

KNOWES HOUSING ASSOCIATION LTD	
Policy Name	Anti-Social Behaviour Policy
Policy Category	Housing Management
Policy Number	HM11
Date to Housing Services Sub-Committee	November 2020
Links to Other Policies and Procedures	ASB Procedure HM 16 High Risk Offenders Policy No Lone Visit Procedure Information Sharing Protocol, (Attached) HMP13 Estate Management Procedure
Previous Review	November 2017
Next Review Date	November 2023

Contents

1. Policy Overview	Page 2
2. Introduction	Page 2
3. What is Anti-social Behaviour	Page 2-3
4. Legislative Framework	Page 3-4
5. Policy Statement	Page 4-5
6. Our Approach	Pages 5-10
7. Data Protection	Page 10
8. Confidentiality	Pages 10-11
9. Equalities Commitment	Pages 11
10. Procedures	Pages 11

1. POLICY OVERVIEW

The purpose of this Policy is to

- Make clear the Association's position with regards to Anti-social Behaviour within our neighbourhoods and what actions we commit to in order to reduce such behaviours and make our neighbourhoods safer places to enjoy
- Make our local residents aware of the resources we commit to use when managing Anti-social Behaviour
- Provide our communities with reassurance that this area of our business is very important to us
- Provide as much useful information as possible to help local people know what assistance they can expect from Knowes Housing Association and other agencies in terms of Anti-social Behaviour and what they can do to help tackle such issues.

2. INTRODUCTION

Knowes Housing Association is committed to working with people living in our local communities to create desirable and vibrant neighbourhoods. Dealing effectively with anti-social behaviour is a critically important part to the success of that work. Failure to act quickly or to deal effectively with incidents of anti-social behaviour can severely impact on the quality of life of residents.

Residents and new housing applicants will not want to live in our neighbourhoods if they do not feel safe and at ease in their homes and public places if for example they are blighted by graffiti, abandoned cars or public disorder.

The Scottish Social Housing Charter 2012 requires all social landlords, working in partnership with other agencies, to ensure that tenants and other customers live in well maintained neighbourhoods, where they feel safe. Knowes Housing Association fully endorses this charter outcome and this anti-social behaviour strategy describes how we will aim to meet that charter outcome and manage; our estates, anti-social behaviour, neighbour nuisance and tenancy disputes.

There are a variety of legislative arrangements, good practice, policy and procedures, and terms and conditions of tenancy agreements which enable Knowes Housing Association to tackle incidents of anti-social behaviour at various levels of seriousness. We also aim to design-out opportunities or circumstances which encourage or fuel anti-social behaviour activities.

Knowes Housing Association will aim to manage and resolve incidents of anti-social behaviour as far as possible and we will ensure that where we are unable to resolve the matter we will work with the tenant and other agencies that have responsibilities in this area for a solution.

3. WHAT IS ANTI-SOCIAL BEHAVIOUR

The Anti-social Behaviour etc. (Scotland) Act 2004 provides that a person engages in Anti-social behaviour if they:-

“Act in a manner that causes or is likely to cause alarm or distress, or pursue a course of conduct that causes or is likely to cause alarm or distress to at least one person not of the same household as them.”

“A ‘course of conduct’ is defined as being on two or more occasions.”

In practice anti-social behaviour can mean different things to different people. It can cover a wide range of behaviours from litter to serious harassment, dog fouling to criminal damage of property. Behaviour regarded as acceptable by some can be seen as anti-social and unacceptable to others.

The Association aims to deal with anti-social behaviour and its causes which involves its own tenants. Anti-social behaviour involving owners or owner’s sub-let occupants, will be dealt with by the Local Authority.

Where we have no realistic scope to resolve non-tenant behaviours we will pass all available information to the appropriate authorities including Police Scotland and continue to support them in finding a joint solution to such behaviours.

The scope of anti-social behaviour can include:-

- Noisy Neighbours
- Drug Dealing
- Graffiti
- Litter Problems
- Drinking or Drug Problems which leads to people being rowdy and causing trouble
- Large groups hanging about in the street (if they are causing, or likely to cause, alarm and distress.)
- Racism and other Hate Crimes
- Fly tipping

4. LEGISLATIVE FRAMEWORK

The following outlines the key areas of legislative provisions which the Association considered in the formulation of this strategy and also how we can manage solutions for reducing anti-social behaviours

The legal framework which the Association will work within includes the provisions made within the following legislation:-

- Misuse of Drugs Act 1971 – This act places a duty on us to report any known incidents of drug activity/misuse within our neighbourhoods to the Police.
- Crime and Disorder Act 1998 – Introduced Anti-social Behaviour Orders
- General Data Protection Regulation 2019 – This act requires us to observe certain conditions regarding the sharing and gathering of information about individuals. Section 139 of the Anti-social Behaviour Act 2004 promotes the exchange of

information between “Relevant Authorities”.

We will hold information relevant to individuals, both reporters of and alleged perpetrators of anti-social behaviour which the Association requires to investigate and record antisocial behaviour incidents. We will only hold such information as necessary to allow us to tackle anti-social behaviour and take any legal action required and we will only hold such information as long as we deem it necessary in terms of future management of our tenancies.

- The Housing (Scotland) Act 2001 – legal framework detailing the responsibility on Registered Social Landlords to tackle anti-social behaviour. We have clearly defined our tenants responsibilities within our Scottish Secure Tenancy Agreements, particularly, section 2 “Use of the House and Common Parts” and 3, “Respect for Others”
- Criminal Justice (Scotland) Act 2003 – This act extended applications for Anti Social Behaviour Orders to include Registered Social Landlords.
- Antisocial Behaviour etc. (Scotland) Act 2004 - provides that a person engages in Anti-social Behaviour if they:-

“Act in a manner that causes or is likely to cause alarm or distress, or pursue a course of conduct that causes or is likely to cause alarm or distress to at least one person not of the same household as them.”

A ‘course of conduct’ is defined in the Act as being on two or more occasions.

This legislation provides a legal framework for tackling anti-social behaviour and promotes a responsibility on local communities and local agencies to work in partnership to prevent, stop and challenge anti-social behaviour. We will use or work with our partners to take advantage of a range of tools in the Act to tackle anti-social behaviour, which include, Anti-social Behaviour Orders, orders for the dispersal of groups and closure of premises, fixed penalties for noise nuisance and low level offences, parenting orders and Anti-social Behaviour Contracts.

- The Scottish Social Housing Charter 2012 - The Charter outcome requires social landlords, working in partnership with other agencies, to ensure that tenants and other customers live in well maintained neighbourhoods, where they feel safe.
- Housing (Scotland) Act 2014 – To complement the existing measures available to landlords to address antisocial behaviour in, or in the locality of a social housing tenancy, a number of new provisions were introduced in the Housing (Scotland) Act 2014 (‘the 2014 Act’). These measures are outlined in a separate Procedure, **Use of Short SST and Streamlined Evictions Procedure.**

5. POLICY STATEMENT

Knowes Housing Association recognises that anti-social behaviour is a serious issue and that it can cause distress to residents in many ways. Knowes Housing Association will not tolerate anti-social behaviour in any form and will take quick and effective action to resolve it.

Anti-social behaviour that is not challenged can often become the root cause of failing

communities. Areas with high levels of nuisance often report low levels of resident satisfaction, leading to increased requests for transfers, properties becoming harder to let and increased maintenance costs.

Knowes Housing Association recognises that anti-social behaviour can take many forms including noise, uncontrolled pets, abuse, abandoned vehicles, illegal drug supply or misuse, and crowd disorder.

We know that the environment in which people live can influence their quality of life and life opportunities. Where local residents don't feel safe and where neighbourhoods don't have opportunities to thrive we will aim to work with residents, other local people and services to improve those neighbourhoods. We know if we don't deliver the good services and seek to constantly improve them it can have a negative impact on the quality of life for Knowes Housing Association residents and other local people and also impact on the Association's reputation and ability to attract new residents and businesses to our area. To help show our commitment to tackling anti-social behaviour, Knowes Housing Association has identified ways in which we aim to address the various types of behaviours we experience. This Policy aims to identify those areas where we can take action and make a difference.

6. OUR APPROACH

Our residents on occasion report a wide variety of anti-social behaviour and there is not one way to resolve them all. The Association aim to take a holistic approach to resolving and reducing the likelihood of further anti-social behaviour. This means we aim to look at the wider picture in relation to the more complex cases, for example by exploring a local action plan to address such cases.

There are some key areas which are the focus of our actions. The following key focus areas have been considered in the following strategy statements.

- Prevention and Reduction methods,
- Enforcement measures and resources, and
- Support, Diversions and Reintegration

The following Policy statements indicate how we aim to address unacceptable behaviour within our neighbourhoods and some of the activities which we believe we can use to help reduce such behaviours or resolve their impact on residents or the environment.

Lettings

The Association recognises that letting our properties effectively can contribute to the development and growth of strong communities. The Association aims to avoid creating circumstances where anti-social behaviour may emerge through poor letting decisions, for example, ignoring potential lifestyle clashes or creating pressure points in relation to selecting inappropriate housing solutions for vulnerable tenants. To support this strategic objective the Association will make sensitive lettings in accordance with our Allocations Policy and Letting Plans. To enable us to achieve this we will seek tenancy references from previous landlords, where applicable, as well as information when we are informed that the applicant requires support, getting details of who provides this as well as the type and duration of the support services, so we can liaise with the provider when looking at suitable allocations.

The Association through the effective use of our Allocations Policy, and our Annual Lettings Plan, will aim to support the development of balanced communities and neighbourhoods.

Housing Support can be provided by third parties where appropriate to ensure that our most vulnerable tenants are given every opportunity to enjoy their homes in safety and peace.

Managing Our Estates, Public Places and Open Spaces.

The Association recognises that our neighbourhood's success is more than its people and our housing, but includes the shared environment in which local residents and visitors should feel safe and secure to use and share. Our shared environment would include, open spaces, landscaped areas, pathways, common back greens, recreational and play facilities.

The Association endeavour to keep these areas free from litter, fly-tipping, dog fouling, crowd disturbance, vandalism and graffiti. We will aim to ensure that the facility is fit for the purpose it was designed for and safe to use.

The Association will achieve this through a number of ways and the use of various resources. We will ensure that our Housing Management and Repairs Teams carry out our regular inspections of our public places and open spaces to ensure that appropriate remedial action is taken where required. This may include repairs, litter removal, or the engagement of third parties like Police Scotland or West Dunbartonshire Council services.

The Association will work with West Dunbartonshire Council on initiatives in our neighbourhoods to ensure we get the best out of the public services available to us. The Association will continue to work closely with West Dunbartonshire Councils Cleansing Services to ensure that resident refuse is collected on time and that bulk waste does not present opportunities for anti-social behaviour occurring. In addition the Association has a bulk uplift service provided by its Common cleaning contractor to ensure there is no accumulation of bulk in any of the tenemental properties that receive the common cleaning service.

Managing Vandalism

Where vandalism occurs in our neighbourhoods our staff will investigate in order to try and identify and provide information that can allow the Police to prosecute the offenders. The Association will take every effort to repair vandalism to our property, recreational facilities and open spaces as soon as it is reasonably possible. Where vandalism has occurred in or around property which is not the Association's but impacts on our communities' enjoyment of their environment, we will report such incidents to the appropriate authority.

Graffiti

The Association take a *Zero Tolerance* to graffiti in our neighbourhoods and we aim to remove offensive graffiti within 24 hours of it being identified. We will use a variety of services to remove graffiti including the use of our contractors where appropriate. This is particularly important if the graffiti is racist, political, sectarian, and threatening or any other such offensive graffiti, which will be removed soon as is reasonably possible once identified by the Association or is reported to us.

The Association will report offensive, threatening, racist or sectarian graffiti to the Police and pass on photographic evidence, to the Police to assist with the detection of those responsible.

Noise Disturbance

Noise disturbance can cause distress. The Association recognise that some noise disturbance can be easily identified as being unacceptable and easy to prove as anti-social but other noise disturbance can be more difficult to manage and sometimes is a result of a clash of lifestyles or communal living in close proximity. We will investigate all noise complaints and aim to reach a solution to the problem.

The Association will consider the support of the Police and West Dunbartonshire Councils Environmental Services who can provide the Association with noise monitoring equipment that will give us the ability to monitor sound and assess it against set criteria for noise pollution. In persistent cases, the Police have the powers to remove the source of the noise, like music systems.

Dog Fouling, Dangerous Dogs and Irresponsible Dog Owners

The Association accept that it will be unable to completely eradicate dog fouling in our neighbourhoods due to the nature of stray and roaming dogs' behaviours. The Association will however take action at every stage where we can evidence irresponsible dog owners who allow their pets to roam free and/or out of control causing a nuisance to our neighbourhoods and our communities.

The Association will take action against irresponsible dog owners either through the enforcement of their tenancy agreement and where more appropriate we will work in partnership with the Police and West Dunbartonshire Council enforcement services to ensure that all dog owning residents adhere to the terms of The Dangerous Dogs Act. We will encourage the full use of local dog fouling penalty enforcement provisions.

The Association will use all the resources available to us to ensure that we can positively influence dog owner's behaviours in relation to good dog management and care. These resources include the use of staff witness's, third party reporting and photographs, provision of publicity posters, targeted publicity campaigns as required, local school engagement in partnership with the Councils Environmental Officers, Dog Fouling Awareness Campaign, our Web site, and newsletters. We will also use our legal services, Local Authority Enforcement and Police action where required.

Drug Dealing

Drug dealing within our neighbourhoods destroys lives and destroys communities. The Association will pass every report of drug dealing within our neighbourhoods to the Police and if a conviction for drug dealing by a tenant or a Household member is established in or around the vicinity of our properties the Association will consider legal action to recover our property and terminate the tenancy.

The Association will work closely with the Police Scotland in whatever ways we can to exchange information regarding drug dealing through our Sharing of Information Protocol; we will assist the Police with their investigations where our properties are being used for drug dealing or where drug dealing impacts on the wellbeing of our neighbourhoods.

The Association will partner with Police Scotland on joint initiatives in order to assist the Police with their investigations where our properties are being used for drug dealing or where drug dealing impacts on the wellbeing of our neighbourhoods.

The Association will partner with Police Scotland on joint initiatives in order to assist with drug offence investigations and we will take the most appropriate legal action where we can.

Hate Crime and Racial Harassment

Hate Crime is generally described as a criminal act against property, an individual or a group by an individual or a group and has been motivated by prejudice or hatred due to Race, Colour, Ethnic origin, Nationality or National origins, Religion, Gender identity, Sexual orientation or disability.

Hate crime and racial harassment are more than just causing offence to someone. It is likely to make the victim feel frightened, humiliated or ridiculed and make them feel less confident in their own communities.

Hate crime and racial harassment towards other individuals within the community is a criminal offence and a breach of the Scottish Secure Tenancy and we will take action against tenants or members of their household who are found to be responsible for such behaviour. We will work together with other agencies, particularly the Police, to resolve such incidents of hate crime or racial harassment and take any appropriate legal action available to us.

Diversions Services and Resources

The Association recognises that often anti-social behaviour can be reduced in our communities by providing positive opportunities for people to actively engage in their neighbourhoods or take part in activities which divert them from boredom and feelings of being undervalued.

Our Housing and Corporate Services Team will identify where additional work is required to prevent or deal with, anti-social behaviour particularly when it involves children and young adults. For example summer play schemes, football coaching and visiting schools are a few examples of positive intervention. These activities can be provided by local authorities or voluntary organisations.

Resident Involvement and Engagement

The Association relies on local people taking an active interest in the development and improvement of their neighbourhoods. In order to achieve this we encourage local resident input in a number of ways.

We rely on local people letting us know where anti-social behaviour occurs and what they think we could do to improve the situation. We encourage residents to work with us and are keen to hear alternative views on how to best deal with specific anti-social behaviour incidents. We work with the Association's scrutiny panel when reviewing the policy used in managing ASB to ensure that it is fit for purpose. We also ask members of the community to comment on the Policy via our website or Facebook page.

The Association wishes to engage with local residents positively and produce effective solutions for the needs and priorities of the area.

New Housing Developments and Regeneration

The Association is aware that well-designed open space environments and appropriate housing design play a significant role in the reduction of opportunities for anti-social behaviour developing. The Association's Design Guide seeks to promote design options to reduce the opportunity for anti-social behaviour to become an issue within all our new housing developments as well as regeneration projects and new facilities. In particular, this refers to the design of external and common areas, including lighting, fencing, parking and landscaping as well as the provision and location of play areas. All new Association housing developments are required to seek to attain 'Secure by Design' accreditation from the local Police Architectural Liaison Officer.

Communities and neighbourhoods work better when there is a balance of people, cultures, and other areas of diversity including age and lifestyles. In order to achieve balanced and vibrant neighbourhoods the Association will consider the property types and tenures when developing housing or redesigning our neighbourhoods to embrace our whole communities needs and ambitions in order to achieve a sustainable balanced community where each individual feels empowered to enjoy their life in our neighbourhoods.

The Enforcement of our Policy

Knowes Housing Association will ensure that we make every effort to ensure that the resources we have available to address anti-social behaviour will be considered when looking for a solution to a problem.

The Association will take the most appropriate action where we identify breaches of the terms and conditions of our tenancy agreements. This may vary from early intervention action which solves the problem and the unacceptable behaviour is stopped, to the most extreme case where we instruct Court action for the recovery of possession of our property. The Association will ensure that effective measures are in place to work with residents suffering nuisance or anti-social behaviour so that the matter is speedily resolved. There is a number of options available ranging from, mediation to eviction.

Each case will be different and a sound understanding of all available options will allow our staff to deal with anti-social behaviour effectively. We have set aside an annual budget to engage professional help which includes: Solicitors, who can assist with most areas of legal work, and Mediators to try and resolve situations quickly.

The Association use its legal services and to take legal action against perpetrators of anti-social behaviour within our neighbourhoods.

Eviction is the ultimate sanction for tenants who commit serious anti-social behaviour and all cases will be approved by the Housing Services Manager and the Management Committee.

Support for Residents Experiencing Anti-social Behaviour

This is a very important area of our work if residents are to have confidence that their case is being properly dealt with. Association staff will provide support throughout the management of the process when a complaint has been made. Residents will be kept informed of progress on their case by an agreed method of communication, and practical support arranged where necessary. Knowes Housing Association will establish links with community groups and specialist support groups to aid this process where we agree this would help.

The Association will respect the wishes of residents experiencing anti-social behaviour in terms of the type of support we offer or the extent to which they wish to pursue particular actions or solutions. Where an owners or sub-letting tenant is involved in a neighbour dispute **Appendix 1** provides details of action the Association will take.

Support for Vulnerable Residents

Vulnerable residents who commit anti-social behaviour may need specialist support for a time, or throughout the term of their tenancy. In some serious cases the only option available to resolve the issue will be eviction where the resident is a tenant. However, in all cases, contact will be made with specialist support services to intervene and look at alternative resolutions. These will include social services, substance misuse agencies and organisations specialising in mental health.

The Equality Act 2010 provide guidance on dealing with someone who has an impairment that may result in behaviours that are reported as anti-social, but are in fact as a result of the impairment. If there are cases where this is identified then the Association will contact a practitioner with specialist knowledge to become involved in the assessment process to help establish whether the behaviour is a result of disability and how it can be addressed, what intervention is appropriate and if so what form it should take.

The assessment should take account of any known disability as well as uncovering undiagnosed problems and we will engage with specialists to support our intervention so support can be properly tailored to the needs of the individual and their carers.

Multi Agency/Partnership Approach

Many incidents of anti-social behaviour require minimal action or can be dealt with by Knowes Housing Association staff alone. Others may be more complex or widespread and may need officers to work with partners or specialists to resolve.

West Dunbartonshire Council have a number of services that the Association will utilise in connection with how we manage ASB case. This will include;

- Dog Wardens
- Environmental Health
- Access to Noise Monitoring Equipment
- Mediation
- ASB Complaints regarding an Owner or sub-let property
- Social Services
- Cleansing

The Association will participate in forums and also use the Local Authority's services where they are available.

A multi-agency approach can help find solutions to more complex cases where specialist resources are needed, such as mental health or substance misuse. The Association will contact the most appropriate professionals for support in such cases.

The Association will deal directly with Police Scotland when dealing with ASB, particularly when criminal action is involved. We recognise that many anti-social behaviour issues require Police intervention. Association staff will deal directly with Police officers on such issues and will refer to protocols relating to the sharing of information where they exist.

Issues include;

- Drug Dealing
- Dangerous Dogs
- Hate Crimes
- Graffiti
- Harassment
- Domestic Violence, (see Domestic abuse Policy and Procedure)
- Assaults
- Vandalism

The above are some examples of the type of issues that we will get Police Scotland involvement but this is not exhaustive list and we will consider using the Police where we believe that there is justification in doing so.

7. Data Protection

All officers must be aware of Knowes Housing Association's Data Protection Policy, the Data Protection Act 1998, the General Data Protection Legislation being introduced in April 2018, and any local protocols for the sharing of information. Failure to do so may result in action taken against Knowes Housing Association, either by residents, other organisations or the Information Commissioner's Office,(ICO), due to non-compliance of Data protection legislation.

8. Confidentiality

Residents expect officers to respect confidentiality particularly when making complaints. In most cases, residents will need to let us know their details when asking officers to investigate a complaint of anti-social behaviour. There will be occasions when it is reasonable for residents to remain anonymous. This will usually apply when an incident has happened and there is a real danger to their safety. Officers will explain to residents what information will be stored and how it will be used in any complaint of anti-social behaviour.

There may be cases where the Association will find it difficult to progress a case where we are unable to provide witness statements or provide good evidence of the anti-social behaviour. In such circumstances the Association may require reporters or those experiencing anti-social behaviour to reconsider making a statement or provide evidence to us and our solicitors.

There will be occasions when officers are required to provide information to the Police in relation to criminal activity. The release of any information must be within the rules of the local Police protocol or information sharing agreement.

9. Recording of ASB reports

The Association will record the number and type of ASB reports made and this is reported to the Management Board as part of our responsibilities to keep them informed of management issues within the estate. All parties involved in ASB cases reported are anonymised. The Association also requires to record the level of ASB reported and resolved throughout the year as part of its ARC reporting responsibility and also as part of the Scottish Housing Charter.

We will also report in the Associations newsletter the level and category of ASB complaints made throughout the year. Again details of the cases will be anonymised under our Data Protection and confidentiality responsibilities.

10. Equalities Commitment

Knowes Housing Association Ltd is committed to tackling discrimination on the grounds of sex or marital status, racial grounds, or grounds of disability, age, sexual orientation, language, social origin, or of other personal attributes, including beliefs or opinions, such as religious beliefs or political opinions.

Knowes' seek to embrace diversity, promote equal opportunities for all and eliminate any unlawful discrimination in all areas of our work. When dealing with an ASB cases Knowes staff will not discriminate against anyone involved in the case.

The **characteristics** that are protected by the Equality Act 2010 are:

- age
- disability
- gender reassignment
- marriage or civil partnership (in employment only)
- pregnancy and maternity
- race
- religion or belief

- sex
- sexual orientation.

The Acts also prohibit victimisation or discrimination against a person on the basis of association with another person, providing support to the person, being named as a comparator, acting as a witness on behalf of that other person, or who has given notice of an intention to take any such actions.

10. Procedures

Knowes Housing Association has developed procedures as a guide for housing officers to respond to and deal effectively with anti-social behaviour or neighbour disputes. They have clear action points and timescales which staff will follow.

We can provide this document in different formats if required

Telephone: **01389 877752**

Email: info@knowes.org

You can also download this document from our website at

<https://www.knowes.org>

Appendix 1

Advice for Owners, Private Landlord Tenants or Letting Agents.

The area that Knowes operates is in a mixed tenure community and we will seek the best way to find a solution to residents' problems in a fair and balanced way, and with the co-operation of all parties involved.

Complaints made from an owner or private tenant about one of the Associations tenants should be reported to us. We will investigate the complaint and based on this investigation we will determine the appropriate level of action that will be taken. We will update the complainant on the outcome of this investigation.

Should the Association receive a complaint regarding the disposal of household waste, bulk, or the condition of the common areas, we will investigate this and if it is found that the responsible person is an owner or private tenant we will ask them to carry out the necessary remedial works. If this is not done, the Association will give a 7 day notice and if the work has not been carried out, we will clear the items and re-charge the owner for the costs associated for doing this work.

Where a complaint is lodged against an owner by either a tenant or another owner we do not have legislation at our disposal to deal with this and we will offer advice on who can assist.

For further advice on dealing with ASB, Owners and Private Tenants can contact the Police and Local Authority to seek advice on any issues that the Association are unable to assist with.