



**Guide to**  **Antisocial  
Behaviour**



## 1 What is Antisocial Behaviour (ASB)?

The law states that someone is behaving in an antisocial way if they are causing alarm or distress.

Our Scottish Secure Tenancy Agreement, Section 3 "Respect for Others" sets out tenants' responsibilities to ensure they are respectful of any person in the neighbourhood. Failing to comply could lead to that person risking their tenancy.

## 2 How we respond and categorise reports of antisocial behaviour?

We aim to investigate and outcome each reported case within 28 working days. Depending on the nature of the reported antisocial behaviour, we will take a different approach to suit each case. The following gives you a guide on how we categorise antisocial behaviour and the timescales to respond.

### • Serious ASB

Serious complaints usually involves criminal activity. We will contact the reporter within 1 working day. All serious ASB should be reported to the police first, followed by your housing officer.

### • General ASB

Complaints which may include including threatening or abusive behaviour, frequent serious disturbances, vandalism, frequent and persistent noise. Usually stops short of criminal behaviour but may be a deliberate attempt to cause disturbance or annoyance. We will contact the reporter within 5 working days.

### • Neighbour Nuisance

Other cases of nuisance behaviour, usually disagreements between neighbours.

These are less serious cases and are unlikely to result in formal legal action. Complaints which concern breaches of tenancy conditions or minor neighbour disputes would normally be dealt with offering advice and assistance, a referral to mediation services or in line with the Estate Management Policy or the Tenancy Agreement if they are not considered ASB. We will contact the reporter within 5 working days.

## 3 What can you do?

There are several things you can do to help the situation:

### Stay calm

- Remember that the person might not be aware that they are causing you distress and might be shocked to find out that they are upsetting you.
- Try to see things from both points of view and remember to be reasonable.

### Keep a diary

- It's useful to record any incident that happens as evidence. You should mention the date and time the incident took place, what happened and who was involved. This can also help us to build up a picture of any patterns of behaviour.

### Talk things through

- If you feel comfortable doing so, try speaking to them about it. Remaining calm will help with this conversation.
- If you would like support, ask a friend to come along with you, or there might be a support agency to accompany you.
- You should only approach your neighbour if you feel it will be safe to do so.

### Listen to Advice and Assistance

- Listen to the advice from your housing officer. You may feel frustrated that issues are not being resolved as quickly as you would like. Your housing officer will guide you correctly and sometimes there are limitations on what they can do and you will be signposted to other agencies to help corroborate your allegations.



**Disagreements or issues can arise when the lifestyles of people living near to each other clash. This can happen for example, between different age groups, household sizes / family composition, cultural backgrounds, and working / sleeping patterns. This does not always constitute antisocial behaviour.**



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## What can you do?.....(cont)

### Report the problem

- If there has been criminal activity or if you feel in immediate danger/threatened then you need to phone the police first, followed by your housing officer. Housing officers need an incident report number to progress all serious cases, so it is very important that you report all serious cases to the police.
- If its excessive noise out with business hours, you must also report this to the Police or the Local Authority out of hours noise teams. Without independent corroboration, your Housing Officer will need evidence of this independent corroboration to issue a formal warning to the person responsible.
- Keep your housing officer updated as they need as much information and evidence as they can to build a strong case for further action.

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## How CVHA will respond to your reports of ASB

The following gives you a guide on how we tackle different types of antisocial behaviour:

### Neighbour/nuisance

- When we receive complaints about neighbours, we will contact your neighbour to understand their version of events and, if necessary, we may speak to other neighbours. If there is evidence of antisocial behaviour, we will advise on appropriate action.
- We can progress mediation if both parties agree. We do not treat instances of Household Noise, such as doors banging and children playing as antisocial behaviour. In cases where neighbours cannot resolve these issues themselves, mediation can be offered to both sides in this instance. If mediation is refused, then we will be limited in the action we can take if there is no clear breach of tenancy.
- When you report preventable noise such as loud music and parties late at night, we must have these noise complaints independently corroborated, or your housing officer cannot consider formal action. You must report these incidents to the Police and/or Local Authority out of hours noise teams at the time of the incident.

### Drugs

You must first report incidents of suspected drug activity to the police. It is important you give the police all information regularly to allow them to investigate. We can follow up on these reports of criminality and progress action if allegations have been corroborated by the police. You can report crime anonymously to Police Scotland and Crimestoppers

### Hate Crime

We will encourage you to report incidents motivated by age, sex, ethnic background, religion, sexuality, disability and social background to the police for investigation. We can follow up on these reports of criminality and progress action if these allegations have been corroborated by the police and a crime established.

### Animal welfare

This includes animal neglect and cruelty, dangerous animals, dog barking, dog fouling, and any damage done to property by pets. If the animal is considered dangerous, we will advise you to report this to the police. If you report any instances of animal welfare we will advise you to contact the SSPCA. We will investigate any reports and speak to dog owners to encourage responsible pet ownership. This does not always constitute antisocial behaviour and may be dealt with as an estate management issue.

### Housing Options Advice

When a resolution cannot be agreed, we will offer housing options advice. This does not guarantee an offer of housing.

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## Anonymous complaints

When you want to report antisocial behaviour anonymously, it is important to understand that this may impact the investigation. If you remain anonymous, we cannot keep you advised of the outcome of the investigation. If you remain anonymous, it may impact our ability to progress the case. When we talk to your neighbour about a complaint, we will not disclose who has complained however, your neighbour may identify you based on the nature of your complaint.

You can report crime anonymously to Police Scotland and Crimestoppers.

We can only take further action if there is evidence to support the complaint.

### Non-legal interventions:

When appropriate we will try the following options before we take any legal action.

- **Mediation** - Mediation is effective for lower level ASB or neighbour nuisance cases.
- **Housing Options advice** - Housing options advice will be offered to anyone who expresses an interest in seeking alternative housing.
- **Advice and Information** - This will be provided to help our tenants to maintain their tenancy. Where necessary, we will offer advice signposting to other agencies who may be better placed to investigate. When there is insufficient evidence to take further action, our team will also provide advice to the reporter.
- **Tenancy Support** - We will use a person-centred, trauma-informed approach to try to understand the cause of the antisocial behaviour and signpost or refer to support agencies to help resolve the underlying cause.
- **Antisocial Behaviour Contracts (ABC's)** - An ABC is a voluntary written agreement between a subject and CVHA. Whereby the subject agrees not to be involved in specific antisocial behaviour. ABC's are an effective tool to manage youth disorder but can be considered in other circumstances.
- **Written Warnings** - A First and Second Written Warning will highlight the tenancy conditions outlined in the Scottish Secure Tenancy Agreement.

**We understand that antisocial behaviour can be very stressful and frustrating. Remember that your housing officer is always here to help you and will offer help and guidance if you need it.**

**For further information please scan the QR Code to download our Antisocial Behaviour Policy.**



### Useful contact numbers:

- Police Scotland – 101
- Crimestoppers (anonymous) - 0800 555 111

### Local Authority Out of Hours ASB Team on:

- South Lanarkshire Council - 0800 242 024
- North Lanarkshire Council - 0300 123 1382
- East Dunbartonshire Council - 0300 123 510


### Legal Interventions:

In most cases legal action is not appropriate, and we will make every effort to resolve a dispute without going to court. However, in some instances we can and will apply to the court for one or more of the following.

- **Notice of Proceeding. (Legal Notice)** - We will issue a Notice of Proceedings for recovery of possession as a warning against continued breaches of tenancy.
- **Antisocial Behaviour Order (ASBO)/ Interim ASBO** - This can be used to tackle serious antisocial behaviour such as drug dealing, unprovoked assault, severe harassment, persistent vandalism, racial harassment, and so on. These orders try to prevent someone from carrying out certain behaviour which is causing alarm or distress to the community. We will only consider applying for an ASBO when all other attempts at dealing with the problem have failed. It is a criminal offence to break the terms of an ASBO. If the terms of an ASBO are breached, the police have the power to arrest.
- **Conversion of Tenancy to SSST** - The ability to convert to a Short Scottish Secure Tenancy for existing tenancies where there has been a history of ASB in the last 3 years with the aim to change the behaviour to sustain the tenancy.
- **Interdict** - This is a civil court order to prevent someone from repeating certain behaviour, such as acts of violence or harassment. It can only be used to make a person stop certain behaviour.
- **Decree for Eviction** - If all other attempts at dealing with the problem have failed, we can apply for a decree to evict the tenant. The Sheriff decides whether to grant an eviction. The process for eviction can be lengthy.



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