



PORT OF LEITH  
HOUSING ASSOCIATION

# **ANTISOCIAL BEHAVIOUR (ASB) MANAGEMENT POLICY**

## FULL REVIEW TRACKING

<b>Last Full Review Date</b>	April 2013
<b>Policy Owner</b>	Claire Ironside
<b>Document Author(s)</b>	Joyce Cuthbert
<b>Communication &amp; Training Methods</b>	Distribution and discussion at housing team meeting and distribution to customer advice team
<b>Date Last Approved</b>	24 November 2016
<b>Approved By</b>	Board
<b>Review Cycle</b>	3 years
<b>Next Review Date</b>	December 2019
<b>The Policy has a direct link to the following PoLHA policies and procedures</b>	Design guide; Data Protection Policy; Tenancy Agreement; Allocation Policy
<b>This policy complies with the requirements of these legal and/or regulatory documents</b>	Antisocial Behaviour etc (Scotland) Act 2004 Housing (Scotland) Act 2014; Equality Act 2010; Offence (Aggravation by Prejudice) (Scotland) Act 2009; Community Justice (Scotland) Act 2016
<b>Equality &amp; Diversity Impact (EI) Assessment Status</b>	This document was EDI Assessed by Joyce Cuthbert using the organisation's set procedure in August 2016 and is considered to be free of anything which may lead to any unfair discrimination in its application.  EI Assessment records are held by the Chief Executive's Office and can be accessed on request to the Head of Corporate Services.

## REVISION TRACKING

<b>Revision Date</b>	<b>Part of doc revised</b>	<b>Reason for revision</b>	<b>Approved by</b>

## **1. BACKGROUND/INTRODUCTION**

1.1 The purpose of the policy is to give guidance to staff and ensure that:

- We help ensure that tenants and other customers live in well maintained properties/developments, where they feel safe and can live peaceful lives;
- We provide a prompt, efficient, consistent and fair response to complaints of antisocial behaviour;
- We help ensure that we comply with relevant regulatory and legislative requirements and best practice.

1.2 The legal definition of antisocial behaviour in the Antisocial Behaviour etc (Scotland) Act 2004 is:

- Acting in a manner that causes or is likely to cause alarm or distress; or
- Pursuing 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 the perpetrator.
- Antisocial behaviour can be perpetrated by an individual or by a group of people

1.3 The Scottish Secure Tenancy Agreement states that:

..."You, those living with you, and your visitors, must not harass or act in an antisocial manner to, or pursue a course of antisocial conduct against, any person in the neighbourhood. Such people include residents, visitors, our employees, committee members, agents and contractors and those in your house.

'Antisocial' means causing or likely to cause alarm, distress, nuisance or annoyance to any person or causing damage to anyone's property. Harassment of a person includes causing the person alarm or distress. Conduct includes speech."

## **2. POLICY STATEMENT**

2.1 Port of Leith Housing Association recognises the rights of its tenants to live in a safe, secure and peaceful environment. The Association aims to create such an environment for its tenants and help prevent neighbour disputes and antisocial behaviour (ASB) through:

- Appropriate design of developments with accreditation through the Secured by Design scheme (a police initiative to incorporate crime prevention measures in new homes), helping ensure that the physical environment does not encourage nuisance or antisocial behaviour;
- Sensitive allocations;
- Ensuring tenants are aware of the conditions of tenancy at the outset;
- Providing an information leaflet about ASB and what tenants and the Association can do about it;
- Early identification of, and response to, issues and incidents;
- Joint working with others when problems do arise.

2.2 Whilst the vast majority of our tenants act in a reasonable and responsible way towards each other and the environment, there are times when disputes occur. PoLHA promptly investigates all complaints arising from neighbour disputes and/or antisocial behaviour and takes appropriate, proportionate and fair action.

2.3 We have consulted with representatives of our tenants on this policy.

### **3. RESPONSIBILITIES UNDER THE POLICY**

3.1 The housing manager has overall operational responsibility for the development, implementation and monitoring of the policy and ASB management, with responsibility for the day to day delivery of management of ASB cases resting with the members of the housing management team.

### **4. POLICY FRAMEWORK**

4.1 We categorise complaints about ASB by their seriousness and divide these into three separate categories:

#### ***Category A – Very serious complaints***

Complaints which concern allegations of drug dealing; actual violence/ assault; harassment based on race, religion, sexual orientation, disability, transphobia or other hate behaviours; sexual harassment; serious damage to property, including fire raising

#### ***Category B – Serious complaints***

Complaints which concern allegations of aggressive/abusive behaviour, persistent noise or disturbance involving the police/CEC, threats of violence, problems caused by drug / alcohol misuse; misuse of fire alarms.

#### ***Category C – Nuisance complaints***

Litter dumping, most noise nuisance unless persistent (including parties//music), control of pets, children causing a disturbance, vehicles parking, graffiti, vandalism.

4.2 We recognise, and advise tenants accordingly, that there are some situations and behaviours which do not constitute antisocial behaviour. Some problems simply result from the differences in the way that people lead their lives and are not antisocial. Examples are:

- A neighbour using a washing machine early in the evening;
- The sound of a neighbour moving around their house in the flat above
- Children playing in an appropriate manner and at a reasonable time.

We recognise that, in some circumstances, there may be limits on what the Association can do to resolve apparent ASB:

- There is no evidence or corroboration to support the claims
- An investigation concludes that there was no evidence of ASB or breach of tenancy.

4.3 We recognise that ASB cases vary considerably in severity and complexity, and our response is tailored accordingly. We respond and investigate complaints promptly and work closely with other agencies such as the police, City of Edinburgh Council,

mediation services and other agencies as appropriate to resolve these.

We encourage tenants and others to try to resolve differences with one another in the first instance, with referral to mediation where appropriate. Other interventions, depending on the circumstances, include referral for support; meetings with tenants; warning letters; Acceptable Behaviour Contracts; the creation of/conversion to a Short Scottish Secure Tenancy or, in extreme cases, the offer of a management transfer to another property.

Legal action, ie seeking an Antisocial Behaviour Order (ASBO) or court action for eviction, is only considered in serious cases where there is sufficient evidence and where the antisocial behaviour is persistent.

## **5. ASSOCIATED PROCEDURE(S)**

- 5.1 There are separate detailed procedures for the management and recording of ASB cases.

## **6. POLICY & PROCEDURE EFFECTIVENESS ASSESSMENT CRITERIA**

- 6.1 Performance monitoring information is reported to the Senior Management Team and to the Board of Management on a regular basis, based on:
- Analysis of satisfaction surveys after cases are closed;
  - Percentage of cases closed off as being resolved, within locally agreed targets.