



# Rural Stirling

## Housing Association

### Anti-Social Behaviour and Neighbour Nuisance Policy

<b>Rural Stirling Housing Association, Stirling Road, Doune, FK16 6AA</b> <b>Registered as a Scottish Charity No. SC037849</b>	
<b>Policy Name</b>	Anti-Social Behaviour and Neighbour Nuisance Policy
<b>Policy Category</b>	Housing Services
<b>Date submitted to Board</b>	20 <sup>th</sup> June 2019
<b>Review Period</b>	3 years
<b>Review Due</b>	2022

## 1.0 Purpose of this Policy

1.1 Rural Stirling Housing Association (RSHA) acknowledges that tenants and residents have the right to live within a peaceful, enjoyable environment and feel safe within their home. The Association recognises the detrimental impact that anti-social behaviour and neighbour nuisance can have upon individual residents and community wellbeing as a whole.

1.2 RSHA will:

- take timely, consistent and effective action against persons who behave in an anti-social manner;
- Provide support to victims and in appropriate circumstances, to perpetrators to positively change their behaviour, sustaining tenancies, whenever possible;
- Work in partnership with all relevant local agencies to reduce incidents of anti-social behaviour and their impact on our customers and communities by maximising prevention, intervention, engagement and communication activities;
- Actively consider the physical design of community spaces and homes to proactively offer design solutions which discourage anti-social behaviour and support community wellbeing in our existing and new homes.

## 2.0 Definitions

2.1 For the purpose of recording Anti-Social Behaviour cases this policy will refer to the definition of Anti-Social Behaviour outlined in the Model Scottish Secure Tenancy Agreement (published January 2019) which states:

- “Anti-social’ 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. A course of conduct must involve conduct on a least two occasions.”

2.2 RSHA also recognises the definition of anti-social behaviour from Section 13 of the Antisocial Behaviour etc. (Scotland) Act 2004 which states:

- “A person (A) engages in anti-social behaviour if A:  
(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 as A”

“Conduct includes speech. A course of conduct must involve conduct on at least two occasions.”

### 3.0 Application of this Policy

- 3.1 This policy applies to RSHA tenants, household members living at the home and visitors who must not harass or act in an anti-social manner to, or pursue a course of anti-social conduct against, any person in the neighbourhood. Such people include residents, visitors, RSHA employees, agents and contractors working for RSHA.
- 3.2 RSHA has different types of tenancies and contractual relationships with customers which are set down in law. For the avoidance of doubt, in terms of where we can assist a reporter with anti-social behaviour and neighbour nuisance in terms of being able to take action, including legal action, RSHA has jurisdiction in some, but not all cases, to take action. Table 1 sets this out:

Table 1: When RSHA can take action if ASB takes place:

Contract Type with RSHA	Jurisdiction	Action to be Taken
Social Rent (Scottish Secure Tenancy and Short Scottish Secure Tenancy)	Yes	RSHA will investigate, attempt to obtain resolution and ultimately can serve notice of proceedings for recovery of possession and take legal action to end a tenancy at the Sheriff Court.
Mid-market Rental (via Short Assured Tenancy or Private Residential Tenancy)	Yes	RSHA will investigate, attempt to obtain resolution and ultimately can serve notice to leave and take action by obtaining an eviction order from the First-tier Tribunal for Scotland Housing and Property Chamber
Shared Ownership	No	RSHA will undertake initial investigation of the issue if there is a tenant or mid-market rental tenant involved. However we cannot take any action on a shared ownership customer's behalf. RSHA will work in partnership with Stirling Council, Safer Communities in this situation.
Full management service via Venacher Ltd	No	RSHA will undertake initial investigation of the issue if there is a tenant or mid-market rental tenant involved. In the case of tenants of the full management service via Venacher Ltd. being the perpetrator, RSHA or Venacher has no jurisdiction to undertake any action on the tenant of the property and the owner of the property must undertake this. RSHA will highlight the relevant contractual sections to the property owner and offer advice in liaising with Stirling Council, Safer Communities.

Neighbouring RSL property	No	RSHA will undertake initial investigation of the issue if there is a tenant or mid-market rental tenant involved from RSHA. They will liaise with the partner RSL to undertake action, if required, against their tenant to ensure that the wellbeing of RSHA's customer is improved and the ASB is resolved.
Factored owners	No	RSHA will undertake initial investigation of the issue if there is a tenant or mid-market rental tenant involved. However we cannot take any action on a factored owner's behalf. RSHA will work in partnership with Stirling Council, Safer Communities in this situation.
Owner Occupiers	No	RSHA will undertake initial investigation of the issue if there is a tenant or mid-market rental tenant involved. However we cannot take any action on an owner occupier's behalf. RSHA will work in partnership with Stirling Council, Safer Communities in this situation.

3.3 Where neither the reporter nor the perpetrator has a contractual relationship with RSHA as a tenant or mid-market rental tenant, RSHA will signpost to Stirling Council's Safer Communities.

#### **4.0 The Customer Experience**

4.1 RSHA recognises that when customers are experiencing anti-social behaviour and neighbour nuisance, this can have a significant impact on the enjoyment of their home and their wellbeing.

4.2 RSHA will ensure that our staff are trained in sensitively and empathetically handling reports of anti-social behaviour and neighbour nuisance from our customers and trained in investigation techniques when investigating complaints where the Association has jurisdiction. We will regularly use case reviews to ensure that lessons are learned to enable service improvements in our response to anti-social behaviour from a customer perspective.

4.3 RSHA will apply a risk-based assessment process when customers contact the Association to identify the category of seriousness of the incident(s) being reported and respond accordingly (See section 5). This will ensure that customers who are experiencing serious anti-social behaviour will receive a speedy response to give reassurance to individuals and the wider community, link with other agencies who may be involved, for example, Police Scotland and collect information on the incident(s) as soon as possible after the event.

4.4 Keeping in Touch-KIT Calls: RSHA will proactively keep in touch with customers who are experiencing serious or urgent anti-social behaviour on a regular basis, dependent on the seriousness of the report, to ensure customers are updated on progress with their complaint and understand the process which is being followed; particularly when there is a multi-agency approach to investigating and dealing with the complaint. These support calls will also allow the customer to update RSHA on any new issues arising. Customers can opt out of KIT calls at any time.

## 5.0 Categories of Anti-Social behaviour and Neighbour Nuisance

5.1 RSHA will undertake a risk-based assessment process when a customer reports anti-social behaviour or neighbour nuisance to categorise reports into three categories. These are:

1. Serious anti-social behaviour;
2. Urgent anti-social behaviour;
3. Neighbour nuisance.

5.2 Table 2 sets out examples of what RSHA would consider to be incidents which fall within each category:

Table 2: Categories of Anti-Social Behaviour and Neighbour Nuisance

<b>ASB Category</b>	<b>Incident Description</b>
Serious ASB	Immediate risk to customers and criminal content, drug dealing, unprovoked assault, violence including domestic violence, harassment, hate crime
Urgent ASB	Urgent risk- threatening or abusive behaviour, frequent serious disturbance and noise, vandalism and damage to RSHA property, personal attacks on social media towards our tenants and staff
Neighbour Nuisance	Breach of tenancy conditions including occasional noise, family disputes affecting neighbours, dog/pet control, behaviour of visitors or children, infrequent disturbance. This category will also include complaints about stair/bin cleaning, fly tipping, garden upkeep and litter.

## 6.0 Policy Standards

6.1 RSHA has consulted with tenants on the response and resolution standards to be set for the Association. These are as follows:

Table 3: Targets for Response and Resolution of Anti-Social Behaviour and Neighbour Nuisance

<b>Category of ASB</b>	<b>Initial Response Time (working days)</b>	<b>Resolution Time</b>
Serious	1 day	2 months
Urgent	3 days	1 month
Neighbour Nuisance	5 days	15 working days

6.2 RSHA will consider that a case is resolved using the Scottish Housing Regulator's definition which states that resolution is achieved when:

- “the landlord has taken appropriate measures set out in its ASB policy and procedures, to address the cause of the anti-social behaviour complaint and has advised the reporter 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 reporter.”

6.3 For serious anti-social behaviour where there is a multi-agency investigation by the Community Safety Partnership including Police Scotland, Stirling Council Community Safety, Clackmannanshire and Stirling Health and Social Care Partnership and others which may necessitate longer investigation and court process for criminal activity and/or ending a tenancy, this resolution time will be extended significantly.

6.4 RSHA will measure how it performs against these response and resolution targets to the Board of Management and tenants.

6.5 RSHA will also report on its performance in dealing with anti-social behaviour to the Scottish Housing Regulator in the Annual Return on the Charter, measure 15 which records the “Percentage of anti-social behaviour cases reported in the last year which were resolved” and the Charter measure 22 (iii) which records the “Percentage of ASB court actions initiated which

resulted in evictions” where the reason was for anti-social behaviour. RSHA will not include neighbour nuisance in our ARC reporting. (Scottish Social Housing Charter, Technical Guidance for Landlords, February 2019: SHR).

6.6 RSHA will also record overall satisfaction with anti-social behaviour and neighbour nuisance complaints at regular intervals to ascertain if any improvements are required.

## **7.0 Partnership**

7.1 RSHA will work in partnership to deliver on the purpose of this policy for our customers and communities.

7.2 Key partners who we will work with in dealing with anti-social behaviour are:

- Police Scotland;
- Stirling Council - Safer Communities, Environmental Services, Education and other services;
- Clackmannanshire and Stirling HSCP-Social Work Services, Primary Healthcare, Community Mental Health Services and others;
- Partner RSLs;
- Scottish Fire and Rescue Service;
- Victim Support;
- Stirling Women’s Aid.

7.3 Stirling Council, Safer Communities operate an out of hours service and mediation service and RSHA will work with Safer Communities to provide these services to our customers as required. Tenant consultees have agreed that these services are valuable and if required, a suitable budget will be allocated for this.

7.4 A representative from RSHA will attend the Community Planning Partnership, Stirling Tasking and Co-ordination Group (TAC Group) to ensure that we are full participatory and active partners, contributing to strategic and operational discussions and sharing intelligence with our partners in preventing and tackling anti-social behaviour.

7.5 RSHA will actively support and attend partnership meetings for Multi-Agency Public Protection Arrangements (MAPPA) and case conferences where anti-social behaviour is impacting on the wellbeing of our customers or communities. RSHA staff will also convene case conferences with partner agencies as a mechanism to assist with an investigation into an anti-social or neighbour nuisance case as required.

## 8.0 The Legal Basis

8.1 The legislation which is applicable to this policy is:

- Antisocial Behaviour etc. (Scotland) Act 2004;
- Data Protection Act 2018 incorporating the General Data Protection Regulations 2016;
- Disability Discrimination Act 2005;
- Homelessness (Scotland) Act 2003;
- Matrimonial Homes (Family Protection) (Scotland) Act 1981;
- The Children (Scotland) Act 1995;
- The Housing (Scotland) Act 1987;
- The Housing (Scotland) Act 2001;
- The Housing (Scotland) Act 2014;
- The Human Rights Act 1998.

8.2 RSHA will utilise all appropriate legal remedies available to seek resolution for anti-social behaviour and neighbour nuisance.

8.3 The Housing (Scotland) Act 2014 brought additional powers from 1<sup>st</sup> May 2019 to RSHA. This includes revision to the Short Scottish Secure Tenancy (SSST) when used as a method to deal with anti-social behaviour. These include:

- Flexibility to grant SSSTs (or convert existing full SSTs) where applicants have acted antisocially in or near their home within the last 3 years;
- A new minimum term of 12 months will apply to short SSTs which are granted based on previous antisocial behaviour. This term can be extended by a further 6 months;
- Eviction rules have been changed. Where the tenant or a person living in the tenant's household has been convicted of using the house for illegal purposes or has committed an offence punishable by imprisonment within the previous 12 months then eviction should be granted as an absolute ground with no reasonableness test required (although this is likely subject to challenge under the provisions of human rights law).



## **9.0 Data Protection**

- 9.1 RSHA will comply with the Data Protection Act 2018 which incorporates the General Data Protection Regulations 2016 as implemented on 25<sup>th</sup> May 2018.
- 9.2 The Fair Processing Notice issued to RSHA tenants states that RSHA will disclose and receive information regarding breaches of tenancy, conduct and anti-social behaviour with partner agencies. This meets the requirements of the Data Protection Act 2018.
- 9.3 RSHA is a practitioner partner in the local information sharing protocol between the Community Safety Partnership for the purposes “of improving community safety, tackling antisocial behaviour and preventing and detecting crime.” This protocol will be reviewed periodically by the partners.

## **10.0 Review**

- 10.1 This policy will be reviewed by the Board of Management every three years unless there is a change in legislation or best practice governing anti-social behaviour in the interim period.