



## Anti-Social Behaviour Policy

<b>Linthouse Housing Association</b>	
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## Section 1: Introduction

### 1.1 Anti-Social Behaviour

1.1.1 Linthouse Housing Association is committed to the provision of a safe, secure and pleasant environment for all tenants and residents. To this end, it is vitally important that we challenge and help resolve all forms of anti-social behaviour ('**ASB**'), to ensure we help maintain sustainable and thriving communities that our tenants want to live in.

1.1.2 This Policy sets out a framework for managing issues of ASB. It specifically considers neighbour nuisance, harassment and hate crime. ASB issues can range from failing to clean a close and noise pollution to more serious matters such as drug dealing and racism. We expect our tenants to respect the values and lifestyles of others within the local community, so that they can feel safe and enjoy their home and surroundings without undue disturbance from others.

1.1.3 In accordance with the Scottish Secure Tenancy Agreement ('SST'), all tenants are required to respect others and not behave in an anti-social manner or pursue a course of anti-social conduct.

1.1.4 This Policy seeks to ensure that the conditions of the SST in this regard are fulfilled, by preventing and tackling issues of ASB. This includes preventative measures, as well as both non-legal and legal remedies in line with a variety of intervention and enforcement mechanisms available to staff.

1.1.5 We will utilise all powers available to us to effectively manage incidents of ASB caused by, or affecting, our tenants. Where appropriate, we will take a multi-agency approach and work with other relevant agencies whose functions and remits support tenants and help manage certain aspects of ASB.

1.1.6 **Note:** In this Policy, anti-social behaviour is referred to as "ASB" and Linthouse Housing Association, "we".

## 1.2 Scope

This Policy outlines activities and responsibilities of the Housing & Community Empowerment Team for managing issues of ASB. The Policy applies to all tenants, in accordance with the SST. Please refer to Section 2.3 for further details on this.

In addition, this policy aims to deal with anti-social behaviour caused by other local residents or anyone who is identified as behaving in an anti-social manner in the local area.

## 1.3 Equality and Diversity

Equality and diversity reflect the core values of Linthouse Housing Association and we strive to ensure that they are embedded throughout all of our services, policies and decision making. We are committed to promoting an inclusive and diverse culture that treats every individual with dignity, respect and fairness. We will actively challenge discrimination and empower people to succeed.

If you require further information, please refer to our Equality and Diversity Policy.

## 1.4 Our Mission

The Anti-Social Behaviour Policy forms part of our mission to: “deliver high quality and cost-effective housing services designed to meet the needs of existing and future customers. To work in partnership with others to create thriving communities that people want to live and work in”.

## 1.5 Our Vision and Values

Our vision is the creation and sustainment of lasting, unique, vibrant homes in stable, popular and ambitious urban communities. Our vision is underpinned by four core values which we apply to all areas of our business. These are to be:

- i. **Customer Driven**
- ii. **Honest**
- iii. **Accountable**
- iv. **Transparent**

## 1.6 Our Organisational Culture

Our **C.H.A.T** values as outlined, form the foundation of our **Listen, Hear, Act (L.H.A)** customer excellence and organisational culture programme. All staff receive training at induction on customer service standards and the organisational culture we promote. This includes reference to our Equality and Diversity Policy and a requirement to treat colleagues, tenants, contractors, service users and any other stakeholders with dignity and respect.

The organisational culture we promote is based on finding solutions to suit customer needs regardless of individual differences.

- 1. Listen** - We are committed to listening to those we do business with, be that our customers, staff, stakeholders, regulators or funders, to ensure that our responses are reflective of what people are saying to us.
- 2. Hear** - Once we listen and understand the need/demand/offer that is presented, we will ensure that we fully understand what is being said.
- 3. Act** - Whilst we will think about what we do, we want to be known for acting swiftly to deliver solutions and for always keeping our promises.

Our Customer Service Standards aim is to ensure all of our service users receive an excellent standard of service. The Standards helps define what our customers can expect when contacting or engaging with the staff in our office. It is available on our website, direct from the office, or in other formats as required.

## 1.7 Applicable Definitions

### 1.7.1 Definition of Anti-Social Behaviour

Section 143 of the Antisocial Behaviour etc. (Scotland) Act 2004 defines anti-social behaviour as a person who:

- “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.”*

*Section 143 also outlines that ‘conduct’ includes speech and that a ‘course of conduct’ must involve certain conduct on at least two occasions.*

‘Antisocial’ is also described in our SST as conduct which is likely to cause alarm, distress, nuisance or annoyance to any person or causing damage to anyone’s property.

The definition of ASB is therefore very wide in nature. As a result, neighbour nuisance, harassment and hate crime falls within its scope; however, these are defined independently below.

### 1.7.2 Definition of Neighbour Nuisance

Whilst neighbour nuisance is not explicitly defined in the legislation, our SST does provide various examples of what constitutes 'neighbour nuisance' with regards to ASB. Examples include: the ownership and management of pets & maintaining a garden. The list provided by the SST is not exhaustive, given that neighbour nuisance can also cover issues concerning noise and light pollution, dumping household refuse, fly-tipping, graffiti etc.

Ultimately, neighbour nuisance covers issues that are caused by a neighbour behaving in an anti-social manner; albeit, they are *less serious forms* of ASB. Both harassment and hate crime (defined below) constitute *more serious forms* of ASB.

### 1.7.3 Definition of Harassment

Harassment is a form of unlawful discrimination under the Equality Act 2010. The Equality Act 2010 defines harassment as unwanted conduct that has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. This includes verbal and physical conduct, as well as unwanted conduct of a sexual nature. It can also include offensive emails or comments that are published via the Internet, as well as offensive images, physical gestures and facial expressions.

Harassment constitutes unlawful discrimination where it is connected to any of the protected characteristics that are listed under the Equality Act. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, gender, and sexual orientation.

### 1.7.4 Definition of Hate Crime

Hate crime are acts of physical and/or verbal violence or hostility that are motivated by malice. Police Scotland have determined that such behaviour



will constitute hate crime where it is directed towards an individual on the basis of their:

1. Race;
2. Sexual Orientation;
3. Religion/Faith;
4. Disability;
5. Gender Identity; or
6. Any Other Perceived Difference.

Police Scotland have therefore described hate crime as behaviour that is generally targeted at marginalised and vulnerable members of society.

An incident should be treated as hate crime if a victim or witness perceives it to be such. Even where a victim does not necessarily believe that this is the case, if a witness to the incident views it as being motivated by prejudice, then that is sufficient to categorise the incident as hate crime. Nearly all forms of crime can potentially be motivated by hate, such as: physical assault, criminal damage to property, offensive literature, cyber bullying and verbal abuse or insults.

## Section 2: The Legal Framework

### 2.1 Relevant Legislation: Miscellaneous

2.1.1 The following list is a brief summary of the legislation that is considered when dealing with ASB issues:

- Protection from Harassment Act 1997;
- Human Rights Act 1998;
- Data Protection Act 1998;
- Housing (Scotland) Act 2001;
- Criminal Justice (Scotland) Act 2003;
- Antisocial Behaviour (Scotland) Act 2004;

- Housing (Scotland) Act 2010;
- Equality Act 2010.
- Housing (Scotland) Act 2014

2.1.2 Section 3.2.4 of this Policy outlines legal remedies that may be considered in line with our management action procedure. Legal remedies will be pursued as an enforcement mechanism, where all non-legal remedies have been exhausted.

## 2.2 Regulatory Standards: Scottish Social Housing Charter

2.2.1 The Scottish Social Housing Charter sets the standards and outcomes that social landlords must aim to achieve for their tenants when performing their housing activities.

2.2.2 In formulating this Policy, the following Charter outcomes have been considered:

- Equalities (1)
  - Social landlords perform all aspects of their housing services so that every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services
- Participation (3)
  - Tenants and other customers find it easy to participate in and influence their landlord's decisions at a level they feel comfortable with
- Estate Management, Anti-Social Behaviour, Neighbour Nuisance and Tenancy Disputes (6)
  - Tenants and other customers live in well-maintained neighbourhoods where they feel safe

- Tenancy Sustainment (11)
  - Tenants get the information they need on how to obtain support to remain in their home; and ensure suitable support is available, including services provided directly by the landlord and by other organisations
- Value for Money (13)
  - Tenants, owners and other customers receive services that provide continually improving value for rent and other charge that they pay

## 2.3 Scottish Secure Tenancy Agreement: Respect for Others

2.3.1 Section 3 of the SST requires tenants to have respect for others and stipulates that tenants, and anyone who lives with them/visitors, must not “harass or act in an antisocial manner to, or pursue a course of antisocial conduct against, any person in the neighbourhood”.

2.3.2 In particular, it specifies that tenants and those who live with them/are visiting must not:

- make excessive noise. This includes, but is not limited to, the use of televisions, sound systems, musical instruments and DIY tools;
- fail to control your pets properly or allow them to foul or cause damage to other people’s property or in public/communal areas;
- allow visitors to your house to be noisy or disruptive;
- use your house, or allow it to be used, for illegal or immoral purposes;
- vandalise or damage our property or any part of the common parts or neighbourhood;
- leave rubbish in unauthorised places;
- allow your children to cause nuisance or annoyance to other people by failing to exercise reasonable control over them;
- harass or assault any person in the house, or neighbourhood, for whatever reason. This includes that person’s race, colour or ethnic origin, nationality, gender, sexuality, disability, age, religion or other belief, or other status;
- Use or carry offensive weapons;
- Use or sell unlawful drugs or sell alcohol.

2.3.3 The SST also specifies that tenants, and those who live with them/are visiting, must not do the following in an antisocial way:

- run a business from your house;
- park any vehicle, caravan or trailer;
- carry out work to any type of vehicle, caravan or trailer;
- use alcohol.

2.3.4 The above are not exhaustive and the SST states that the particular prohibitions on behaviour that are listed do not in any way restrict the 'general responsibility' that is outlined (i.e. Section 2.3.1 of this Policy).

## Section 3: Overarching Objectives

This section outlines our overarching objectives, and how we will implement these.

### 3.1 Overarching Objectives

3.1.1 Our key aim is to ensure that all tenants comply with their tenancy conditions, so that all tenants can enjoy living in their homes free from the negative effects of ASB. In order to achieve this aim, we have the following objectives:

- To maintain LHA neighbourhoods as safe and sustainable places to live;
- Establish and adopt effective prevention, intervention and enforcement mechanisms in relation to ASB;
- Provide clear guidelines to staff, supported by written procedures, on how to manage incidents of ASB in an effective and efficient manner;
- Adopt a customer-centred approach and ensure that adequate support is provided to victims, witnesses and their households;
- Ensure that all information is treated as confidential;

- Promote fair and equal treatment for all;
- Collaborate and co-operate with other agencies/organisations where necessary;
- Where necessary, take enforcement action against perpetrators and assist perpetrators to change their behaviour and ensure that they have access to the relevant support agencies.
- Ensure all reports of anti-social behaviour are recorded, taken seriously, and investigated thoroughly.

## Section 4: Implementation

### 4.1 Classification of Complaints: Anti-Social Categories

Following our consultation with our tenants we have classified the different types of anti-social behaviour in accordance with the severity of the issue. This entails very serious, serious, and areas of concern. The following outlines the three categories and what behaviour will typically fall under each;

#### Category 1 – **Very Serious**

Conviction of criminal charges such as drug dealing (supply or intent); criminal behaviour involving serious incidents of violence or threats of violence including threats to staff, domestic violence, Hate crimes (racial/sectarian/homopho-bic etc) and serious harassment on other grounds; sustained incidents of antisocial behaviour.

#### Category 2 – **Serious**

Threatening and aggressive behaviour; regular parties; regular shouting/swearing/fighting; malicious damage to property; loud music / television on an *ongoing* basis; offensive or obscene graffiti against individuals.

#### Category 3 – **Areas of Concern**

Minor neighbour disputes; stairs cleaning; pet fouling/attacking others; flooding on a regular basis, lifestyle clashes, household waste complaints; items blocking common areas, and occasional noise.

There may be situations and behaviours which do not constitute ASB and there is very little we can do to resolve issues such as complaints of cooking smells, dogs barking, and sounds of neighbours walking around their home.

We also recognise that in some circumstances there may be limits on what LHA can do to resolve issues such as;

- Smell of cannabis in a close/someone's house – Cannabis remains a criminal offence and we will refer any reports to Police Scotland for investigation in the first instance.
- Where there is no evidence of corroboration to support allegations
- One-on-one neighbour dispute.

## 4.2 Reporting & Timescales

Our Housing & Community Empowerment Team will respond quickly to anti-social behaviour complaints. All information will be recorded in the strictest of confidence and staff will remain sensitive to the seriousness of the situation.

Lighthouse Housing Association wish to make it easy for anyone wishing to make a complaint. You can complain in writing, email, telephone, in person, or via our website. We will also accept complaints by a third party acting with the written permission of an individual. We will accept anonymous complaints; however, we may not be able to fully investigate complaints unless we have all the information required.

We categorise complaints so that there is a consistent approach and to clarify the likely response times from the Association.

The complainant will be kept informed throughout the investigation but in accordance with GDPR, no confidential information will be released.

Category	Action Initiated	Resolved
Category 1 – Very Serious	24 hours	30 working days (Most cases will involve Police Scotland & various agencies and require time to gather evidence)
Category 2 – Serious	3 working days	15 working days
Category 3 – Areas of Concern	5 working days	10 working days

It should be noted that the definition of resolved by the Scottish Housing Regulator states;

*Where the landlord has taken appropriate measures, as set out in its ASB policies and procedures, to address the cause of the anti-social behaviour complaint and has advised the complainant of the outcome; or*

*Where the landlord does not have the authority or powers to resolve, and it has provided a full explanation of the landlord's position to the complainant.*

### 4.3 Management Action: Prevention

Implementing pro-active measures can minimise potential problems.

Therefore, we will take the following action:

- Build and maintain properties to a high standard to diminish the likelihood of ASB;
- Obtain present/former tenancy reports in order to establish any possible history of ASB prior to allocation;
- Advise tenants of the consequences of ASB at our tenancy sign-up meeting;
- Remain fair and firm in our investigations, remaining impartial and observing confidentiality at all times.
- Ensure that new tenants sign a copy of the Good Neighbour Agreement (Appendix 1), detailing the Association's expectations of our tenants with regards to behaviour;
- Ensure that a member of the Housing & Community Engagement Team clearly outlines the Association's and tenant's relevant rights and responsibilities in relation to ASB;
- Carry out a home visit six weeks after a tenant moves into their property to remind the tenant of their expected behaviour and duties regarding stair cleaning, garden maintenance and refuse disposal etc;
- Provide reminders of responsibilities with regards to ASB via newsletters and other platforms;
- In certain circumstances, refuse to offer accommodation to applicants where it has been clearly established that the applicant has been guilty of recent acts of ASB, and there is a distinct likelihood of this behaviour continuing if they are to be rehoused by the Association; and
- Offer a Short SST rather than a standard SST to applicants for housing who have previously had an anti-social behaviour order, or another relevant legal action, awarded against them.

## 4.4 Management Action: Intervention (Non-Legal Remedies)

Whilst a formal structure will be used, there is no definitive procedure, given that the severity of cases will differ. The below intervention options are therefore indicative opposed to prescriptive in nature.

The escalation process will be at the discretion of LHA to allow us the ability to escalate a serious matter straight to ASBO or NOP if we have a case that has an extensive ASB history.

### 4.4.1 Mediation/Arbitration

Mediation is an informal, confidential and voluntary dispute resolution process that uses a neutral third party to act as a facilitator to the situation. The Association will make full use of this service for relevant cases and where both parties are willing to participate as the process seeks to identify a mutually acceptable conclusion for both parties.

### 4.4.2 Warnings

The Association can issue both verbal and written warnings to perpetrators advising them that if their behaviour continues, legal action may be initiated.

### 4.4.3 Acceptable Behaviour Contracts (ABCs)

ABCs are complimentary to Anti-Social Behaviour Orders. The aim of an ABC is to ensure that people are made personally responsible for their actions. Nevertheless, ABCs are not legally enforceable, and a perpetrator cannot be forced to enter into one.

### 4.4.4 Unacceptable Behaviour Notices (UBNs)

A UBN is also complimentary to an Anti-Social Behaviour Order and represents an alternative to an ABC where the perpetrator declines to be party to an ABC. The aim of a UBN is to make individuals personally aware of their actions, and the consequences that will follow should their behaviour continue.



#### 4.4.5 Social Priority Moves

If a tenant or family member is in real or perceived danger from violence, or their property has been the target of criminal damage, the Housing Manager / Director of Housing & Community Empowerment *may* permit a Social Priority Move. If the circumstances are deemed urgent but not necessarily immediate, and there is no imminent danger, we *may* consider organising a case conference involving all relevant agencies i.e. Mental Health Agencies, Police, Social Work, Woman's Aid etc.

### 4.5 Management Action: Enforcement (Legal Remedies)

#### 4.5.1 Collaboration: Multi-Agency Working

The legislative framework requires us to work with other agencies when dealing with ASB issues, such as the Police, Social Work Services, Environmental Health Services, Schools/Education departments, Specialist Anti-Social Behaviour Teams etc. The Association recognises that working with other relevant agencies will facilitate effective responses to ASB, and that dealing with ASB is not the sole responsibility of any single agency/organisation.

Where owner occupiers notify the Association regarding ASB involving another owner or private sub-let property, they should be given the contact details of Community Safety Services and Police Scotland. All residents will also be issued with the contact details of the Glasgow City Council Environmental Health, which deals with noise complaints.

The Association may also collaborate with external agencies, such as mediation services and professional witness services.

#### 4.5.2 Interdict

An interdict is an order that is issued by court, requiring a person to stop doing something. It is awarded where the defender has or will infringe the pursuer's legal rights and is generally granted on an interim basis pending final determination of the merits of the case.

### 4.5.3 Anti-Social Behaviour Orders (ASBOs)

An ASBO is a civil preventative mechanism that applies to persons aged 12 or over that restrains an individual from engaging in unreasonable conduct. An ASBO can be for an indefinite period and will specifically outline which acts the offender is prohibited from doing. Breaching an ASBO constitutes a criminal offence and is punishable by a fine and/or imprisonment of up to five years.

An interim ASBO can be granted where immediate protection is required, pending a more substantive application for a full ASBO. Likewise, breaching an interim ASBO is also deemed to constitute a criminal offence.

### 4.5.4 Notice of Proceedings

We may serve a Notice of Proceedings on the individual tenant and anyone over the age of 16 who forms part of the household. The Notice of Proceedings is the first stage in pursuing legal action outlining the Association's legal intentions should their behaviour fail to improve.

The Scottish Secure Tenancies (Proceedings for Possession) (Form of Notice) Amendment Regulations 2018 changes to the Schedule 1 and Schedule 2 of The Scottish Secure Tenancies (Proceedings for Possession) (Form of Notice) Regulations 2012 ensures the Guidance Notes provide an explanation of the court process in cases where the streamlined eviction process outlined below in Section 4.4.6.

Where a notice is served for anti-social behaviour the 'Guidance Notes' section of the notice will be adapted to the specific circumstances of the case to ensure the tenant or qualifying occupier is clear about the reasons for legal action.

In cases where the ground(s) specified in the notice include ground 2, an offence punishable by imprisonment committed in, or in the locality of, the house, the landlord should include the text provided for ground 2, along with any other appropriate text, depending on the circumstances of the case.

## 4.6. Legal Remedies Short Scottish Secure Tenancy (Short SST)

We may take the decision to offer a Short Scottish Secure Tenancy (short SST) to a new tenant or convert an existing Linthouse Housing Association on the grounds of previous anti-social behaviour.

Short SSTs on grounds of previous anti-social behaviour can be used as a method to deter future anti-social problems within a household for existing and potential tenants without permission from the courts. Short SSTs granted on these are for a period of 12 months, with the option to extend for a further 6 months where sufficient improvement in behaviour has not yet been demonstrated and housing support services are being provided.

### 4.6.1 Short SST: Housing (Scotland) Act 2001

As per the Housing (Scotland) Act 2001, a short SST can be offered to a prospective tenant on antisocial behaviour grounds in the following circumstances:

- where an eviction order has been made against the prospective tenant (or any one of prospective joint tenants) by the courts in the previous 3 years because of their antisocial behaviour; or
- where the prospective tenant (or any one of prospective joint tenants) or anyone who would live with them, is subject to an antisocial behaviour order

We can also convert an existing SST to a short SST as a result of antisocial behaviour where:

- the tenant (or any one of joint tenants), or a person living with them or lodging with them, or a subtenant of the tenant is subject to an antisocial behaviour order.

#### 4.6.2 Short SST: The Housing (Scotland) Act 2014

##### *Prospective Tenant*

The 2014 Act gives an equivalent power to give a short SST to a prospective tenant in cases where the prospective tenant, visitors to their current accommodation, or anyone who is likely to live with them in their new property, has within the last 3 years behaved antisocially towards another person living in, visiting or carrying out lawful activity in the locality of a house occupied by the prospective tenant, or by a person who it is proposed will live with the prospective tenant.

We can consider behaviour towards persons, connected to a house occupied at any point during the 3 years. For an existing tenant this covers their current or previous accommodation, regardless of tenure.

##### *Existing tenants*

For existing tenants, the 2014 Act allows landlords to convert an existing SST to a short SST where the tenant, a person living with or lodging with the tenant, a subtenant of the tenant, or any visitors to the house has, within the previous 3 years, behaved antisocially towards another person living in, visiting or carrying out lawful activity in the locality of a house occupied by the person.

These additional antisocial behaviour grounds do not depend on a court order being obtained.

A short SST on antisocial behaviour grounds for both existing and prospective tenants can only be considered with the approval from the Director of Housing & Community Empowerments. A short SST reduces a tenant's rights in relation to eviction, sub-letting and succession.

#### 4.6.3 Short SST: Serving Notice

##### *Prospective Tenants*

Following the decision to offer a short SST on antisocial behaviour grounds notice will be issued to the prospective tenant(s) as per the Short Scottish Secure Tenancies (Notice) Regulations 2018.

##### *Existing Tenants*

Existing tenants will be given notice advising them that their SST is being converted to a short SST because of antisocial behaviour. The notice will set out:

- that the SST to which it relates becomes a short SST by service of the notice;
- the name of the tenant or other person who is subject to an antisocial behaviour order; or
- in cases where no antisocial behaviour order applies:
  - the name of the tenant or other person who has behaved antisocially;
  - the actions of the tenant or other person which the landlord has taken into account; and
- the landlord's reasons for serving the notice.
- an explanation of the tenant's right of appeal to the court will be provided if they are not satisfied with the decision.

#### 4.6.4 Short SST: Support

Should the final decision be taken to offer or convert a tenancy to a short SST, we will ensure that any housing support required is provided to help make the tenancy sustainable. As outlined, where appropriate we will employ a multi-agency approach to help sustain tenancies.

Housing support services can include any service which provides support, help, advice or counselling to an individual with particular needs so that individuals are able to occupy, or continue to occupy, a house as their home. Some examples of this could include drug or alcohol rehabilitation programmes, or social work support.

If we cannot source an appropriate agency to support the tenant, then alternative measures to address the antisocial behaviour will be considered.

Where a prospective tenant refuses support or might fail to take up or engage with the support we can decide to make acceptance of support a condition of the short SST offer.

#### 4.6.5 Short SST: Staff Monitoring

During the course of the short SST, timescales will be set to regularly review and monitor the case, including contact with the tenant and those affected by the antisocial behaviour. This will include monitoring further complaints and their outcome, to determine whether to:

- Allow the tenancy to automatically convert to an SST if the behaviour has improved
- Extend the 12month term by 6 months to further monitor the behaviour.
- End the tenancy due to little or no improvement in the anti-social behaviour

#### 4.6.6 Short SST: Repossession

The repossession procedures set out in the legislation can only be used at end of the 12 months (or 18 months if extended). It is therefore important that the appropriate support is in place to assist the tenant to change their behaviour and sustain the tenancy from the beginning of the tenancy.

If support fails and the antisocial behaviour escalates to such a serious degree that legal action for eviction has to be sought prior to the 12 months (or 18 months if extended) the procedures at section 14 of the 2001 Act will apply.

## 4.7 Eviction

Eviction represents a last resort, where all other options have been exhausted and have failed to resolve hate crime or serious cases of ASB. In order to award a decree in cases other than for a streamlined eviction for a criminal conviction as outlined above, the statutory test of reasonableness outlined in section 16(2)(a) of the Housing (Scotland) 2001 Act applies. When deciding whether to evict the Sherriff must consider:

- The nature, frequency and duration of the conduct;
- The extent to which the tenant was personally responsible for the conduct, or whether it was the consequence of acts/omissions on behalf of others;
- The effect of the tenant's conduct on others; and
- Whether the landlord has considered and tried other courses of action before opting for eviction.

We will ensure that in all cases of eviction for anti-social behaviour that, where appropriate, we will communicate with relevant services to try to reduce further risk of repeat behaviour.

### 4.7.1 Streamlined Eviction Process: Criminal Conviction

If the tenant, any joint-tenants, their sub-tenant, anyone living or lodging with the tenant, or any visitors to their home, have a recent criminal conviction for tenancy related antisocial or criminal behaviour that was punishable by imprisonment committed in or around the locality of the property, we are entitled to seek a court order for eviction. Some examples of this behaviour could include breach of an Anti-Social Behaviour Order (ASBO), closure order or dispersal order, threatening and abusive behaviour, murder, rape, other violent offences, offences related to the use of offensive weapons and serious drug related offences.

The streamlined eviction process will be considered where:

- serious antisocial or criminal behaviour has already been proven in court;
- the behaviour which led to the conviction was in, or in the locality of the tenant's house; and
- the landlord considers that eviction action is appropriate to protect neighbours and other people living or working in or near the property from harm.

Where we decide to use this ground for eviction, Section 14 of the Housing (Scotland) Act 2014 removes the need for the Court to consider whether it is “reasonable” to grant the order for eviction. This means that the Court is required to grant the eviction order provided we have served the Notice of Proceedings within twelve months of the date of the conviction (or within twelve months of the conclusion of an unsuccessful appeal against the conviction).

Legal action seeking eviction under the streamlined eviction process will only be considered following approval of the Director of Housing & Community Empowerments and where we have obtained evidence that the behaviour leading to the conviction has had a serious impact on neighbours or others in the community. This could, for example, include threatening and abusive behaviour towards neighbours or significant disruption to their lives.

## 4.8 Supporting Victims, their Households and Witnesses and Perpetrators

### 4.8.1 Victims and their Households and Witnesses

The Association will provide support to victims and their households, and witnesses, of ASB. This will include issuing regular feedback and updates regarding the action taken thus far and the general progress concerning the case.



Such feedback may entail advice pertaining to the limitations of the Association's discretion to deal with certain incidents, and the most appropriate alternative agency that should be contacted or involved.

We will also ensure that our staff are fully trained in this department, and that our Policy and Procedures are clearly outlined when taking initial reports of ASB. We will also consider the need for additional security for certain cases.

#### 4.8.2 Perpetrators of ASB

In addition, we recognise that a perpetrator of ASB may be vulnerable. This concerns issues regarding drug abuse, alcohol abuse, mental health, disabilities and potentially age.

In such cases, we will try to ensure that they have access to support to help address their behaviour. This may entail liaising with relevant professional organisations, whose functions and remits extend to managing certain aspects of ASB.

#### 4.8.3 Staff Training

All relevant staff will be trained to appropriately and adequately manage ASB issues. Training will form part of the staff induction on the ASB Policy and Procedures.

## Section 5: Compliance and Complaints

### 5.1 Compliance

#### 5.1.1 Monitoring and Reporting

The Director of Housing & Community Empowerments will present information regarding ASB issues to the Management Committee on a quarterly basis, which will include the:

- Number of cases of ASB reported within the last quarter; and
- Number of cases resolved within timescale in the last quarter.

We will utilise monitoring information to inform strategies and generally improve the management of ASB, as well as ensuring that this Policy continues to support our work in this regard.

5.1.2 In addition, the following is reported annually to the Management Committee and in the Annual Return on the Charter (ARC) submission:

- The number of cases of anti-social behaviour reported in the reporting year
- Of those, the number of cases resolved in the reporting year
- Of those at, the number of cases resolved within locally agreed targets in the reporting year

#### 5.1.2 Confidentiality

All information that we receive will be treated as confidential. However, in certain circumstances, we may be subjected to a duty to disclose confidential, yet relevant, information to other statutory agencies.

## 5.2 General Complaint Handling Procedure

5.3.1 Any tenant can submit a complaint via the Association's complaints procedure if they feel that we have failed to correctly apply the ASB Policy.

5.3.2 Our complaint handling procedure was established by the Scottish Public Services Ombudsman (SPSO).

5.3.3 In accordance with housing law, we provide our tenants with thorough information pertaining to our complaint handling process. Moreover, we also advise all service users on their right to complain.

5.3.4 A complaint is defined as:

“An expression of dissatisfaction by one or more members of the public about the housing association’s action or lack of action, or about the standard of service provided by or on behalf of the housing association”.

5.3.5 Our complaints handling process includes explicit reference to customer complaints relating to equalities issues. In addition, we have a regulatory requirement to provide information to the Scottish Housing Regulator on the number of customer complaints we receive that relate to equalities issues in the ARC.

## Section 6: Review of Anti-Social Behaviour Policy

6.1 This policy will be reviewed every 3 years to ensure that the appropriate amendments are made. All staff and relevant third parties will be informed. Continuously subjecting our Policy to review will ensure that its effectiveness is maintained, and that feedback can be acted upon in a reasonable time frame.

## Appendix 1: Good Neighbour Agreement

### **GOOD NEIGHBOUR AGREEMENT**

This agreement has been drawn up to emphasise the Association's expectations of its tenants with regards to behaviour and the action it will take should the responsible person's actions be deemed unacceptable.

I/We \_\_\_\_\_ Date: \_\_\_\_\_

(Signed)

Therefore undertake on our part to:

- . . Keep my/our house in a reasonable state of cleanliness and decoration.
- . . Wash the stairs, landings, close and common areas once a week, in rotation with my/our neighbours.
- . . Keep my/our garden neat and tidy and also the common backcourt bin areas.
- . . Place all domestic rubbish in the bins provided and to arrange the uplift of bulk items by contacting GCC Cleansing on 0141 287 9700 or [www.glasgow.gov.uk/bulkywaste](http://www.glasgow.gov.uk/bulkywaste)
- . . Ensure my/our pets do not foul the backcourt, close, stairs or open play areas and they are kept under control and do not cause annoyance or nuisance to neighbours.
- . . Show consideration for my/our neighbours and not to cause nuisance or disturbance to them or their visitors including being responsible for my/our visitors.
- . . Be aware of the problems caused by excessive noise, particularly regarding late night use of domestic appliances and visitors to my/our property. This is especially important for those living in tenemental accommodation.
- . . If applicable take responsibility for my/our children. Being a good neighbour applies to children too. If applicable, my/our children will be made aware that respect should be shown to our neighbours and their property, especially in flats where areas are shared.
- . . Ensure that no damage occurs to Association property by me, by other persons residing with me or visitors to my property.

Linthouse Housing Association will take action to ensure that tenancy breaches and disputes are dealt with by:

- . . Taking every step possible to make the offending resident stop the nuisance behaviour, this will include working with our partners such as Police Scotland.
- . . Informing tenants/owner occupiers if their household or visitors have been causing nuisance in the vicinity of their home.
- . . Reminding parents that they are responsible for the behaviour of their children and their friends.
- . . By recording all cases of tenancy breaches and disputes and not disposing of the case until a satisfactory result has been achieved.
- . . Pursuing vigorously under the law any failure to carry out the obligations of the tenancy/management agreement that relates to maintenance of the common environment, maintaining gardens, cleaning closes, stairs, landings, proper disposal of rubbish.
- . . Keep complainants fully informed of the progress and outcome of their complaint.

## Appendix 2: Equality Impact Assessment

<b>TITLE OF POLICY:</b>	<b>Anti-Social Behaviour Policy</b>
Strategic Outcome:	To ensure that every resident has the right to have enjoyment of their home and that persons living in or visiting the area can do so without fear.
What is the purpose of the proposed Policy?	To ensure that Association is complying with legislation and has a clear policy for staff managing anti-social behaviour, to focus on preventative measures, sustain tenancies whilst ensuring our investment is protected and our viability is safeguarded through the area being a safe area to live, work and build communities.
Protected Characteristic Groups affected by the Policy	<ul style="list-style-type: none"> <li>• Age;</li> <li>• Disability;</li> <li>• Gender Reassignment;</li> <li>• Marriage and Civil Partnership;</li> <li>• Pregnancy and Maternity;</li> <li>• Race;</li> <li>• Religion or Belief;</li> <li>• Sex;</li> <li>• Sexual Orientation</li> <li>• language and social origin; and</li> <li>• other personal attributes</li> </ul>
Who is the target audience of this policy or who is intended to benefit from the proposed policy and how? (ie. employees, service users, management committee etc.)	The principal recipients of the policy are our tenants, owner occupiers and other service users, who may contact the Association about anti-social behaviour.
List any existing documents, evidence, research which have been used to inform the EqIA (this must include relevant data used in this assessment)	<p>Equality Act 2010;  Housing (Scotland) 2001, 2010, 2014 Acts; Antisocial Behaviour (Scotland) Act 2004 Data Protection Act 2018  Outcomes 1 (Equalities), 2 (Communication), 3 (Participation) and 6 (Estate Management) of the Scottish Social Housing Charter; and  SHR's Regulatory Framework Standards (Nos 1 and 2):</p> <ol style="list-style-type: none"> <li>1. The governing body leads and directs the RSL to achieve good outcomes for its tenants and other service users.</li> <li>2. The RSL is open about and accountable for what it does. It understands and takes account of the needs and priorities of its tenants, service users and stakeholders. And its primary focus is the sustainable achievement of these priorities.<sup>4</sup></li> </ol>

	<p>b) To ensure that the Association has an effective and consistent approach to the management of anti-social behaviour.</p> <p>To ensure that all of our residents receive responsive and effective service , which in turn ensures that none of our residents are discriminated against in respect of these services. All protected characteristic groups are therefore safeguarded against being treated unfairly.</p>
<p>Has any consultation involvement been undertaken with the Protected Characteristic Groups to inform this assessment? (please provide details of who and how consulted)</p>	<p>There has been no direct consultation or involvement with protected characteristic groups. The Association's Antisocial Behaviour Policy and associated activities are embedded services areas for all residents.</p> <p>A public survey was placed on the Association's website for feedback and staff contacted residents who had experience of ASB to collate their views.</p> <p>All Association policies / documents are available in alternative formats. Staff identify preferred communication methods with new tenants at the viewing / missive stage and respond to such requests with existing tenants.</p>
<p>What is the actual likely impact?</p>	<p>The policy provides that all residents will receive a consistent service.</p> <p>It will also have a positive impact on staff streamlining the process and promoting tenancy sustainment and prevention of ASB behaviours.</p>
<p>How have you, or will you, put the Policy into practice, and who is or will be responsible for delivering it?</p>	<p>The Housing Manager will introduce the policy and related procedures, providing training and support to staff.</p>
<p>How does the Policy fit into our wider or related policy initiatives?</p>	<p>It supports our mission of delivering high quality and cost-effective housing services designed to meet the needs of existing and future customers. To work in partnership with others to create thriving communities that people want to live and work in</p>
<p>Do you have a set budget for this work?</p>	<p>No cost implications.</p>