

MOLENDINAR PARK HOUSING ASSOCIATION

ANTI-SOCIAL BEHAVIOUR POLICY

Date of Review: 18th January 2012
Date of Next Review: January 2017

1. INTRODUCTION

- 1.1 This policy aims to clearly outline Molendinar Park Housing Association's approach to tackling neighbour disputes and reports of anti-social behavior. The association fully recognises the detrimental effect that anti-social behavior can have on residents.
- 1.2 In view of this, the Association believes that taking appropriate action in dealing with anti-social behaviour is vital in its efforts to achieve its objective of creating and maintaining a stable balanced community where people feel safe and secure.
- 1.3 The Association strives to minimise anti-social behavior and will always try to assist where practical. However, residents must be made aware that the Association can only act where there is clearly wrong doing and where corroboration (proof) exists. Residents, equally, must take responsibility by reporting any anti-social behavior to the Police, where appropriate, in addition to advising the Association of the alleged anti-social behavior.
- 1.4 Molendinar Park Housing Association is an equal opportunities organisation. No person or group of persons applying for housing will be treated less favourably than any other persons or groups of persons because of their sex, marital status, family circumstances, race or national origins, disability, age, religion, political orientation or sexual orientation.

2. REGULATORY AND GOOD PRACTICE REQUIREMENTS

- 2.1 This policy has been written using best practice guidance and aims to comply fully with these and the requirements of legislation.
- 2.2 The policy therefore seeks to fully comply with the Scottish Housing Regulator's Activity Standard (AS 1.9 – Anti Social Behaviour) which requires that we “deal appropriately with anti-social behavior” and “where appropriate, we work in partnership with others to ensure that the neighbourhood is an attractive, well maintained and safe place to live”.
- 2.3 With regard to statutory requirements the Association has taken into account the following legislation:
 - Housing (Scotland) Act 2001
 - Anti-Social Behaviour Act 2004
 - Human rights Act 1998
 - Race Relations Act 1976 (as amended by the Race Relations (Amendment) Act 2000)
 - Disability Discrimination Act 2005

- Sex Discrimination Act 1975

3. POLICY OBJECTIVES

- 3.1 The Association believes that all tenants have a right to live peacefully in their homes and, as such, take very seriously the issue of anti-social behaviour which adversely affects that right.
- 3.2 Through efficient and effective implementation of this policy the Association aims to:
- Make every attempt, within its resources, to enable all Molendinar residents to live without undue disturbance or disruption from others
 - Respond appropriately to all complaints, concerning anti-social behavior – in line with agreed standards, targets and good practice
 - Ensure that early action is taken in response to all complaints
 - Listen sympathetically to all complainants and not pre-judge or make assumptions
 - Advise tenants of the actions they can take in response to the anti-social behavior
 - Record all complaints and action taken in a clear and consistent manner
 - Investigate and evaluate cases to assess the most appropriate action required
 - Support the victims of anti-social behavior, particularly where they are at risk of reprisals and are required to give evidence in court
 - Ensure that other relevant agencies such as the Police, Social Work, Environmental Services and Glasgow Community Safety Services play a full role in resolving behavior or taking action, particularly where it is more appropriate for them to do so.

4. DEFINITION OF ANTI-SOCIAL BEHAVIOUR

- 4.1 Section 143 of the Anti-Social Behaviour (Scotland) Act 2004 states:

“a person (“A”) engages in anti-social behavior if “A” –

- (a) Acts in a manner that causes or is likely to cause alarm distress; or
- (b) Pursues a course of conduct that causes or is likely to cause alarm or distress, to at least one person who not of the household as “A”.

c) (Conducts includes speech; and a course of conduct must involve conduct on at least two occasions. Anti-social behavior will include conduct which is criminal, even if the conduct did not result in charges being brought against an

individual. It will include a wide range of criminal conduct and is limited only by the likelihood or the actual causing of alarm or distress to a member of a household other than that of the perpetrator).

5. PREVENTION OF ANTI-SOCIAL BEHAVIOUR

5.1 Molendinar Park Housing Association will seek to prevent, as far as is possible, cases of anti-social behavior and neighbour disputes. Such preventative measure will include:

- Considering measures to reduce noise nuisance in improvement contracts
- Considering measures to increase overall security
- Ensuring that the tenancy agreement includes explicit statement on anti-social behavior
- Ensuring that all new tenants are fully informed about the obligations of both landlord and tenant. In addition, tenants are given a Tenants handbook which gives further detailed information about their tenancy, what is expected of them and what they can expect from their neighbours. Regular information concerning anti-social behaviour is also contained with the Newsletter which is delivered to all homes within Molendinar.
- The Association is conscious that written information is not always the most effective way of getting a message across. In view of this great emphasis is place on the value of the missive signing process as an opportunity for the housing services officer to ensure that the tenant is clear about his/her responsibilities
- Carrying out “settling in” visits once the tenant has moved into the property provides the housing services officer with an opportunity to identify and deal with any problems being experienced
- The Association recognises the part played by insensitive or inappropriate allocations of housing in potentially contributing to neighbour disputes, eg we will seek to avoid too many large families within a close
- Not considering external applicants for housing for a period of time where there is clear evidence of anti-social behavior by them or a member of their household
- Not considering existing tenant for rehousing with Molendinar for a period of time where there is clear evidence of anti-social behavior
- Adopting clear procedures for routine estate management such as close inspections to ensure that tenants and the Association undertake the estate management duties for which they are responsible
- Working in partnership with other of organisations to minimise the possibility of conflicts arising from poor service deliver or lack of support
- Establishing close liaison with local police and CCTV operators and co-operate in practical ways to combat crime and anti-social behaviour.

6. POLICY IN CONTEXT

- 6.1 The Anti-Social Behaviour etc (Scotland) Act 2004 is tenure neutral and sets out the main powers of enforcement available to housing associations and others in tackling anti-social behavior (notwithstanding those available as a result of a breach of tenancy)
- 6.2 The Act extends the powers of Anti-Social Behaviour Orders (ASBO'S) and introduced other penalties such as Parenting Orders, Power to refer to the children's hearing system, Seizure of vehicles and equipment, Fixed penalty notices and fines. The Act also includes noise control provisions and other environmental concerns such as fly tipping, litter, graffiti, etc.

7. METHODS OF DEALING WITH ANTI-SOCIAL BEHAVIOUR

- 7.1 In cases where anti-social behaviour or neighbour disputes involves Association tenants and owner-occupiers, Molendinar Park Housing Association will take appropriate action in an attempt to resolve the problem.
- 7.2 In relation to owner occupier, such appropriate steps may include:
- Anti Social Behaviour Order
 - An interdict
 - An action of specific implement
 - Irritancy (where there is a specific clause in the deeds which imposes the conditions concerned)

8. PERFORMANCE MEASURES

- 8.1 The Association will ensure that its staff is aware of the importance of dealing speedily with such issues. All neighbour disputes and reports of anti-social behaviour will be dealt with in a professional and thorough manner. The extent of such problems and any patterns, which emerge, will be monitored and appropriate responses developed.

9. STAFF AND COMMITTEE RESPONSIBILITIES

- 9.1 Molendinar Park Housing Association will ensure that all staff with responsibility for dealing with neighbour disputes and anti-social behaviour receives the appropriate training.

- 9.2 Staff may be asked to act as professional witnesses in court cases where this is appropriate.
- 9.3 Reports concerning anti-social disputes will be reported to the Management Committee where legal action is being considered.
- 9.4 Individual tenants will not be identified in any reports to Committee.

10. MONITORING

- 10.1 Molendinar Park Housing Association will monitor its performance in relation to neighbour disputes and anti-social tenants. The Association would expect to collect the following management information:
- Number of neighbour and nuisance problems which require action other than the involvement of a Housing Services Officer
 - Number of interdicts sought/granted against tenants to deal with neighbour and nuisance problems, by type of problem
 - Number of repossessions sought/granted to deal with neighbour and nuisance problems, by type of problem
 - Number of tenants evicted on grounds of nuisance
 - Number of neighbour and nuisance problems referred to other agencies such as the environmental health department or the police
 - Number of neighbour and nuisance problems which mediation/conciliation services was used.

11. POLICY REVIEW

- 11.1 This policy will be reviewed at least every five years.
- 11.2 The review process will take account of legislative changes, policy guidance, good practice advice, the performance of the Association and the views of tenants.
- 11.3 The Association will seek to involve tenants in discussions concerning the review of the policy and will ensure that all tenants are informed of any changes made.