



Anti Social Behaviour Procedure

1. Introduction

- 1.1 This procedure outlines the framework to manage neighbour complaints and other incidents of anti-social behaviour. This ranges from low level issues to those requiring high level action such as Acceptable Behaviour Contracts (ABCs) and Anti-Social Behaviour Orders (ASBOs).
- 1.2 For complaints about *the way in which we have dealt with a neighbour complaint or other service failure* use Hanover's Complaints procedure.
- 1.3 For definitions of nuisance, anti-social behaviour and harassment as used in this procedure see Appendix 1.
- 1.4 Hanover recognises that prevention is the most effective form of action and will seek to establish models of multi-agency working. As a landlord our potential actions are limited to housing related matters, but we recognise the importance of working with other agencies to ensure a multi-disciplinary approach to dealing with Anti-Social Behaviour and will liaise with Police, Fire & Rescue, Social Work, Education, NHS and health services as well as community and voluntary groups.
- 1.5 We will take steps to communicate with other authorities to deal with nuisance and anti-social problems that fall into their scope of responsibility including Planning Department, Environmental Health Department, Cleansing/Waste Management Department and Community Warden Services

2. Target Timescales

- 2.1 Initial contact with complainant within 3 working days of receipt. This could be by phone or in person
- 2.2 Complete investigations and resolve with a further 20 working days of initial contact with complainant. If unable to do this, contact complainant to give revised completion timescale.

3. Investigating reports of anti-social behaviour

- 3.1 Neighbour complaints should be dealt with at the first point of contact whenever possible. For low level, minor nuisances advise complainant to discuss the matter informally with the other party/parties to attempt to reach their own amicable solution in the first instance as they may not be aware that they are causing a problem. If they are unable to resolve the issue, customers are then encouraged to report the matter to Hanover. Serious issues should be reported to the Police immediately.
- 3.2 You may need to discuss further with the complainant before approaching the offending tenant.
- 3.3 If you established that Anti-Social Behaviour has occurred, you should arrange to interview the offending customer as quickly as possible. However, if the problem is serious and involves any form of harassment you should investigate and visit the

offender within 1 working day. Where an alleged, suspected or actual crime has been committed advise the complainant to contact the police if they have not already done so.

- 3.4 After the initial investigation, you (and your manager) will decide on the next steps, considering the complainant views and evidence and any history of similar issues. This will depend on the type of behaviour and will be discussed fully with the Complainant. We will always take a multidisciplinary approach when dealing with even low level anti-social behaviour and aim to utilise network meetings and case conferences to ensure a holistic approach. We will make links with Local Authorities Anti-Social Behaviour Teams and Police Divisions, calling network meetings and case conferences where appropriate.
- 3.5 Where intervention is required, speak to/interview the complainant, person complained about, and any witnesses as required to establish the facts of the case and the severity of the matter. For more serious issues information on claim or counter claim and contact with the police etc may be required. Where appropriate ask the complainant to complete a diary recording the time, date, duration and severity of each incident, whether other people were involved or affected, and any action taken eg. called the police.
- 3.6 At many levels of a complaint, it is expected that matters will be resolved by discussing the situation, helping people to see how their actions impact on other people and how this can be turned to something positive, reminding people of their conditions of tenancy.
- 3.7 Depending on the circumstances of the case advise the parties involved to contact other appropriate agencies e.g., local authority noise abatement teams, environment health, social work. Where it is more appropriate Hanover should contact other relevant agencies.
- 3.8 If it has been established that mediation will assist in resolving the dispute, you will make the necessary arrangements with external agencies for the complainant and complainer to either meet in person or do shuttle mediation to try and find resolution where possible.
- 3.9 **Recording and taking action**
- 3.10 The ASB complaint must be recorded on the ASB register and keep a careful record of each stage of the progress of the investigation and record as it develops. Scan and file any paperwork into the Resident Record File. It is a matter of judgement how much detail is required. Be concise, factual and accurate. Do not give personal opinions.
- 3.11 Where an ASB complaint is received through an MP, MSP or Councillor, the MP/Councillor enquiries register must also be completed.
- 3.12 Complete an Incident Form if you are involved in or discover that an incident has occurred. If you are unsure if one is required, ask your line manager or the Health Safety and Wellbeing Manager (HSWM). The Incident Form is completed in the electoric WorkRite system.

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- 3.13 When a full picture of the situation has been established discuss with your manager to consider the options. Determine the appropriate course of action suitable for the seriousness of the situation and advise the people involved. Where the evidence supports the complaint, Hanover will take the case forward and implement any necessary actions required to resolve the Anti-Social Behaviour. This may include taking legal action against the individual responsible.
- 3.14 Where Anti-Social Behaviour is deemed to be of a serious or persistent nature which Hanover is unable to resolve we will commence legal proceedings, however, in all other instances we will try to engage with the offending customer/s to resolve the reported Anti-Social Behaviour and work with customers in our communities to promote positive outcomes for all. This will include:
- Visiting the offending customer to discuss their tenancy conditions
 - Take witness statements.
 - Request information from third parties.
 - Issuing a warning letter to advise of legal action that may be taken if the behaviour does not cease.
 - Issuing an Acceptable Behaviour Contracts (see below for more information)
 - Facilitating support, particularly where the behaviour is linked to substance/alcohol misuse or mental health issues.
 - Calling network meetings and case conferences with other agencies including Police Scotland, Social Work Department, advocacy services and any other involved parties.
 - Issuing an Unacceptable Behaviour Notice where the agreed Acceptable Behaviour Contract has been breached
- 3.15 Legal action will be taken as a last resort and only when all other avenues have been exhausted and may result in the offending tenant losing their home, remaining in their home with less rights or being excluded from their home for a period of time.

4. Legal actions

Acceptable Behaviour Contracts (ABCs)

- 4.1 ABCs can be used to escalate action if considered suitable. Hanover can issue the ABC or the matter can be referred to the local authority anti-social behaviour team. The Acceptable Behaviour Contract is located in the Word templates
- 4.2 Features of an ABC:
- An early intervention measure designed to get an individual to acknowledge their anti-social behaviour and stop it;

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- Does not confer additional powers on a landlord to deal with anti-social behaviour;
 - Applicable to adults and under 16-year-olds;
 - Is a voluntary, mutually agreed, written agreement;
 - May involve multi agency working;
 - Although it has no legal standing/is not legally binding, it can be a strong deterrent. A breach without reasonable excuse can lead to legal action such as an ASBO;
 - It is agreed at a pre-arranged meeting with the individual (and their parents if a child) and the relevant agencies;
 - They can be tailored to the circumstances of a case;
 - Agreements are not time limited and are monitored.

4.3 For further information on ABCs refer to the Scottish Government website www.gov.scot/policies/pollution/noise-nuisance

4.4 ABC or ASBO (see para 8 below) action is usually inappropriate where the person cannot understand the consequences of their actions through disability, medical or developmental condition.

Interdict or interim interdict

4.5 An interdict is an order of the court requiring the person whom it is addressed to stop doing something legally wrong.

Anti-Social Behaviour Orders (ASBOs)

4.6 See Appendix III for information on:

- Definitions of anti-social behaviour and ASBOs
- The subject of an ASBO
- Conditions of applying for an ASBO

4.7 ASBOs are used to escalate complaints or where an ABC has been ineffective. Review action taken so far to resolve the ASB and discuss with Head of Housing or Care. Then discuss with the local authority anti-social behaviour team before proceeding.

4.8 An application can be made for an ASBO or an interim ASBO. Hanover can do this directly or ask the local authority to do so on its behalf.

4.9 Features of an ASBO:

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- Involves the imposition of an order by the sheriff court against an offender, prohibiting him or her from any repetition of specified types of acts
 - It is a civil order, but breach is a criminal offence and is liable to lead to a prison sentence
 - Cases are decided on civil standard of proof (balance of probabilities) and hearsay evidence is admissible. The applicant does not have to prove intention to cause alarm or distress
 - Minimum age is 12 years
 - For 12–15-year-olds the primary forum for dealing with anti-social behaviour is the children’s hearing system; cases must go here prior to going to the sheriff court.
 - In cases which require speedy action an interim ASBO can be applied for; this stands till the full hearing before the sheriff
 - A full ASBO can impact on a tenant’s security of tenure.

4.10 If Hanover is making the application, it is a legal requirement to first:

- Consult with the Chief Constable
- Notify the local authority
- Consult with the Principal Reporter for under 16-year-olds.

4.11 Then instruct Hanover’s solicitors to prepare the case and raise it in the Sheriff Court.

4.12 If an ASBO is granted:

- Convert tenancy to a Short SST if appropriate
- Monitor regularly, and a minimum of six monthly.

Demotion of Tenancy

4.13 Should an Anti-Social Behavior Order be granted, a Scottish Secure Tenancy can be demoted to a Short Scottish Secure Tenancy (SSST) through powers passed in the Housing (Scotland) Act 2001. Under the Housing (Scotland) Act 2014, a SSST can be applied to a prospective or existing tenant that has had an eviction order granted against them in the previous 3 years based on antisocial behavior. The SSST has an initial term of 12 months although this can be extended for a further 6 months.

4.14 Conditions can be applied to the SSST; such as a requirement to demonstrate engagement with support services. The SSST can be based on the antisocial behavior of not only the existing tenant, but also any joint tenant, other residents or lodgers and visitors to the property.

Eviction Action

4.15 As a last resort, if all other attempts at resolution have failed, refer to Director of Customer Services to discuss possible eviction proceedings. ee Procedure Recovery of Possession of a Rented Property for detailed guidance.

5. Employee Safety when investigating Complaints

5.1 You must risk assess the situation for personal safety prior to visiting or meeting people in connection with a complaint, including check for a red flag on Capita. Take appropriate action e.g., visit in twos, meet in area office or other suitable public venue.

5.2 Use Lone Working techniques. Ensure your electronic calendar is up to date, your mobile phone is fully charged and switched on and that someone else knows where you are and who will escalate action if you do not return within the intended timescale.

6. Review

6.1 This procedure will be reviewed every 3 years or earlier if required.

Department	Customer Services
Author	Head of Housing
First Approved	31 January 2023
Approved By	SMT
Next Review Due	31 January 2026

Appendix I

Definitions of Behaviour Types

1. Nuisance

Behaviour which unreasonably interferes with other people's rights to the use and enjoyment of their home and community eg playing loud music, not dealing with rubbish properly.

2. Anti-Social Behaviour

A person engages in anti-social behaviour if they (the specified person):

- a) act in a manner that causes or is likely to cause alarm or distress;
- b) pursue 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 (the relevant person).

Conduct includes speech and a course of conduct must involve conduct on at least two occasions. (Anti-Social Behaviour etc (Scotland) Act 2004, part 10 S118).

3. Harassment

Behaviour deliberately intended to intimidate, dominate or harm an individual or a certain group such as a minority ethnic group. It can also be continual or persistent.

Appendix II

Anti-Social Behaviour Orders

1. Definitions

1.1 In terms of the Anti-Social Behaviour etc (Scotland) Act 2004 Para 10 S118 a person engages in anti-social behaviour if they (the specified person):

- (a) acts in a manner that causes or is likely to cause alarm or distress
- (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 (the relevant person) as them. Conduct includes speech and a course of conduct must involve conduct on at least two occasions.

1.2 An ASBO is an Order which prohibits indefinitely or for such period as may be specified in the Order the offender (the specified person) from doing anything described in the order.

2. The subject of an ASBO must:

- be 12 years or over
- have caused alarm or distress or acted in a way likely to have done so
- done so to people not of their own household.

3. Grounds for Applying for an ASBO

3.1 Grounds for applying for an ASBO can include, but the list is not exhaustive:

- misuse of drink or controlled drugs
- intimidation or harassment
- excessive noise
- bad language
- criminal behaviour generally
- unruly children or pets
- misuse of communal facilities.