.

Your neighbour may not be aware that they are causing distress, or know if their children are misbehaving or the dog is barking when they aren't at home. It is important that you are prepared to listen to their point of view and look for a compromise if you don't agree with them.

If you are not comfortable doing so or speaking to your neighbour does not resolve the problem, please contact your Housing Officer for assistance and advice.

Taking Complaints Seriously

All reports of anti-social behaviour will be taken seriously and individuals will be provided with the opportunity to discuss their concerns with staff.

It is not necessary for initial complaints to be made in writing; however, we will provide forms to complainants to assist in this and to ensure that records of complaints are accurate. Verbal reports of complaints which are received and recorded by staff may need to be signed by the persons making the complaints.

We will often need evidence in order to take action against someone who is behaving anti-socially. It is important that you give us as much information as possible when reporting an issue to us. It may help to keep a diary of all the incidents to record what has been seen or heard. In serious cases you may be required to give evidence in Court.

Anonymous complaints will be followed up where the matter is serious and there is independent evidence – e.g. obvious vandalism, damage or graffiti to a property – available to the Association. We acknowledge that anonymous complaints are sometimes an indication of fear of reprisal or intimidation.

Dealing with your complaint....

We will:

- ✓ Deal with your complaint as quickly as possible.
- ✓ Contact the person(s) complained about. We will work with them to resolve the problem, issue appropriate warnings and take any necessary action.
- ✓ Keep any information you give us strictly confidential.
- ✓ We will ask for permission if we need to share your information with another agency.
- ✓ If legal action is required we may disclose information to the defendant or their solicitor. We will only do this with your permission.
- ✓ Work with other agencies (e.g. Police Scotland, Environmental Health, Social Work Services, Glasgow Community Safety Services etc.).
- ✓ Keep you informed of progress.
- ✓

Responding to Complaints....

We will respond promptly to complaints of anti-social behaviour as we recognise that a speedy response can often result in issues being resolved before they escalate into more serious incidents.

In dealing with reports of anti-social behaviour we will log all reports or complaints and will provide an acknowledgement within 24 hours of receipt.

We will carry out investigations in accordance with the timescales listed below, which may include escalating a case if it becomes more serious.

Category A: Serious Anti-Social Behaviour

Complaints classified under this category are conviction(s) of drug dealing, criminal behaviour involving serious incidents of violence, or threats of violence towards any member of the public including members of staff, serious assault, serious harassment, racial harassment, incidents of sectarian abuse and serious damage to property.

Such complaints are not primarily housing matters, particularly where they involve clear breaches of criminal law. The Association recognises its limitations in dealing with criminal related complaints and may therefore refer such complaints to more appropriate agencies and liaise with them accordingly to effect appropriate actions.

Category B: Complex Neighbour Disputes

Complaints classified under this category are aggressive/abusive behaviour, frequent disturbance, vandalism, drug/alcohol abuse, verbal/written harassment and frequent and persistent noise.

The Association will generally be involved directly, but will also work with other agencies as required, such as Environmental Health, Social Work, Community Relations Unit Noise Team, etc.

Category C: Minor Breaches of Tenancy Obligations

Complaints classified under this category are minor breaches of tenancy, environmental issues, unkempt gardens, dog fouling, dumping of bulk items, improper use of common areas etc.

The Association will generally deal with these complaints in house, either directly or liaising with other residents, contractors or other service providers e.g. GCC Land Services, etc.

Other Complaints

Complaints made against factored owners or sharing owners, household members or visitors, will only be pursued where there is a breach of the Deed of Conditions or the complaint relates to a common factoring issue, otherwise the complainant will be given general advice on the options available to them.

Where complaints are made against residents who are neither tenants nor factored owners, or their children, visitors or pets, the complainant will be offered general advice and the complainant will generally be advised to contact Community Relation Unit, Police or the Council depending on the nature of the complaint.

Response and Closure Timescales

Complaints received which are deemed to fall under Category A will be responded to within 1 working day. Category B complaints will be responded to within 3 working days and Category C complaints within 5 working days.

The Association will aim to close all cases within 5 or 20 working days, dependent on whether the Association is required to carry out further investigation in relation to that complaint.

Drug Use and Drug Dealing – Zero Tolerance Policy

While each case will be considered on its merits, if you or any person living in, or visiting your home, is convicted of using or allowing the property to be used for immoral or illegal activity - this includes the use, cultivation or supply of drugs- we will seek legal advice in order to recover the property.

We will normally seek eviction in cases where you or members of your household have been convicted of the sale or supply of drugs to others in their communities.

Domestic Abuse

Domestic abuse is the physical, mental and / or sexual abuse of a man or woman by someone with whom he / she has been in a relationship.

Domestic abuse also affects the children living in the home and there are links between domestic abuse and all forms of child abuse.

We will take a supportive, non-judgemental and positive approach to all persons who ask us for help and advice on domestic abuse.

We will treat complaints seriously, sensitively and in complete confidence.

We will not ask for evidence of violence or abuse but if you can offer any information or documents which could help with investigating the complaint, these could be very useful and we will accept them.

We will make sure that your home has the appropriate security precautions and treat any repairs required to make the property safe as emergency repairs.

We will also assist you in obtaining temporary housing or suitable permanent accommodation as appropriate.

We would encourage you to seek help from a specialist support agency and can provide contact details.

Please see our Domestic Abuse Policy for more information.

Remedies

Except in cases of serious criminal activity or persistent serious anti-social behaviour we will attempt to achieve a resolution without recourse to legal action.

This will be done with reference to the terms of the Tenancy Agreement and by working with appropriate voluntary and statutory agencies such as Mediation Services, Police Scotland, Environmental Services, etc.

Measures such as warnings/advice, Acceptable Behaviour Agreements, Unacceptable Behaviour Notices and Good Neighbour Agreements will be used where appropriate.

Where preventative or management approaches fail to resolve cases then more formal action will be considered. The legal remedies which the Association might pursue include the following:

- Interdict / Interim Interdict
- Specific implement
- Anti-Social Behaviour Orders (ASBO)
- Short Scottish Secure Tenancy
- Repossession Court Action (considered as a last resort and only after other options have been considered / exhausted)

Repossession

If you are responsible for repeated and serious anti-social behaviour, we will take appropriate action to try and sort out the problem. If this doesn't work, we will start court action to evict you.

Before we do so we will consider the following:

- The form of anti-social behaviour, how often it happens, and for how long.
- The seriousness of the behaviour.
- The effect the behaviour is having on any person other than you.
- Any sanctions we have taken already to stop the behaviour.