

## What is Anti-Social behaviour?

The legal definition of anti-social behaviour is '**behaviour which causes or is likely to cause alarm or distress**'.

Lochaber Housing Association will do all it can to ensure that our tenants and residents are able to have quiet enjoyment of their homes. People who become tenants sign a Tenancy Agreement which includes behaving in a responsible manner.

**Anti-Social behaviour** can be personal and may be related to drug, alcohol or solvent abuse including activities related to their supply and use, eg:

- verbal abuse – calling names, making untrue allegations
- harassment – picking on someone regularly
- intimidation – making a person feel threatened.

**Anti-Social behaviour** can have a bad effect on your neighbourhood eg:

- noise nuisance – loud music or parties, TVs or musical instruments
- animal nuisance – dog fouling, barking
- neighbourhood nuisance – spoiling it with litter, graffiti, fly-tipping or causing damage.

**Some annoying behaviour** may not be anti-social eg:

- children playing
- a neighbour using a washing machine early in the evening
- the sound of a neighbour walking in the flat above you
- bin bags being put out too early

## Timescales for responding to anti-social behaviour complaints

Minor breach of tenancy, eg:

- Low level noise nuisance
- Parking in unauthorised areas
- Misuse of common areas
- Keeping a pet



Investigate complaint and respond to complainant within **ten days**

Serious/persistent nuisance, eg:

- Persistent noise nuisance
- Failure to control pets
- Persistent failure to control children



Investigate complaint and respond to complainant within **five days**

Severe anti-social behaviour - where Police are involved, eg:

- Violence or threats of violence
- Drug dealing
- Vandalism



Contact the Police and contact the complainant within **two days**



## How can you help to tackle the problem ?

### Try talking to your neighbour

If you feel threatened or in danger you must contact the Police immediately. On the other hand, your neighbour may not actually realise they are causing a problem.

But, be sensible about how you do this:

- Let the first incident pass – it may never happen again
- Wait until you have calmed down – wait a day or two
- Think about what you need to say and stick to the bare facts
- Talk with a friend about what you are going to say
- Stay polite, calm and friendly – avoid any confrontation
- Listen to your neighbour's point of view – there may be a sensible explanation and it is only natural for them to be defensive.

### Remember

- Being a good neighbour means getting along.
- Having a difference of opinion or a different lifestyle does not make a person 'anti-social' but falling out with them can lead to unpleasantness.

It is useful to make a note of the incident by writing down what happened in detail, when it happened; include the date, time and how long it lasted, and the names of other witnesses. If you spoke to your neighbour you could also add details about what was agreed. There is a copy of an 'Incident Report Form' at the back of this Information Sheet. You can get more copies of it from Lochaber Housing Association.

We are not able to act on anonymous complaints but we do promise to deal with any complaint in the strictest confidence.

### Contact the relevant agency directly

There are a number of agencies who have responsibility for dealing with different types of anti-social behaviour.

Criminal activity Drug misuse Harassment Intimidation Vandalism and graffiti		Police Scotland for non-emergencies: 101 For emergencies only: 999 Crimestoppers: 0800 555 111
Littering		Highland Technical Services: 01349 886603 Community Warden: 01397 707299
Noise nuisance		Environmental Health Officer: 01397 707002 Police Scotland: 101
Dog fouling Dangerous dogs Animal welfare		Dog Warden: 01397 709000 Police Scotland: 101 SSPCA: 03000 999999

## Contact your Housing Officer

 **01397 702530**

If you have contacted an agency you should keep your Housing Officer informed. You may prefer to contact your Housing Officer first before the problem is passed on to the correct agency.

You should contact your Housing Officer directly to deal with the following:

- Neighbourhood nuisance, for example doors banging, loud arguments, noisy parties, clash of lifestyles
- Misuse of drugs
- Fly-tipping
- Abandoned vehicles

The Housing Officer will investigate your complaint by visiting everyone involved and trying to resolve the situation in line with Lochaber Housing Association's Anti-Social Behaviour Policy. If the problem is caused mainly by personal disagreements, the Housing Officer will only be able to give general advice and if you want, refer you to a Mediation Service. A more serious problem will be passed on to the correct agency.

### Further steps to deal with Anti-Social behaviour

If a tenant has breached the terms of their tenancy agreement, they will be warned about the possible consequences of their action and legal action could be taken against them. Anti-social behaviour could result in tenants losing their home.

Lochaber Housing Association is a member of the local Anti-Social Behaviour Partnership Group (ASBPG) which meets regularly to monitor serious cases and refer them for court action. When necessary your Housing Officer will refer your case to this group which includes representatives from the Highland Council and Police Scotland. Having considered all the options, it could decide to ask Lochaber Housing Association to apply for an Anti-Social Behaviour Order. Your Housing Officer will keep you informed about how this progresses.

### What you can do to help

We need good quality evidence to support any action.

The Incident Report Form at the back of this Information Sheet shows the type of evidence that is needed.

It is useful if victims or witnesses provide statements and give evidence to the court personally. However, in certain cases we can introduce hearsay evidence which is where a third party gives evidence on your behalf without releasing any of your details.

## Mediation Service

In some cases your Housing Officer may suggest that your best way forward is to use a Mediation Service. Mediation helps people deal with disputes to reach an agreement that everyone can live with.

### Mediation

- Takes place only if both sides agree to use it
- Is impartial - the Mediator does not take sides
- Is confidential
- Is free.

### The Mediator will:

- Speak to both sides to gain an understanding of their problem
- Draw up a list of points which both sides want to speak about
- Arrange and lead a meeting where both sides can speak to each other.

Sometimes people agree that more meetings are needed.

## Useful telephone numbers

Lochaber Citizen's Advice Bureau	01397 705311
Victim Support	01463 713456
Women's Aid	01397 705734
Samaritans	01463 713456
Childline	0800 1111
Health and Social Care	Adult Services: 01397 709830 Child Services: 01397 707025
Lochaber Council on Alcohol (Alcohol and Drug Counselling)	01397 702340
Alcoholics Anonymous (AA)	0333 254 8874

## Step by step guide to tackling anti-social behaviour

1. Try to approach the person yourself to tackle the problem



2. Contact the correct agency to help deal with the problem



3. Inform your Housing Officer about the problem



4. Your Housing Officer will work with you to deal with your problem



5. Our Housing Officer will monitor the situation in case further action is needed.

### Important Housing (Scotland) Act 2014 changes

The new ground for granting a short Scottish Secure Tenancy (SST) is introduced by S.7 of the 2014 Act and this will allow social landlords to give a short SST to a new or existing tenant where there has been anti-social behaviour within the previous 3 years.

The aim of the short SST for anti-social behaviour is to stop the behaviour and help the tenant to sustain their tenancy by taking away some of their tenancy rights without the need for court action. It is one of a range of tools that landlords can use to manage anti-social behaviour.

When given under any of the anti-social behaviour grounds, the short SST must be for a minimum term of 12 months. Setting a minimum 12 month term for short SSTs for anti-social behaviour is intended to allow more time for support services to have an effect and prevent the need for eviction action at a later stage, wherever possible.

Landlords will have the flexibility to consider using this new additional measure to tackle relatively serious anti-social behaviour in certain cases. Landlords can take action during the period of the short SST and will need to decide if this is the type of case where this would be appropriate. There is no requirement for the matter to have gone to court or the person to have any conviction for anti-social behaviour. Landlords will set their own criteria of what type of anti-social behaviour could result in a tenant being given a short SST.

The 2014 Act also allows for the new anti-social behaviour ground to be used to convert an existing full SST to a short SST by serving notice on the existing tenant. Landlords will have to be satisfied that they have appropriate evidence of anti-social behaviour to support their decision to give a short SST to a new tenant or, for existing tenants, to convert their existing SST to a short SST.

The guidance makes it clear that this ground is intended for situations where there is relatively serious anti-social behaviour such as:

- Acting in a threatening or abusive manner
- Serious vandalism or damage to property
- Use of the property for illegal or immoral purposes including drug dealing
- Use of offensive weapons
- Serious noise nuisance

The ground for eviction which landlords must use when they want to take eviction action using the new streamlined process, is in paragraph 2 of Schedule 2 to the 2001 Act. This requires the tenant, joint tenant or someone living in or visiting the property to be convicted of either using or allowing the house to be used for immoral or illegal purposes or convicted of an offence punishable by imprisonment in, or in the locality of, the house.

It is not the ground itself which has changed but rather the process for obtaining the eviction order based on this ground in certain cases. In order to make use of the new process, landlords will have to be able to show that this existing ground has been satisfied and therefore will have to have factual information regarding the actual conviction.

Where the existing ground exists i.e. where there has been a relevant conviction (that is where a tenant, joint tenant or someone living in or visiting the property has been convicted of a criminal offence punishable by imprisonment) within the previous 12 months, the landlord will now be able to consider using the streamlined eviction process.

If the landlord does choose to use the new procedure, they will no longer be required to show that it is reasonable for the eviction order to be granted where there has been a conviction for serious anti-social or criminal behaviour. Instead, if the landlord serves a valid section 14 notice of proceedings on the tenant within 12 months of such a conviction being made, or, if the conviction is appealed within 12 months of the day on which the appeal was dismissed or abandoned, a sheriff must grant the eviction order.

## Useful Contacts

### Lochaber Housing Association

101 High Street, Fort William, PH33 6DG

Telephone: 01397 702530

Email: [housingmgt@lochaberhousing.org.uk](mailto:housingmgt@lochaberhousing.org.uk)

**My Home** tenant portal:

<https://myhome.lochaberhousing.org.uk>

May 2024



# Incident Reporting Form

**Residents Name:**

**Address:**

**Date:**

**Time incident started:**

**Time incident finished:**

## **Details of incident**

What actually happened?

## **Were there other witnesses?**

If so, list names and approximate age (if under 18)

**Police called?** Yes / No

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