

ADVICE AND INFORMATION



OCHIL VIEW

Dealing with Anti-social Behaviour

The purpose of this leaflet is to provide you with advice and information on what can be done if you are experiencing neighbour nuisance and/or antisocial behaviour.

We aim to reduce the amount of antisocial behaviour and to deal with it effectively if it does occur.

This leaflet will explain the ways we, and other organisations together, can tackle antisocial behaviour. It will look at the different action that we as a landlord can take whether they are non-legal or legal remedies and the response times to dealing with reports.

What is Antisocial Behaviour?

Anti-social behaviour means acting in a manner that causes 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; or pursues a course of conduct against, any person in the neighbourhood. "Conduct" includes speech and a course of conduct must involve conduct on at least two occasions. For us, as the landlord to become involved, the behaviour must happen in or near an Ochil View property. If it happens somewhere else, we can't take any action.

Types of Antisocial Behaviour?

Anti-social behaviour can take many forms, some examples of these are :-

- ◆ Noise
- ◆ Dog fouling or pet nuisance
- ◆ Vandalism
- ◆ Rowdy Groups
- ◆ Anti-social drinking
- ◆ Drug dealing or misuse
- ◆ Abandoned vehicles
- ◆ Graffiti and Littering



Here are some examples of behaviour that we can't take action about:-

- Normal domestic noise eg Vacuuming or Washing Machines
- Children 'falling out' with friends
- Children playing outside or inside their home
- Personal disagreements or family disputes

Who did it?	Any witness? Do you have their names?	Did you report it to anyone? eg Police, Housing?

complaints, your neighbours have rights too. Constant watching

NEIGHBOUR PROBLEMS DIARY

Your Name

Your Phone No

Your Address

Date and Time Of Incident	Where did Incident occur	Brief details of what happened (Full details should be recorded on separate sheet)

A WORD OF WARNING: REMEMBER—be realistic about your
of your neighbours can sometimes make things worse

How Quickly Will Your Complaint be Dealt With?



We recognise that anti-social behaviour can have a serious effect on you and therefore aim to respond quickly. We understand that if complaints are not addressed promptly then these may lead to escalation therefore, we have set out a timetable for response.

We have divided complaints into two categories. The first type is complaints that affect people or households individually for example noise nuisance or rowdy and intimidating groups. Type 2 is complaints that affect communities such as dog fouling, dumping rubbish, graffiti and vandalism.

Type 1 anti-social behaviour affecting people

We aim to resolve within 15 days

Type 2 anti-social behaviour affecting communities

We aim to resolve within 21 days

What will happen when I report the problem?

When you first contact us we will gather information about the problem. The questions we may ask are:

- ◆ What is the problem and how it is affecting you?
- ◆ Where and when does it occur?
- ◆ Have you reported this to any other organisation, such as the Police?
- ◆ Is there any other witnesses?

If we do not have this information it can be more difficult for us to take action. We need to work closely with you to gather evidence. If we don't have this then we will be unable to take the appropriate action.

The Housing Services Officer for your area may arrange to come to your home, so they can see where the problems are happening and assess any damage to your home or surrounding area if appropriate. However, if you prefer you can arrange to come into the office.

We will be supportive and understanding but we cannot take sides until there is clear and strong evidence to support any complaint. We will explain and discuss the possible actions we can take to support you.

What we may do to investigate your complaint?

To investigate a complaint there are various things we may have to do before making a decision on what action will be taken. The following is just some of these:-

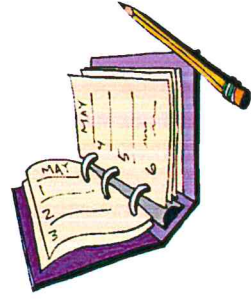


- ◆ Interview any other witness or neighbours who may be able to help
- ◆ Speak to the person causing the anti-social behaviour if they are one of our tenants
- ◆ Contact other organisations such as the Police, if they have been involved
- ◆ Refer the case to the 'Out of Hours' standby team at Clackmannanshire Council or the Safer Communities Team at Fife Council. You will be given a telephone number to call the team and they will attend when the incidents are occurring. This will enable evidence to be gathered and information for the Police.

If you do not want us to contact anyone who could be a witness or speak to the person causing the antisocial behaviour, we will respect your decision. However, this will make it difficult for us to take any action.

- ◆ If it is a minor nuisance issue i.e. lack of stair cleaning or pet nuisance we may suggest that you speak to your neighbour about the problem
- ◆ Ask you to complete a diary log detailing when the antisocial behaviour occurs. A diary log form can be given to you for completion. This is very important in collecting evidence of what is happening

An example of a diary is on pages 10 and 11 of this leaflet



Victim Support

If you have been a victim of crime or witness to a crime then Victim Support provides free and confidential assistance and information about the criminal justice system. Trained volunteers and staff deliver assistance throughout Scotland.

For more information on Victim Support look at

www.victimsupportscot.org.uk or telephone 01786 445 782 if you live in Clackmannanshire and 0845 241 2126 if you live in Fife.

If you do not agree with the action we have taken or how we have handled your complaint

If you do not agree with how we are dealing with your problem you can complain. The Association has a Complaints Handling Procedure that you can use. You can also get independent advice for example from a Solicitor or Citizens Advice.

A copy of Ochil View's Complaints Procedure can be provided on request or by downloading it from our website www.ochilviewha.co.uk.

Other agencies that can help continued

Multi Agency Tasking and Co-ordination (MATAC)

Ochil View is involved in the Clackmannanshire MATAC group. The group also consists of Clackmannanshire Council, Police Scotland, Fire Service, Paragon Housing Association and Youth Services. Other agencies will be invited to attend if there involvement is required in resolving a particular case of antisocial behaviour.

The group meets regularly to which we will refer cases where we require solutions of joint working by a number of agencies to tackle significant and persistent antisocial behaviour.

Clackmannanshire Council



Clackmannanshire Council Tenancy & Estate Management Team has a specialist team of Officers. They will deal with complaints of an antisocial nature and gather evidence, which can be used in court in their role as professional witnesses. They also provide a mediation service where appropriate, and work closely with other services in an attempt to reduce antisocial behaviour in Clackmannanshire. Ochil View will refer cases to the team if we require:-

- ◆ Mediation Service
- ◆ Out of hours standby service
- ◆ Witness Service

Fife Council



Fife Council's Safer Communities Team provides a service in Fife that is broadly similar to the service listed above that is provided by Clackmannanshire Councils team.

What action can we take?

We will advise you when we have decided what action we will take and aim to do this within our timescales as previously advised. This is 15 days for a Type 1 complaint and 21 days for a Type 2. If it is taking a long time to make progress, then we will tell you that the matter is still under investigation and keep you updated at least every 30 days. We will also tell you if we decide that we cannot take any action because there is no evidence to support this action.

The actions we may take to tackle antisocial behaviour are:

Non Legal Remedies

- ◆ **Advice and information** - Sometimes speaking to the person and warning them about their behaviour and what could happen if the problem continues is enough to calm a situation down. If this is the case and we know that the person has clearly broken their conditions of tenancy, we will send them a letter to confirm the situation.
- ◆ **Refer the Case** – It may be appropriate to involve another agency such as the Local Authority if there is a particular issue of antisocial behaviour. Staff will make you aware of if this is the case and of the options available.
- ◆ **Interviews and Letters** – A warning letter is a useful tool and this will usually follow on from a formal interview with the person causing the anti-social behaviour.
- ◆ **Mediation** – We can use mediation to solve a wide range of disagreements with neighbours. Mediation does not focus on who is right or wrong, but gets everyone involved to agree to a solution together. We can use it to solve disagreements with your neighbours if both sides are willing to take part.
- ◆ **Out Of Hours Standby** – We may refer the case to the out of hour's standby team at Clackmannanshire Council or Fife Council, if we are evidence gathering for legal action.
- ◆ **Acceptable Behaviour Contracts** – This is where we get the people causing the problem, to recognise what they have done and sign an agreement about how they will behave in the future. This agreement will normally last 6 months and will be reviewed periodically. This contract has no legal status however, if the contract is breached it is a valuable source of evidence to pursue legal action.

What action can we take? continued

- ♦ **Management Transfer** – In appropriate circumstance we may consider transferring a tenant in order to resolve a problem with neighbours. This move will be in accordance with our Allocation Policy where a person has suffered harassment or their circumstances are such that they are homeless, this must be confirmed by the Local Authority



Legal Remedies

- ♦ **Anti-social Behaviour Orders (ASBO)** – Along with the Police and Local Authority we can apply for antisocial behaviour orders (ASBO). The court can grant an ASBO against anyone over the age of 12. The ASBO could order someone to do or not to do certain things i.e. limiting the number of people they are allowed in the property
- ♦ **Conversion To A Short Secure Tenancy Agreement** - If a tenant, a member of the household or any visitor to the property is responsible for anti-social behaviour within the vicinity of the property we have the right to convert their Scottish Secure Tenancy to a Short Scottish Secure Tenancy. The anti-social behaviour must have occurred within the last three years. The Short Secure Tenancy will be for an initial period of 12 months however, we can extend for a further period of 6 months if the tenancy has not been conducted to our satisfaction. We may take legal action to end the tenancy immediately at any time.

- ♦ **Repossession Proceedings** – In more extreme cases or when a persistent breach of tenancy is occurring we may serve the tenant with a notice of intention to proceed to court. This notice is active for a period of 6 months and allows us to go to Court and request an eviction order. If we do take a tenant to court then we would have to be clear and give detailed written evidence about the antisocial behaviour. People who witness the nuisance may also have to appear in court as witnesses and answer questions about their evidence. The Sheriff has to be satisfied that the tenant has clearly broken their conditions of tenancy and it is reasonable to evict them. However, if a tenant, visitor to the house or someone living with the tenant has been convicted in a court of using the house for immoral or illegal purposes or a criminal offence punishable by imprisonment within 12 months and we serve the appropriate notice the court must make an order for repossession of the house without considering whether it is reasonable.

Other agencies that can help

Ochil View may work or involve a number of other agencies to assist in dealing with a complaint of antisocial behaviour.

Central Scotland Multi Agency Hate Response Strategy

Any complaints which may be aggravated with reference to Race, Religion or Faith, Disability, Sexual Orientation or Transgender Identity should be reported to the Central Scotland Multi Agency Hate Response Strategy. You can make this complaint by yourself or we can support you in referring the case. You can do this by visiting www.stophateincentralscotland.org.uk

Fife Community Wardens

Fife Community Wardens can:



- ♦ Act as witnesses in assisting in crime prevention and reducing fear of crime
- ♦ Contacts in the community to discuss any concern about the local environment
- ♦ Take rapid action against vandalism, graffiti, litter and dog fouling
- ♦ Patrol town centres or areas of concern
- ♦ Become involved with youth groups and meet young people to build relationships
- ♦ Play a part in improving the community's quality of life and making neighbourhoods a better place to live

There are currently Community Wardens in Fife and their patrols are focussed. Ochil View has an excellent working relationship with the Community Wardens and if an area is identified as a problem area then the Wardens will report on their observations to us. Community Wardens are also able to issue fixed penalty notices for dog fouling. There are **No** Community Wardens allocated to Clackmannanshire by Clackmannanshire Council .