

TO:	Housing Services Sub-Committee
PREPARED BY:	Lauren White (SHO)
SUBJECT:	DEALING WITH ANTI-SOCIAL BEHAVIOUR & HARRASSMENT POLICY
DATE OF MEETING:	25 June 2024
APPROVED BY:	Paul Martin (CEO)

DEALING WITH ANTI-SOCIAL BEHAVIOUR & HARRASSMENT POLICY

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1. PURPOSE

- 1.1 The aim of this policy is to ensure Milnbank Housing Association (MHA) responds to anti-social behaviour complaints and that victims/witnesses receive appropriate support. MHA aims to address all forms of ASB effectively, fairly, timely and transparently.
- 1.2 The procedures detailed within this section are intended to facilitate the effective management of anti-social behaviour, ensuring that all reasonable steps are taken to comply with the Antisocial Behaviour etc. (Scotland) Act 2004, Housing (Scotland) Act 2014 and all other relevant pieces of legislation.

2. ROLES AND RESPONSIBILITIES

- 2.1 The Director of Housing & Community Initiatives is responsible for the implementation of this policy in practice with a focus upon the following:
- Ensuring that all staff are familiar with the policy;
 - That staff follow the policy;
 - That staff have the necessary tools and training to enable them to perform their job role.

3. REFERENCES (SEE ALSO SECTION 10.1 - GUIDANCE)

- Antisocial Behaviour etc. (Scotland) Act 2004
- Crime and Disorder Act 1998
- Data Protection Act 1988
- Equality Act 2010
- Hate Crime and Public Order (Scotland) Act 2021
- Housing (Scotland) Act 2001 and related Housing (Scotland) Act 1987
- Housing (Scotland) Act 2014
- Human Rights Act 1998
- Protection from Harassment Act 1997
- The Environmental Protection Act 1990
- The Noise Act 1996
- The Scottish Social Housing Charter

4. DEFINITIONS

- 4.1 The Antisocial Behaviour Etc. (Scotland) Act 2004 provides the legal definition of antisocial behaviour as:-

"a person engages in antisocial behaviour if the person- (a) acts in a manner that causes or is likely to cause alarm, distress, nuisance or annoyance; or 2 (b) pursues a course of conduct that causes or is likely to cause alarm, distress, nuisance or annoyance, to a person residing in, visiting or otherwise engaging in lawful activity at, or in the locality of, a relevant house."

- 4.2 Antisocial Behaviour Order (ASBO):-

"civil orders to protect the public from behaviour that causes or is likely to cause harassment, alarm or distress. An order contains conditions prohibiting an individual from carrying out specific anti-social acts or (for example) from entering defined areas."

5. WHAT IS ANTI-SOCIAL BEHAVIOUR?

5.1 Anti-social behaviour can mean different things to different people and the expectations of standards of behaviour can vary. However, examples of anti-social behaviour include the following:

- Noise whether frequent or infrequent;
- Rowdy behaviour such as shouting, swearing and fighting;
- Intimidation of neighbours and others through threats or actual violence;
- Harassment, including racial harassment, sexual harassment or sectarian aggression;
- Verbal abuse, aggressive language, or abusive behaviour;
- Vandalism, property damage and graffiti;
- Drug dealing or cultivation;
- Animal nuisance, including dog fouling;
- Dumping rubbish;
- Failure to keep communal areas clean and tidy (i.e. stairs, closes, bin areas etc.);
- Failure to maintain the garden at a reasonable standard;
- Serious assault
- Firearm offences
- Running a business from the rented property

MHA will define ASB as either Category A, B or C depending on the seriousness of the behaviour and the impact on the victim. For Category A an investigation will start within one working day. For Category B an investigation will start within 2 working days. For category C an investigation will start within 3 working days. See APPENDIX 1 for full details.

6. LANDLORD DUTIES

6.1 Tenants are entitled to live in their homes free of harassment, fear and disruption from others. Landlords are responsible for investigating all allegations relating to anti-social behaviour, as well as ensuring that their tenants can live in their homes in peace and without unreasonable disturbance. As a result, the Organisation will:

- respond promptly to all complaints of anti-social behaviour and will take a firm approach to tackle the issue where necessary;
- treat all complaints of anti-social behaviour fairly and equally;
- record all complaints of anti-social behaviour and update when necessary;

- investigate all allegations of anti-social behaviour in strict confidence and remain impartial throughout;
 - discuss security measures and provide advice if there is a threat to a person's safety;
 - assist the victim with taking the case to the police and/or other appropriate Organisations if the perpetrator has committed a criminal offence;
 - re-house the victim, or the person behaving in an anti-social way if it is deemed necessary;
 - where appropriate offer support to victims/witnesses and perpetrators.
- 6.2 The Organisation will offer assistance where required and a sign or language interpreter can be made available. Complaints will be discussed in a location where the victim feels comfortable and they can have a family member, friend or other representative present with them, if they wish to do so.
- 6.3 The Organisation will respect that the complainer may wish to remain anonymous and where appropriate, alternative methods to provide evidence will be used. However, this may not be possible in some circumstances, for example, where a person or child is at risk of serious harm or when required to do so by law or a court order.

7. RESPONDING TO ANTI-SOCIAL BEHAVIOUR

- 7.1 When responding to anti-social behaviour complaints, the Organisation will:
- review and assess reports of the anti-social behaviour and determine the most appropriate method for the issue;
 - initially seek to resolve cases of anti-social behaviour informally;
 - become involved at an early stage by clearly challenging the perpetrator about their behaviour and remind them of their tenancy obligations;
 - explain what action may be taken against them if they continue to behave anti-socially.
- 7.2 When the issue cannot be resolved informally, the Organisation will explore other methods, such as:
- Mediation services;
 - Social work;
 - Police;
 - Legal and other remedies (e.g. apply for an anti-social behaviour order, ask the court to evict the tenant).

8. SHORT SCOTTISH SECURE TENANCY

- 8.1 The short Scottish secure tenancy (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.

- 8.2 The Organisation has the right to change a person who has an Antisocial Behaviour Order (ASBO) against them to a SSST.
- 8.3 The Organisation has the right to provide a SSST to those who have previously been evicted for anti-social behaviour.
- 8.4 The Organisation will convert the SSST to a full Scottish secure tenancy at the end of 12 months, provided the tenant has not behaved in a manner deemed unacceptable.
- 8.5 If anti-social behaviour recurs after conversion to a full Scottish secure tenancy, the Organisation can seek repossession through the courts or a further ASBO can be sought, and if granted, the tenancy can once again be demoted to a SSST.

9. MANAGING ANTI-SOCIAL BEHAVIOUR IN OUR LEASED PROPERTIES

- 9.1 We have a number of properties within our stock that are leased to other agencies such as Glasgow City Council and these properties are used by these agencies to provide temporary accommodation for a number of different reasons.
- 9.2 Complaints made relating to such properties are managed promptly and effectively. We will escalate complaints in the following manner:
 - Maintain regular contact and good working relationships with agencies who lease our properties
 - Issue a letter to the agency concerned outlining incidents and our concerns
 - Ensure that incidents reported to us are reported to the appropriate agency in a timely manner
 - Escalate to a Senior Housing Officer if the nuisance continues
 - Serve notice on the agency to vacate if complaints continue

10. EVICTION

- 10.1 The Organisation will apply to the courts to have a tenant evicted, if the tenant, an individual living within the household or a visitor repeatedly behaves anti-socially and all other methods have been exhausted.

11. CONFIDENTIALITY, DATA PROTECTION AND INFORMATION EXCHANGE

11.1 The Organisation respects the privacy and confidentiality of each case and is aware of the legal obligations under the Data Protection Act 1988, however, in some cases the Organisation may be required to exchange information with external agencies. The Organisation will only share information with other agencies where it is lawful to do so in order to prevent and protect its communities from anti-social behaviour. The type of information which may be shared includes, but is not limited to:

- The nature and location of incidents of anti-social behaviour;
- Personal information as to complainants and witnesses;
- Details of relevant visits to the property by agencies including the police;
- Convictions, cautions, reprimands, bail conditions, progress of criminal cases.

12. RESPONSIBILITIES OF TENANTS

12.1 Tenancy agreements are legal contracts which state that a tenant is responsible for their own behaviour, those living with them and for visitors. A list of tenant responsibilities are highlighted below:

Tenants will show consideration for their neighbours at all times;

- Tenants will ensure that no damage occurs to the property;
- Tenants are responsible for the behaviour of visitors in the home and in the vicinity of the home;
- Tenants will ensure that pets are kept under control;
- Tenants will ensure that the property, garden and common areas are kept clean and tidy;
- Tenants will not behave in an aggressive or intimidating manner;
- Tenants should not behave in a way that may cause nuisance and annoyance due to late night use of domestic appliances, stereo equipment and noise caused by raised voices, either by tenants or visitors to the property;
- Tenants should aim to discuss the issue with their neighbour to see if the problem can be solved;
- Tenants should agree to mediation support if it is offered;
- Tenants are encouraged to report any anti-social incidents to their landlord;
- Do not make malicious or vexatious complaints which are complaints without basis;
- Report incidents to other relevant agencies such as the Police or Glasgow City Council / Community Safety Glasgow and keep us informed of these reports and details of any ongoing problems which will assist us with keeping records of nuisance and anti-social behaviour.

13 MONITORING AND REVIEW

The Director of Housing and Community Initiatives is responsible for ensuring all staff follow the procedure. The monitoring of the Anti-Social Behaviour & Harassment Policy will be carried out on a bi-monthly basis by the Services Committee. This policy will be reviewed triennially or otherwise if deemed necessary.

APPENDIX 1

MHA classifies antisocial complaints into 3 categories, those being A, B and C.

Category	Examples of behaviour	Initial response target	Examples of Action(s)	Resolution Target
A Very Serious Nature	Drug cultivation / dealing. Serious assault Firearm offences Threats of violence to neighbour and/or staff member Aggressive language / behaviour Hate crimes. Housebreaking Criminal damage (Serious damage to property)	Respond within 1 working day	<ul style="list-style-type: none"> • Report to Police Scotland. • Obtain Police or Court information through Information Sharing Protocols. • Interview resident within office. • Refer case to CSG to monitor via criminal court process. 	Complete all actions within 10 working days
B Serious Nature	Frequent disturbances – parties, loud arguments Frequent noise nuisance Vandalism Aggressive or abusive behaviour Verbal or written harassment Intimidation	Respond within 2 working days	<ul style="list-style-type: none"> • Issue letter to neighbours to seek corroboration. • Interview tenant within office and issue warning letter if complaint is corroborated. • For ongoing cases where warnings are breached, refer to CSG for full antisocial behaviour investigation. 	Complete all actions within 15 working days

C Nuisance Complaints	Children causing a disturbance. Infrequent noise / disturbances Pet nuisance Control of pets / Dog fouling	Respond within 3 working days	<ul style="list-style-type: none"> • Speak to all parties either by telephone or in person to provide advice. • Offer referral to CSG Mediation Services only if both parties agree. 	Complete all actions within 20 working days
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	Behaviour of visitors including family members Fly tipping		<ul style="list-style-type: none"> • Refer to CSG Community Enforcement Officers for persistent dog fouling offences. 	
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