

MILNBANK HOUSING ASSOCIATION

DEALING WITH ANTI-SOCIAL
COMPLAINTS POLICY

PH/REF P3/MAY 2010

1. AIM OF POLICY

The aim of the Anti-Social Behaviour Policy is to allow all tenants to live without undue disturbance or disruption from others.

Milnbank Housing Association strives to minimise antisocial behaviour and will always endeavour to assist where practical. Residents should be aware that the Association can only act where there is clear wrongdoing and where corroboration (proof) exists. Residents, equally, must take responsibility by reporting any antisocial behaviour to the local Police office, where appropriate, in addition to advising the Association of the alleged antisocial behaviour.

2. DEFINITION OF ANTI-SOCIAL BEHAVIOUR

As defined by Section 143 of the Anti-Social Behaviour etc. (Scotland) Act. 2004.

‘ a person (‘A’) engages in antisocial behaviour if ‘A’ –

(a) acts in a manner that causes or is likely to cause alarm
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 as ‘A’.

(‘Conduct’ includes speech; and a course of conduct must involve conduct on at least two occasions. Antisocial behaviour will include conduct which is criminal, even if the conduct did not result in charges being brought against an individual. It will include a wide range of criminal conduct and is limited only by the likelihood or the actual causing of alarm or distress to a member of a household other than that of the perpetrator).

3. POLICY IN CONTEXT

The Anti-Social Behaviour etc. (Scotland) Act 2004 is meant to be tenure neutral in order to deal with all cases of anti-social behaviour. This Act extends the powers of Anti Social Behaviour Orders (ASBO), it introduced other penalties such as Parenting Orders, Power to refer to children’s hearing system, Seizure of vehicles and of equipment, Fixed penalty notices and fines. The Act includes noise control provisions and other environmental concerns such as fly tipping, litter, graffiti etc.

METHODS FOR DEALING WITH ANTI-SOCIAL BEHAVIOUR

The Association will use a range of measures available such as Acceptable Behaviour Contracts (ABC’s), Unacceptable Behaviour Notices (UBN’s), Anti-Social Behaviour Orders (ASBO’s) and in appropriate circumstances eviction action as a result of the breach of the tenancy conditions in dealing with anti-social behaviour. Action may also be taken against residents (non tenants) regardless of tenure and children where applicable.

Acceptable Behaviour Contracts

An Acceptable Behaviour Contract (ABC) whilst having no weight in law, is an important tool which can be used prior to any consideration of legal action or remedy. The ABC forms the basic contract by which the person(s) subject to the contract is/are willing to alter his/her/their behaviour and if breached the ABC will be taken into consideration when looking at other non legal or legal measures.

Unacceptable Behaviour Notice

In certain circumstances the person(s) responsible for emitting antisocial behaviour having failed to alter their behaviour satisfactorily previously may be issued with an Unacceptable Behaviour Notice. This can follow on from an ABC although it is not necessary and it can be used when there is a need to take court action in seeking either an interim or full ASBO or in eviction proceedings.

Tenancy Agreement

The principle legal tool for any action against a tenant of the Association is contained within the Scottish Secure Tenancy Agreement (SST) as they relate to the Grounds for possession.

This Act states:

The tenant (or any one of joint tenants), a person residing or lodging in the house with, or subtenant of, the tenant, or a person visiting the house has been convicted of-

- (a) using the house or allowing it to be used for immoral or illegal purposes, or
- (b) an offence punishable by imprisonment committed in, or in the locality of, the house.
- (c) acted in an anti-social manner in relation to a person residing in, visiting or otherwise engaged in lawful activity in the locality, or
- (d) pursued a course of conduct amounting to harassment of such a person, or a course of conduct which is otherwise anti-social conduct in relation to such a person, and it is not reasonable in all the circumstances that the landlord should be required to make other accommodation available to the tenant.
- (e) has been guilty of conduct in or in the vicinity of the house which is a nuisance or annoyance, or
- (f) has pursued a course of conduct amounting to harassment of a person residing in, visiting or otherwise engaged in lawful activity in the locality, and in the opinion of the landlord it is appropriate in the circumstances to require the tenant to move to other accommodation.

The Antisocial Behaviour etc. (Scotland) Act 2004 repealed the provisions in the Crime and Disorder Act 1998 as amended by the Criminal Justice (Scotland) Act 2003.

The Act contains provisions relating to applications for interim and full ASBO's by the local authority or the Association. The Act provides for the disclosure of information between the Police, local authority and RSL's in relation to anti-social behaviour.

The Association has signed up to an Information Sharing Protocol agreement between Glasgow City Council, Strathclyde Police & Milnbank Housing Association. The disclosure of specific information will be used to tackle the nuisance of antisocial behaviour.

The Association will work closely with all statutory agencies in dealing with matters relating to either anti-social behaviour or harassment. The Statutory Agencies, have powers not available to the Association e.g. in relation to noise, Glasgow City Council Environmental Protection Service, who have powers to prosecute for the imposition of a fixed penalty notice i.e. £100, the stereo or 'noise making equipment' can be seized etc. The same powers are conferred upon the Police.

4 CLASSIFICATION OF ANTI-SOCIAL BEHAVIOUR

In order to make best use of resources and deal with the issue effectively, the Association will categorise each complaint received in the following manner:-

Upon receipt of a complaint, the Association will record the details in the Complaints Register. Written complaints from residents will also be logged in this register.

Category A – VERY SERIOUS COMPLAINTS –

Complaints concerning allegations of drug dealing, criminal behaviour involving threats of violence towards any member of the public, including members of staff, housebreaking, assault, criminal threats, serious harassment, racial harassment and serious damage to property, including fire raising.

Category B – SERIOUS COMPLAINTS

Complaints which concern allegations of aggressive/abusive behaviour, frequent disturbances, vandalism, drug/solvent/alcohol abuse, verbal written harassment and frequent and persistent noise.

Category C – NUISANCE COMPLAINTS

Boundary disputes, untidy gardens, children causing a disturbance, noisy party.

TARGETS

Category A :- will be responded to within 1 working day

Category B:- will be responded to within 1 working day
Category C:- will be responded to within 3 working days

5. PROCEDURES IN DEALING WITH ANTI-SOCIAL COMPLAINTS

Complaints should be made either in person or in writing as soon as possible to Housing Management Staff. All complaints will be treated in strict confidence. Details of the complaint will be recorded and depending on the nature of the complaint, a range of actions will be carried out.

If the complainant wishes the incident merely to be noted but not acted upon a note will be recorded and filed.

Where a complaint is such that the complainant had contacted the Police to report an incident, Housing staff will request a Police report.

If the incidents are of a more serious nature or the individual(s) are repeat offenders i.e. if there are a number of repeated complaints regarding the behaviour of the same person or persons, the Housing Co-ordinator will determine whether further action may be deemed necessary e.g. an ABC, as the nominated officer of the Association, the Housing Co-ordinator will request the release of information from Strathclyde Police.

Interview/visit –

Both parties will be interviewed by a member of staff either within the Association's offices or within their home. Corroboration may be sought from neighbours.

Mediation –

In appropriate circumstances and where all parties are willing, the Association will facilitate the involvement of an Independent Mediator e.g. Glasgow City Council Mediation Service.

Close Meeting –

The Association or residents can call a close meeting in order to discuss complaints affecting more than one person. Representatives from outside agencies may be in attendance at the request of either party.

Warning letter –

Can be issued if the complaint is new or recurring but only if the complaint falls within categories C or B as more serious action will be required in the case of category A complaints.

Covert Camera –

In instances where all other avenues have been exhausted, the Association will consider the use of a covert camera. The use of this facility will be in strict accordance with the Estate Management Fund Policy.

CCTV Images

In appropriate circumstances the Association will engage with external agencies i.e. Streetwatch to assist in identifying known problem areas/individuals. The Association has signed up to a working Protocol arrangement with Streetwatch to enable images of persons to be produced for evidential purposes.

Legal Action –

As an Association, Milnbank views eviction action as an option of last resort as such legal action will only be considered after all other options have been exhausted.

Interim Interdict –

The Association may apply to the court for an Interim Interdict to be served against tenants in breach of their tenancy conditions (e.g.) excessive noise level.

Anti-Social Behaviour Orders –

The Association may apply to the court for an Anti-social Behaviour Order.

Due to the resource implications of investigating medium to serious anti-social cases, the Association will enter into a contractual arrangement with Glasgow City Council Community Relations Unit and in conjunction with the Police, who will investigate and seek to prosecute any case for which either an Interim Anti-social Behaviour Order or full Anti-social Behaviour Order would be appropriate.

A CRASBO is a "criminally related" ASBO. The difference between a CRASBO and an ASBO is that a CRASBO is made on the back of criminal conviction.

The individual subject of the CRASBO will have a set of prohibitions unique to the case to prevent anti-social behaviour re-occurring and protect the Community from such acts. This could ban the individual from any of the following:

- Committing any anti-social or criminal acts
- Associating with certain friends/ acquaintances
- Entering defined areas in the community
- Entering certain buildings, shopping areas etc
- Leaving home after a certain time in the evening – curfew

Tenancy Conversion –

Where an application for an ASBO has been secured, the Association will convert the tenancy from a Scottish Secure Tenancy (SST) to a short Scottish Secure Tenancy (short SST). The tenancy having been converted, the tenant will receive support and counselling as agreed with the Association for a

period of no more than 1 year from the date of conversion. If the behaviour does not improve, the Association will seek to remove the tenant.

Notice of Proceedings for Recovery of Possession –

In serious anti-social cases the Association will take legal action to evict the tenant and repossess the property. This form of action, as a last resort, may also be in conjunction with an ASBO application or following the completion of the legal process where the ASBO has been breached and it is the will of the Association to evict.

Anonymous Complaints

Anonymous complaints will not normally be dealt with unless of serious nature and the Association are in a position to evidence these complaints.

6. THE ROLE OF OTHERS IN DEALING WITH ANTI-SOCIAL BEHAVIOUR

As a landlord Milnbank Housing Association has limited powers in dealing with anti-social issues and as such relies on assistance from others such as Police, Glasgow Community & Safety Services (GCSS), Glasgow City Council Environmental Protection Service, Glasgow City Council Social Work Services, Reporter to the Children's Panel etc. in seeking to resolve complaints or amend behaviour.

Residents of Milnbank Housing Association

Residents are urged to take immediate action. Where the complaint involves noise nuisance or disturbance residents should contact the police either during or immediately after the alleged incident.

Whenever possible residents are urged to have a witness. In the event that incidents cannot be corroborated it is unlikely that the Association will be able to pursue the complaint.

In the event that continuous personal complaints are received between two individuals, the Association may consider charging for staff time.

Police

The Association strives to maintain good communication links with the local police office. Police have powers that the Association do not. It is therefore crucial when an anti-social incident occurs, which may be of a criminal nature, the police are involved at the earliest.

Social Work Service –

The Association will work closely with the Social Work Service in an attempt to assist tenants and residents. In the case of legal action involving children or other vulnerable groups/ individuals, the Social Work Service will always be contacted.

Environmental Protection Service –

The Association may consult or work together with Glasgow City Council Environmental Protection Service in dealing with anti-social activity including dumping (fly tipping) etc. when necessary.

Glasgow Community & Safety Services (GCSS)

The Association recently agreed to enter into a 2 year Service Level Agreement for the Gold Anti-Social Behaviour Service with GCSS to provide support in resolving problems associated with anti-social behaviour in circumstances where normal housing management or estate management has been unable to do so. The service includes:

- Advice, assistance and guidance
- Home visits
- Liaison with Police
- Anti-social behaviour investigation and preparation of ASBO's
- Surveillance
- Professional witness service
- Legal services

Support Agencies –

The Association may refer residents or seek advice from appropriate bodies in relation to victim support groups, racial issues, domestic violence etc.

Private Investigators -

Where a situation warrants, the Association will use the services of private investigators in order to substantiate serious anti-social behaviour e.g. drug dealing.

7. APPEAL

Any resident, complying with the procedure, but remains dissatisfied with any aspect of the service they have received have the right of appeal in accordance with the Complaints Policy.

8. MONITORING & REVIEW

The monitoring of the Anti-Social Behaviour Policy will be carried out on a monthly basis by the Services Committee. This policy will be reviewed annually or otherwise if deemed necessary.