



ANTISOCIAL BEHAVIOUR POLICY

Policy Classification: Management

Status: Approved

Policy Lead:	Director of Community Services
Date Approved:	June 2024
Last Review Date:	January 2015
Review Due Date:	June 2027
Review Period:	3 years unless required earlier due to changes in the law, regulation, best practice or requirement of the Association

REFERENCE PAGE

Document Title:	Antisocial Behaviour Policy
Aim:	To describe Eildon’s approach to preventing and addressing antisocial behaviour.
Objective:	3 The Eildon Group will ensure the delivery of high quality, responsive and affordable housing and support services
Scope of Policy:	Customers
Nominated Officer:	Housing Services Manager
Approval Source:	Executive Team
Legal & Regulatory References:	<ul style="list-style-type: none"> • Housing (Scotland) Act 2001 • Anti-social Behaviour (Scotland) Act 2004 • Antisocial Behaviour (Noise Control) (Scotland) Regulations 2005 • Equality Act 2010 • Housing (Scotland) Act 2010 • Housing (Scotland) Act 2014 • Data Protection Act 2018 • General Data Protection Regulations (EU) 2016 /679 ('GDPR') • Scottish Social Housing Charter • Hate Crime and Public Order (Scotland) Act 2021
Procedural References:	<ul style="list-style-type: none"> • Customer Leaflet – Antisocial Behaviour • Antisocial behaviour procedures • Tenancy Management Policy • Estate Management Policy • Rechargeable Repairs Policy • Unacceptable Actions Policy

	<ul style="list-style-type: none"> • Pets Policy
Consultation Completed:	<ul style="list-style-type: none"> • Staff & customers
Risk Implications:	<p>Ensures an appropriate landlord response when tenants behave in an antisocial manner. Mitigates risk of customers experiencing antisocial behaviour and areas becoming stigmatised as a result.</p>
Equalities Assessment:	None
Accessibility:	<p>Accessible electronically/online and in print. All documents can be translated and made available in audio, braille and large print versions upon request.</p>
Publish on Website:	Yes

1 BACKGROUND

- 1.1 The Antisocial Behaviour etc (Scotland) Act 2004 remains the most recent piece of legislation that places duties on local authorities and other agencies to tackle antisocial behaviour. It is mandatory for local authorities and chief constables to work in partnership with other interested stakeholders to produce a strategy for preventing and tackling antisocial behaviour within their authorities.
- 1.2 In 2009 the Scottish Government published a national strategy 'Promoting Positive Outcomes' which placed prevention and early and effective intervention at the heart of action to tackle antisocial behaviour. The Housing (Scotland) Act 2014 introduced a number of new measures and tools for social landlords to use to tackle antisocial behaviour in their communities.
- 1.3 The publication in November 2023 of a joint report on antisocial behaviour by the Scottish Government and the Scottish Community Safety Network led to a new independently chaired working group being set up by the Scottish Government. Members will look at the current approach to preventing and addressing antisocial behaviour and make recommendations on what long-term changes can be made to reduce such behaviour and support victims. It is expected that the group will provide regular updates and present their conclusions to Ministers by the end of 2024. We will review this policy when this work has concluded.

2 PURPOSE

- 2.1 The purpose of this policy is to outline what we define as antisocial behaviour, and describe the principles on which we base our action, as a landlord, to prevent and address antisocial behaviour.

3 PRINCIPLES

- 3.1 We aim to allow all Eildon tenants to have quiet enjoyment of their homes in safe and secure environments. We aim to achieve this as far as is possible within our powers as a landlord and by joint working with other organisations.
- 3.2 We develop and manage our properties and services in a way which helps prevent antisocial behaviour.
- 3.3 We help tenants and communities to find their own peaceful solutions to problems of antisocial behaviour whenever possible. We will provide tenants with information

on ways of addressing neighbour problems. This will include services provided by other agencies.

- 3.4 We will seek to take firm action against the tenancy of a tenant who persistently breaches tenancy conditions or commits a serious breach of tenancy conditions while understanding that this will not always result in quick or even positive outcomes. Our action may result in legal action for repossession of the tenancy and eviction.

4 DEFINITION OF ANTISOCIAL BEHAVIOUR

4.1 The Antisocial Behaviour etc (Scotland) Act 2004 defines antisocial behaviour as:

- 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 who is not of the same household as the perpetrator.

4.2 The Equality Act 2010 sets out the legal definition of harassment. It is essentially unacceptable behaviour that is unwanted, unreciprocated and is regarded as offensive by the recipient, whether or not the harasser intended it to be offensive. The behaviour is usually targeted at a particular individual or family based on one or more of the nine protected characteristics defined in the Equality Act.

4.3 The clauses within Eildon's Scottish Secure Tenancy Agreement which refer to antisocial behaviour are contained in Appendix A.

4.4 Antisocial behaviour includes a wide range of unacceptable behaviour that affects the quality of life of others living in the community. For the purpose of this policy, we consider antisocial behaviour to include but not limited to:

- noise nuisance
- verbal abuse
- harassment
- threatening/abusive/intimidating behaviour
- actual violence
- drug dealing, prostitution and any related activity or behaviour

4.5 Other behaviours which may cause nuisance are not dealt with in terms of this policy, but are covered by our [Estate Management Policy December](#) and [Keeping Pets in Eildon Homes](#) Policy including:

- Nuisance caused by pets eg fouling, noise related
- Overgrown gardens
- Inconsiderate disposal of household rubbish
- Hoarding or dumping materials/rubbish within the home, garden or communal areas
- Concern about use of domestic CCTV
- Misuse of communal areas including leaving personal items in those areas
- Inconsiderate parking of vehicles and abandoned vehicles on our land
- Damage to property including graffiti and vandalism
- Smell from smoking or drug use which emanates from one property to another or into communal spaces

4.6 There are some behaviours which are unlikely to be considered by Eildon to be antisocial or nuisance – examples of these include but are not limited to:

- Children playing in their own home or a designated play area
- Babies crying
- DIY / moving furniture at a reasonable hour (we will take account of statutory noise legislation when assessing if it is reasonable)
- Noise generated by domestic appliances at a reasonable hour (we will take account of statutory noise legislation when assessing if it is reasonable)
- Cooking smells
- People gossiping including posts on social media
- People staring

5 PREVENTION OF ANTISOCIAL BEHAVIOUR

5.1 As a landlord we cannot completely prevent antisocial behaviour, but we can try to minimise the circumstances which may give rise to antisocial behaviour. We will focus on supporting those at risk of antisocial behaviour as well as those who have been the victim of it.

5.2 When designing new developments we will take account of future potential problems in both living in, managing and maintaining the housing development. In particular we will pay attention to the following factors which can prevent problems of antisocial behaviour:

- Sound insulation
- Lighting in internal and external communal areas
- Provision of door entry systems
- Adequate fencing

- Clear distinction between public and private space
- Creating natural supervision of communal areas including parking
- Designated play areas
- Secured by Design accreditation

- 5.3 Where an applicant for housing has a current tenancy or has previously held a tenancy, we will seek a reference from the present or previous landlord regarding the conduct of the tenancy when an offer of tenancy is being considered. The purpose is to learn whether there is documented evidence of previous tenancy problems which suggest that the applicant may not conduct the tenancy according to the terms of the tenancy agreement.
- 5.4 If there is evidence that the applicant or any member of their proposed household has seriously breached their tenancy in the last three years or is the subject of current legal action by their landlord for a breach of tenancy agreement, we may not consider that applicant for a tenancy. In such cases we will also consider whether the applicant would require support to sustain a tenancy.
- 5.5 If we have concerns about an applicant we may ask Scottish Borders Council's Antisocial Behaviour Unit to share any relevant information.
- 5.6 If we allocate an available property to an applicant who has behaved in an antisocial manner, or has someone living with them who has behaved antisocially, in the preceding three years before being considered for a tenancy, we will grant a Short Scottish Secure Tenancy (SSST) for a period of 12 months in order to monitor the conduct of the tenancy. If we do not receive any reports of antisocial behaviour and there are no other tenancy breaches during this period, the tenancy will automatically convert to a Scottish Secure Tenancy. We may extend the SSST for a further 6 months provided there are housing support services in place which the tenant is complying with. This will allow the new tenant extra time to evidence an improvement in their behaviour.
- 5.7 The tenancy agreement clauses relating to antisocial behaviour are detailed at Appendix A. We will explain the conditions of the tenancy before a new tenant signs the tenancy agreement.
- 5.8 We will carry out 'settling in' visits or calls to all new tenants within eight weeks of the tenancy starting. This allows an opportunity to discuss any aspect of the tenancy which may not have been fully appreciated at the point of allocation. The purpose of the visit or call will include checking how the tenant is getting on with neighbours and re-emphasising the tenant's obligations under the tenancy agreement, including acceptable behaviours by members of the household and visitors to their home.

- 5.9 The Tenants' Handbook gives advice on dealing with neighbour problems and explains what we and other agencies can do to help. A Customer Information leaflet detailing what tenants should do if they wish to report antisocial behaviour is also available on our website.

6 MULTIAGENCY APPROACH

- 6.1 As a landlord our responsibilities and our potential actions are limited to housing related matters. Other agencies have an important role to play in addressing antisocial behaviour. We recognise the importance of working with other agencies to make sure that we all take a co-ordinated approach.
- 6.2 The local authority and police are responsible for preparation of a strategy for tackling antisocial behaviour in their area. We are members of the Scottish Borders Antisocial Behaviour Partnership Working Group and work with Scottish Borders Council, Police Scotland, other registered social landlords, NHS Borders, Victim Support, Scottish Fire and Rescue to implement and review the agreed multiagency strategy.
- 6.3 We also participate in the Scottish Borders Antisocial Behaviour Core Group. This is a group of practitioners from the above agencies who meet regularly to manage cases of antisocial behaviour with a view to dealing with the root causes of these cases in an integrated manner. Participating agencies can refer antisocial behaviour cases for discussion at the Core Group when initial interventions have failed to address the issue. Further actions to address the antisocial behaviour are agreed and monitored by the Core Group. We also proactively engage with other agencies out with Core Group meetings to agree action required in particular cases.
- 6.4 We recognise that some people have particular needs which mean they need support to live independently in the community. We assist tenants to access the personalised support and assistance they need to establish and sustain their tenancies.

7 RESPONDING TO REPORTS OF ANTISOCIAL BEHAVIOUR

- 7.1 It is a condition of our Scottish Secure Tenancy Agreement that tenants, those living with them, and their visitors must not harass or act in an antisocial manner to any person in the neighbourhood. The tenant is responsible for their behaviour, and that of those living with them and their visitors.

7.2 When we receive a report of antisocial behaviour we will:

- establish the nature of the incident or behaviour, frequency, duration and impact
- obtain contact details for any witnesses and ensure that the information is accurately recorded
- encourage tenants wherever possible to talk to their neighbours in order to resolve the dispute
- decide whether or not the complaint would be more appropriately directed to another agency (eg Scottish Borders Council, the Police) and, if so, explain this to the complainant, providing contact details
- explain how the report of antisocial behaviour will be handled including timescales and possible outcome including possible remedies such as mediation where practical.

7.3 When investigating the incident or behaviour we may visit other residents in and around the neighbourhood to seek witnesses. We may suggest installation of Noise Monitoring Equipment or CCTV to obtain evidence. We may use professional witnesses and also contact other agencies that may have been involved in the incident such as the Police or Safer Communities Team.

7.4 If the behaviour reported is persistent and repeated, the person(s) reporting the incident will be advised to keep a log of all incidents as soon as possible after the incident took place and share these with us, and contact the police where necessary. It is important to record the date, time and nature of any incidents as well as the impact they have, as these may be shared with other agencies, and/or used in court as evidence of antisocial behaviour. We can provide a template to help with recording of incidents.

7.5 We will use our discretion in deciding whether to investigate anonymous reports of antisocial behaviour. We will log anonymous reports in order to monitor any patterns developing which may require us to take action.

7.6 When we have obtained all relevant information about an incident, we may visit the alleged perpetrator to discuss the problem.

7.7 We will take account of all the circumstances of the complaint. This will include information from the complainant, any other witnesses and the tenant responsible for the behaviour. We will review information objectively to decide on any action to be taken.

8 ACTION TO ADDRESS ANTISOCIAL BEHAVIOUR

- 8.1 Where appropriate we will refer cases to Scottish Borders Mediation Service which helps people find ways to resolve their disputes.
- 8.2 If a tenant is found in breach of their tenancy agreement there are several courses of action we may take dependent on the severity, frequency or impact of the behaviour. This can range from a verbal or written warning, to application for an Antisocial Behaviour Order or legal action to end the tenancy.
- 8.3 We may also seek an interdict or other interventions in court to stop a tenant doing something legally wrong or require them to perform their legal obligations under the tenancy agreement.
- 8.4 If early intervention is not effective, we may request the tenant to sign an Acceptable Behaviour Contract which will detail the unacceptable behaviour and the consequences should this behavior continue.
- 8.5 If a tenant, members of their household or visitors have behaved antisocially, we may convert an existing Scottish Secure Tenancy to a Short Scottish Secure Tenancy for a period of 12 months to monitor behaviour. During this period we will seek to support the tenant in their efforts to address the antisocial behaviour. If the behaviour improves the tenancy will automatically convert to a SST unless we decide to extend the SSST for a further 6 months. We will only do this if housing support services are in place and will tell the tenant why we are doing it. If the tenant fails to co-operate with the support and/or the behaviour continues we will seek a repossession order from the court.
- 8.6 If we become aware that a tenant, or a member of their household has been convicted of criminal or antisocial behaviour punishable by imprisonment (irrespective of whether the conviction itself imposed a term of imprisonment), in or in the locality of their home, we may consider taking repossession action against the tenant whether or not reports have been made by neighbours. Such action will only be taken within 12 months of the date of the conviction, in line with the streamlined eviction process.

9 HATE INCIDENTS OR HATE CRIME

- 9.1 Police Scotland defines hate crime as "any crime which is understood by the victim or any other person as being motivated (wholly or partly) by malice or ill will towards a social group."

9.2 There are five groups or 'protected characteristics' generally covered by the hate crime legislation.

- Disability
- Race
- Religion or belief
- Sexual Orientation
- Transgender Identity

9.3 Hate incidents or crimes can include threatening behaviour, verbal abuse or insults, damage to property, encouraging others to commit hate crimes, harassment, and online abuse.

9.4 When antisocial behaviour is reported to us and the affected tenant believes that they have been targeted because of their protected characteristics, we will support them to report this to the police and offer follow up support and advice. Where a tenant is convicted of a hate crime, we will work with the police and seek legal advice on any further action we should take against the tenant, and any action needed to safeguard their neighbours.

10 SUPPORT FOR VICTIMS OF ANTISOCIAL BEHAVIOUR

10.1 We will keep complainants informed of the outcome of any investigation and we will not disclose personal information about another person.

10.2 We will give advice to complainants on support agencies and make referrals where appropriate.

10.3 We will consider linking victims of antisocial behaviour to a community alarm system, or issuing personal alarms.

10.4 We will prioritise repairs to damage caused by perpetrators of antisocial behaviour (such as forced stair doors) where appropriate, and we will remove racist or obscene graffiti within 48 hours.

11 RESOLUTION AND CLOSURE OF CASES

11.1 We aim to resolve cases as soon as possible. We set targets and monitor our performance against these. Targets are reviewed annually and approved by Eildon's Board of Management.

11.2 We will regularly review cases and keep in touch with tenants who have reported antisocial behaviour. Senior managers will review all cases which remain open after 6 weeks to ensure appropriate action is being undertaken and updates provided to affected tenants.

11.3 We will close cases when the antisocial behaviour has been resolved, or we have taken all appropriate action within our power as landlord to address the cause of the antisocial behaviour. Where we do not have the authority or powers to resolve, we will provide a full explanation of our position to the person reporting the antisocial behaviour.

12 COMPLAINTS

12.1 If a customer is unhappy with the way in which we have responded to or addressed their report of antisocial behaviour, we will consider their complaint in accordance with our Complaints Procedures.

13 CONFIDENTIALITY

13.1 All information provided by customers in relation to this policy will be treated as strictly confidential and will not be discussed with third parties without their permission. We will always have regard to the Data Protection Act 2018 and the General Data Protection Regulations.

14 TRAINING

14.1 We will ensure that all relevant staff receive appropriate training and information on the application of this policy.

15 MONITORING & REVIEW

15.1 Senior Managers will monitor the operation of this policy and quarterly key performance indicators will be reported to Board.

15.2 Board will also receive reports on any cases where legal action to seek decree is being pursued.

- 15.3 We will conduct regular customer satisfaction surveys relating to our management of neighbourhoods, analyse feedback and develop an action plan to deliver any improvements identified.
- 15.4 This policy will be reviewed every three years unless required earlier due to changes in the law, regulation, best practice or requirements of Eildon.

Appendix A

Eildon Housing Association Scottish Secure Tenancy Agreement Clauses relating to nuisance and anti-social behaviour

Respect for Others

- You, those living with you, and your visitors, 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, our employees, agents and contractors and those in your house.
- '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 at least two occasions.
- In particular, you, those living with you, and your visitors must not:
 - Make excessive noise. This includes, but is not limited to, the use of televisions, hi-fi's, radios and musical instruments and DIY tools;
 - fail to control your pets properly or allow them to foul or cause damage to other people's property;
 - 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;
 - allow your children or children of visitors to your property to play within the common close or landing
 - 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;
 - Behave in an abusive or violent manner towards any of our employees, agents or contractors who have contact with you, those living with you and your visitors concerning any matter arising from your occupancy of the house in terms of this Agreement.
 - use or carry offensive weapons;
 - park any vehicle, caravan or trailer inconsiderately;
 - carry out work to any type of vehicle, caravan or trailer in a way or place that causes nuisance or annoyance
 - Sell alcohol or use or sell controlled drugs.
 - The particular prohibitions on behaviour listed in paragraph 3.3 are not exhaustive and do not in any way restrict the general responsibilities contained in paragraph 3.1 above.

- You, those living with you and your visitors must not bring into the house or store in the house or any of the common parts, areas or facilities of your house any type of firearm ammunition without our prior written permission. See paragraph 10.3 for more details. Before we grant permission of this type we will require to see sight of a permit for storage and using the firearm or ammunition involved. We will also require details of where the firearms and ammunition will be stored.
- You will be in breach of this Agreement if you, those living with you, or your visitors do anything which is prohibited in this part of the Agreement.
- If you have a complaint about nuisance, annoyance or harassment being caused by a neighbour (or anyone living with him/her or his/her visitors), you may report it to us. We will respond in accordance with our Neighbour Complaints policy and procedures, a copy of which is available from us on request.
- We will act fairly to you in all matters connected with your tenancy. We will not unfairly or unlawfully discriminate against you in any way on the grounds of your race, colour, ethnic origin, nationality, gender, sexuality, disability, age, religion or other belief or other status. If you believe we have acted unfairly to you in any way, you may wish to use our complaint procedure. You may also wish to take independent advice.