



Housing and Neighbourhood Services
Anti-Social Behaviour Policy

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1. INTRODUCTION

- 1.1. Argyll Community Housing Association Limited (ACHA) is a registered social landlord which was established to take over the housing stock of Argyll and Bute Council through a large scale voluntarily transfer.
- 1.2. Focusing on local accountability, ACHA has established four local area Associations which will oversee service delivery, set service standards and determine local priorities in their areas of operation working within the Scheme of Delegated Authority and the Business Plan agreed by ACHA Board of Management and Communities Scotland.

2. PRINCIPLES, AIMS AND OBJECTIVES

- ACHA recognise that strong, stable, communities are based in safe and clean environments.
- ACHA is committed to ensuring that its tenants can enjoy quiet and peaceful occupation of their homes without being abused, harassed or subjected to noise, nuisance or antisocial behaviour caused by those around them.
- ACHA's practice in relation to antisocial behaviour will be governed by the principle that the best means of improving quality of life for residents is to stop the behaviour by the best means at our disposal and to support victims of antisocial behaviour.
- ACHA will not tolerate any level or form of antisocial behaviour affecting its tenants. Where necessary ACHA will use the most robust measures available to stop antisocial behaviour.
- To achieve this end ACHA will, where appropriate, work positively in partnership with other agencies.
- ACHA recognise that it has responsibility for the welfare of its tenants and for protecting tenant's rights. ACHA expects tenants to respect the rights of their neighbours to live without nuisance, annoyance or harassment. The ACHA Tenancy Agreement makes this clear and ACHA will take appropriate remedial action where tenants do not adhere to the conditions of the Tenancy Agreement regarding respect for others. Similarly ACHA expects owner occupiers to be good neighbours and will take appropriate action where this is not the case.
- Our aim in the first instance is to improve the quality of life for those affected by the antisocial behaviour of others. Our primary focus is on serious antisocial behaviour of a criminal nature. Where a tenant, member of their household or visitor is responsible for persistent or serious nuisance or antisocial behaviour,

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ACHA will take robust action to prevent that unacceptable behaviour. . Such action may include:

- Mediation,
 - Acceptable Behaviour Contracts
 - Interdicts
 - Antisocial Behaviour Orders (“ASBO”)
 - Court actions for recovery of possession of the tenancy
 - Conversion of Scottish Secure Tenancies to Short Scottish Secure Tenancies.
- ACHA will also seek to take action against others who behave in an antisocial manner in relation to our tenants. In such instances we will work with partners including Strathclyde Police, Argyll and Bute Council and other stakeholders to agree the most appropriate course of action.
- We will also assist ACHA tenants to resolve any disputes that they may have with their neighbours. The use of early intervention and mediation aims to resolve disputes before they escalate.
- OBJECTIVES:
- Adopt a zero tolerance approach to anti-social behaviour affecting ACHA tenants in circumstances where such complaints are supported by evidence.
 - Recognise that neighbour nuisance and antisocial behaviour are multi tenure issues and to ensure that appropriate mechanisms are in place to deal with the associated complete legal and practical issues.
 - Use the best housing management policies and procedures to reasonably prevent nuisance and antisocial behaviour occurring.
 - Protect the entitlement of individuals and households to peacefully enjoy their home.
 - Promote a partnership approach with Strathclyde Police, Argyll and Bute Council and other stakeholders, where appropriate, entering into a protocol with such other stakeholders to set out how ACHA will work with these other organisations.
 - Provide a high quality accountable and transparent service to meet the needs of all tenants and community interests.

3. EQUAL OPPORTUNITIES STATEMENT

- 3.1 This Antisocial Behaviour Policy complies with ACHA`s Equal Opportunities Policy. ACHA recognises its proactive role in valuing and promoting diversity, fairness, social justice and quality of opportunity by adopting and promoting fair policies and procedures.

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3.2 ACHA will check its Anti-social behaviour policy and associated procedures regularly for their equal opportunities implications, taking appropriate action to address inequalities likely to result or resulting from the implementation of the policy and procedures.

3.3 ACHA is committed to providing fair and equal treatment for all its stakeholders including tenants and will not discriminate against any on the grounds of race, colour, ethnic or national origin, religion, age, gender sex, sexual orientation, mental status, family circumstances, employment status, physical ability and mental health.

4. LEGAL AND REGULATORY FRAMEWORK

4.1 In formulating and implementing this policy, statutory requirements, Performance Standards and Good Practice outlined in documents such as Raising Standards in Housing have been incorporated.

4.2 Legislation relevant to this policy includes:

- Human Rights Act 1988
- Housing (Scotland) Act 2001
- Disability Discrimination Act 1998
- Antisocial Behaviour Etc (Scotland) Act 2004
- Regulation of Investigatory Powers (Scotland) Act 2000

4.3 Performance Standards

As a Registered Social Landlord, ACHA is subject to regulation and inspection by the Scottish Housing Regulator. Performance Standards published by the Scottish Housing Regulator set out standards to be expected from social landlords such as ACHA and provide a basis for self-assessment by ACHA and external assessment by the Scottish Housing Regulator. The following Performance Standards are relevant to this Policy:

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Performance Standard AS1.3

Housing Management: Tenancies: We offer the most secure form of tenancy compatible with the purpose of the housing. The agreement makes clear the rights and duties of the tenant and landlord. We act to uphold these rights and duties in a fair and responsible manner.

Performance Standard AS1.4

Housing Management: Housing Support Needs: We are responsive to people's individual housing support needs.

Performance Standard AS1.9

Housing Management: Antisocial Behaviour: We deal appropriately with antisocial behaviour. Where appropriate, we work in partnership with others to manage such behaviour.

5. DEFINITION OF ANTISOCIAL BEHAVIOUR AND HARASSMENT

5.1 The ACHA Tenancy Agreement defines antisocial behaviour as follows:

“Antisocial” means causing or likely to cause alarm, distress, nuisance or annoyance towards 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.

Serious antisocial behaviour will be acted upon after the first corroborated incident.

5.2 Categorise and Response Times

The following categories and response standards are regarded as crucial in ensuring that antisocial cases are properly assessed and speedily acted upon:

- NEIGHBOUR NUISANCE

- Infrequent disturbance
- Noise complaints
- Running a business
- Unauthorised alterations
- Behaviour of visitors/children
- Basic breaches of the tenancy agreement i.e. pet nuisance/stair cleaning
- Failure to maintain garden/common grounds, etc
- Boundary disputes
- Family disputes affecting neighbours

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Visit affected parties and make initial assessment within seven working days of initial complaint

Performance Indicator 95%

- **ANTISOCIAL BEHAVIOUR**

Frequent disturbance
Vandalism/Damage/Graffiti
Verbal harassment

Visit affected parties and make initial assessment within five working days of initial complaint

Performance Indicator 90%

- **SERIOUS ANTISOCIAL BEHAVIOUR**

Drug dealing from the house
Assault
Racial harassment
Violent conduct towards neighbours/ACHA staff
Threatening behaviour

Visit affected parties and make initial assessment within one working day

Performance Indicator = 100% (often response will need to be immediate).

6. PREVENTION

ACHA recognises that prevention is the most effective form of cure. We cannot completely prevent antisocial behaviour, but we can work as a landlord to try to minimise the circumstances which may give rise to antisocial behaviour. We aim to adopt a corporate approach in dealing with these matters.

6.1 Design of Developments

ACHA will take a team approach when designing new housing developments and will include Housing Management staff in this process. This method of corporate working is an effective way of ensuring that the design of housing developments will take account of potential problems for those residing in and managing the housing development. In particular we will consider the following factors when designing new housing development which can often prevent problems of nuisance and antisocial behaviour:

- Sound insulation
- Stair and development lighting
- Provision of secure door entry systems

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- Adequate fencing & clear boundaries
- Clear distinction between public and private space
- “Security by design”
- Location of car parking

6.2 Applications for Housing

ACHA’s allocations policy allows for applications to be suspended where a previous landlord report indicates that there has been a history of antisocial behaviour by the applicant within the last 3 years.

ACHA may not allow existing tenants to transfer to another ACHA property or engage in a mutual exchange where there is a history of antisocial behaviour against any of the parties involved in the previous 3 years.

7. ALLOCATIONS

ACHA aims to let houses in a way that is sensitive to the surrounding area.

7.2 Sign-up meeting/Settling in visit

As the Tenancy Agreement will form the basis of the legal contract between the tenants and ACHA, we will hold a meeting with the prospective tenant prior to the commencement of the tenancy to go through the Tenancy Agreement clause by clause. New tenants will sign a “Good Neighbour” agreement which further underlines the standards expected by the Association.

The settling in visit which is carried out within the first few months of every new tenancy is another opportunity to remind tenants of their rights and responsibilities. We also endeavour find out how the new tenants are getting on with their neighbours and identify any issues at an early stage.

7.3 Tenants Handbook

Amongst other items, the handbook gives advice on dealing with neighbour problems and explains what ACHA can do to help.

8. MAINTENANCE

We aim to have priority response times to deal with the results of antisocial behaviour such as graffiti removal, provide effective security for empty buildings and upgrade security provision as part of routine repair work.

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9. **MONITORING AND REPORTING**

ACHA is committed to continuous improvement in service delivery and standards, and understands that effective monitoring and reporting is essential to the process of evaluating and reviewing performance.

We will produce quarterly monitoring reports for the Management Board and Area Committees which will facilitate the effective monitoring of the ACHA's performance in this area.

We may also, as part of a protocol with other stakeholders, make these reports (either in part or in their entirety) available to our partner agencies for comparison and/or benchmarking.

We will publish details of antisocial complaints received and the action taken within our annual report. The names and addresses of perpetrators, complainers and witnesses will not be disclosed.

We will analyse the information gathered to see if there are any trends or emerging patterns that we should be aware of when improving our service delivery and quality of life for our tenants. The results of such analysis may also show us areas of weakness that need to be addressed in the next policy/procedural review.

10. **TENANT PARTICIPATION**

Tenant involvement is crucial in tackling antisocial behaviour and harassment effectively. Therefore consultation and discussion is invaluable in allowing us to achieve a policy and working procedures which will deliver, as far as possible, what our tenants want and need. We will therefore consult with tenants/residents on all reviews of this policy in accordance with our Tenant Involvement Strategy.

11. **APPEALS**

Where a complainer is unhappy with progress made or decisions reached by ACHA under this Policy, the complainer will be referred to our Complaints Policy and Procedure.

12. **POLICY REVIEW**

This Policy will be reviewed every three years unless circumstances dictate that an earlier review is necessary.