

# Health, Social Care and Housing Committee

10am, Tuesday 17 June 2014

## Antisocial Behaviour Policy

<b>Item number</b>	7.15
<b>Report number</b>	
<b>Executive/routine</b>	
<b>Wards</b>	All Wards

### Executive summary

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Effective management of Antisocial Behaviour (ASB) is a key priority for the Council.

The proposed Antisocial Behaviour Policy was developed and informed by the contributions from both the Policy Development and Review Sub Committee of the Health, Social Care and Housing Committees and the Antisocial Behaviour Review Sub Group.

Consultation has taken place with key partners and stakeholders including Edinburgh Tenants Federation, Edinburgh Community Safety Partnership, Community Councils and Registered Tenants Organisations.

As previously approved by Committee, the policy is based on the key principles of Prevention and Early Intervention, Effective Partnership Working, Management of Tenancy Conditions, Effective Legal Solutions, Good Communication and Quality and Performance Monitoring.

### Links

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<b>Coalition pledges</b>	P13,P14,P32,P44
<b>Council outcomes</b>	CO15,CO21,CO23
<b>Single Outcome Agreement</b>	SO4

# Report

## Antisocial Behaviour Policy

### Recommendations

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- 1.1 It is recommended that Committee approve the proposed Antisocial Behaviour Policy.

### Background

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- 2.1 At the Health, Social Care and Housing Committee, held on 28 January 2014, the framework for an ASB policy was approved with agreement that a fully developed policy would be submitted to Committee for approval, in June 2014.
- 2.2 The development of the proposed ASB policy has been informed by feedback from the Policy Development and Review Sub Committee of the Health, Social Care and Housing Committee held on 10 September 2013. This was attended by a range of key partners, and explored the issues and challenges in achieving effective resolution to ASB. Outcomes and best practice, identified through the ASB Review Group, have also contributed to the policy.

### Main report

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#### ASB Policy - Key Objectives

- 3.1 Tackling ASB is a key priority for the Council. The proposed policy presents a clear statement that ASB is not acceptable and will be dealt with. It places residents and communities experiencing ASB at the heart of the process with a clear commitment to tackling ASB and engaging with those affected as investigation and resolution measures are taken forward.
- 3.2 Prevention and support are key elements in managing ASB. However, where serious or persistent ASB continues then all available options will be used to resolve the situation.
- 3.3 The policy is based on a number of key principles:
  - Prevention and Early Intervention;
  - Management of tenancy conditions;

- Effective Partnership Working;
- Effective legal solutions;
- Regular and effective communication; and
- Quality and Performance Monitoring.

## **Consultation**

### 3.4 Consultation on the proposed policy included:

- Promotion of the draft policy on the Council website, including access to the electronic response form;
- Promotion through Neighbourhood Partnership websites and local neighbourhood social media sites;
- Circulation to Edinburgh Tenants Federation, Registered Tenants Organisations, Registered Social Landlords, Community Councils and other key partners;
- Consultation events with a range of officers at neighbourhood level; and
- Circulation to Neighbourhood Partnership Board members.

### 3.5 Response to the consultation showed broad agreement with the key principles of the policy. The majority of responses endorsed a robust approach to ASB. A number of responses stressed the need to assess each case individually where serious sanctions, such as eviction, were being considered.

### 3.6 Changes to the policy, following consultation, include:

- Clarifying that the policy is directed at all residents and not just council tenants;
- Expansion of the detrimental effects of causing antisocial behaviour, including the potential impact on future housing assistance and options; and
- Providing additional information on supporting people with disabilities under Hate Crime Outcomes.

## **Next Steps**

### 3.7 If the policy is approved by Committee then a number of actions will be taken forward including:

- A communication strategy will be put in place to ensure that residents and communities are aware of the policy;
- Service standards and processes will be developed; and
- Training on the policy will be delivered to all relevant staff.

## Measures of success

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- 4.1 Outcomes will be measured through a range of performance indicators including:
- The Edinburgh People's Survey which measures resident's perception and satisfaction with the delivery of services; and
  - Regular monitoring of number of ASB complaints, outcomes and customer satisfaction.
- 4.2 The ASB review group will continue to meet regularly to review serious and persistent Antisocial Behaviour cases to ensure ongoing sharing of good practice and improvement in outcomes.

## Financial impact

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- 5.1 There are no financial implications associated with this report.

## Risk, policy, compliance and governance impact

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- 6.1 There are no perceivable risks to the Council in adopting the draft ASB Policy.

## Equalities impact

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- 7.1 Development of an ASB Policy giving clear guidance to the public on how the Council deals with ASB will help to improve public confidence with respect to ASB. This in turn helps to enhance rights to physical security and to a standard of living not blighted by ASB where family and social life is respected.
- 7.2 The ASB Policy sets out the Council's framework for tackling all forms of ASB and includes measures to deal with harassment and hate crimes. This commitment evidences the Council's due regard to the public sector equality duty to eliminate unlawful discrimination and prohibited conduct.
- 7.3 The ASB Policy is a customer focussed document which seeks to advance equality of opportunity and foster good relations through encouraging public engagement with the Council and reporting of ASB.

## Sustainability impact

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- 8.1 There are no sustainability impacts resulting from this report.

## Consultation and engagement

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- 9.1 Public consultation took place via a survey which was made available both electronically and in hard copy form. The survey was advertised through the Council website, Neighbourhood websites and by social media, Twitter and Facebook. Consultation events took place with all six neighbourhoods and all partners were made aware of the policy and invited to feedback their comments directly or through the survey.

## Background reading / external references

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[Antisocial Behaviour – Policy Development Framework for Consultation - 28 January 2014 – Report to the Health, Social Care and Housing Committee](#)

[Outcome of further consultation on the ASB Strategy – 28 January 2014 - Health, Social Care and Housing Committee](#)

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## Links

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<b>Coalition pledges</b>	<p>P13 – Enforce tenancy agreements (council and private landlord) with a view to ensuring tenants and landlords fulfil their good conduct responsibilities</p> <p>P14 – Strengthen Council housing allocation policy to give recognition to good tenants and encourage responsible tenant behaviour and responsibilities</p> <p>P32 – Develop and strengthen local community links with the police</p> <p>P33 – Strengthen Neighbourhood Partnerships and further involve local people in decisions on how Council resources are used.</p> <p>P34 – Work with police on an anti-social behaviour unit to target persistent offenders</p>
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<b>Council outcomes</b>	CO15 – The public are protected CO21 – Residents, visitors and businesses feel that Edinburgh is a safe city CO23 – Well engaged and well informed – Communities and individuals are empowered and supported to improve local outcomes and foster a sense of community
<b>Single Outcome Agreement</b>	SO4 – Edinburgh’s communities are safer and have improved physical and social fabric
<b>Appendices</b>	Appendix 1 Antisocial Behaviour Policy

# **Antisocial Behaviour Policy**

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## 1. Introduction

- 1.1 Anti Social Behaviour (ASB) is not acceptable and effective management of ASB problems is a key priority for the Council. While fully supporting prevention and early intervention, where ASB is severe and/or persistent, the Council will take robust action against perpetrators.
- 1.2 This Policy sets out the approach for managing ASB in the city and supports the aims of Edinburgh's ASB Strategy 2013 – 2016, which are:
- to improve partnership working;
  - ensure a consistent approach towards antisocial behaviour;
  - increase public awareness of services and support available;
  - update victims on progress made in tackling antisocial behaviour ;
  - increase public feelings of safety and security; and
  - work with communities to co-produce outcomes.
- 1.3 Many factors can lead to antisocial behaviour. These may include, but are not limited to; mental health issues, drug and alcohol dependency, family breakdown, involvement with the criminal justice system, experience of abuse or lack of activities for young people.
- 1.4 The Council is committed to tackling the underlying causes of ASB, working in partnership with other statutory agencies, the third sector and local communities to maximise prevention, early intervention and support.

## 2. Definition of ASB

- 2.1 The Antisocial Behaviour etc. (Scotland) Act 2004 sets out the interpretation of ASB in relation to the Act. This defines that a person engages in ASB if they:
- act in a manner that causes or is likely to cause alarm or distress; or
  - pursue 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 them.
- 2.2 Behaving in an antisocial manner can cover a wide range of behaviour including:
- persistent abusive behaviour towards neighbours causing them fear or distress;
  - noise nuisance (due to lifestyle differences **NOT** general day to day living noises);
  - vandalising or damaging common living areas such as stairways or shared gardens;
  - persistent troubling behaviour by small groups of individuals in a local area/community; and

- persistent nuisance and threatening behaviour as a result of substance or alcohol abuse.

2.3 The above examples are not exhaustive. In order to provide a framework for investigation, agreed categories are set out in Appendix 2.

### **3. Policy Aims**

3.1 The aim of the ASB Policy is to tackle robustly ASB across the City in line with the six key objectives outlined below;

- Prevention and Early Intervention
- Management of Tenancy Conditions
- Effective Partnership Working
- Effective Legal Solutions
- Regular and Effective Communications
- Quality and Performance Monitoring.

### **4. Measures available to tackle ASB**

4.1 Council tenants as well as Housing Association and private rented tenants (or members of their household) who engage in severe and/or persistent ASB could ultimately end up losing their home and may find that any future applications for housing is affected.

4.2 There are a wide range of tools and powers (Appendix 4: Glossary of Terms): available to the Council to tackle ASB, including:

- Housing Support;
- Mediation;
- Referral to support agencies e.g. drugs and alcohol or mental health agencies;
- Warnings;
- Acceptable Behaviour Contracts;
- Fixed Penalty Notices; and
- Seizure of noise equipment.
- Interim Anti Social Behaviour Orders;
- Antisocial Behaviour Orders (ASBO);
- Antisocial Behaviour Notices – (ensuring that landlords take responsibility for tackling antisocial behaviour caused by their tenants);
- Management Control Orders;
- Scottish Short Secure Tenancy Agreements (SSST)- anyone with a SSST can have their tenancy brought to an end more quickly than those with a Scottish Secure Tenancy (SST);
- Eviction;, and
- Control of Dogs Notice.

- 4.3 In order to tackle ASB effectively, each case will be assessed individually, taking into consideration any Duty of Care and legislative constraints.
- 4.5 Enforcement will be matched with support for the perpetrator, where appropriate and necessary, to tackle the cause of ASB.

## **Key Objectives**

### **5. Prevention and Early Intervention**

#### **Prevention**

- 5.1 The Council will facilitate prevention through various measures including placing emphasis on tenant responsibility and providing support services at the outset of a tenancy where required. The Council will combine this with regular visits to tenants in the early stages of a tenancy and where necessary the Council will consider a SSST for individuals with previous history of ASB.

Preventative approaches include:

- inclusion of clear clauses in our tenancy agreement prohibiting ASB and advising of residents/tenants responsibilities;
- providing customers with information on our policy and procedures on ASB at the start of their tenancy and carry out settling in visits for new tenants;
- assessing the vulnerability and support needs of our tenants and providing support;
- carrying out ongoing community initiatives such as diversionary activities for young people to combat ASB;
- sensitive lettings where appropriate;
- considering suspension of housing applications where the applicant has a known history of ASB;
- publicising the Council's commitment to dealing with ASB, for example in newsletters and on line; and
- where possible the Council will tackle environmental ASB so as to reduce the potential for crime and risk of ASB e.g. removal of graffiti, abandoned vehicles, etc.

#### **Early Intervention**

- 5.2 Where there are concerns over ASB, early intervention will be a key objective, this may involve joint visits with the Police to the complainants and alleged perpetrator. These visits offer suggested solutions and use tools such as, Acceptable Behaviour Contracts, warnings and/or mediation referrals.
- 5.3 Where a need for further support is identified, options which will be explored include:

- making appropriate referrals to support services, for example to the Neighbourhood Support Service who can assess the individuals needs and recommend what support should be put in place to enable that person to sustain their tenancy without causing further ASB;
- establishing early case management meetings working in partnership with all relevant services (including GP's, Education, Police, Social Work etc) and the perpetrator. Sharing relevant information and collectively making appropriate decisions on how to obtain the most effective outcome; and
- intensive family support, such as parenting support. The Council will refer and work with those services that can offer the support to help parents to break the cycle of unacceptable behaviour.

5.4 If the perpetrator does not engage in the support offered and continues to cause ASB, the Council will take enforcement action that could ultimately result in the tenant (and their household) being evicted from their tenancy.

## **6. Management of Tenancy Conditions**

### **Council tenants' obligations**

- 6.1 When a person is allocated a Council property they sign a Tenancy Agreement. Under this agreement, tenants are responsible for the behaviour of every person (including children) living in or visiting the tenants home. This includes responsibility for their behaviour in the home, on surrounding land, in communal areas (stairs, lifts, landing, entrance halls, shared gardens, parking areas) and in the locality of the dwelling house.
- 6.2 Where low level infringements become a nuisance to neighbours and the community the Council will take immediate action to manage the behaviour.
- 6.3 The Council will ensure that all policies and procedures (e.g. noise, dirty houses, garden maintenance, stair cleaning) are in place to manage effectively infringements of tenancy conditions and are utilised to full effect where necessary.
- 6.4 Policies will be kept under review as part of the commitment to the Coalition Pledge 13 which is to "*Enforce tenancy agreements (council and private) with a view to ensuring tenants and landlords fulfil their good conduct responsibilities*".

## **7. Effective Partnership Working**

- 7.1 The Council recognises that the problems faced in some communities are complex and that no one agency can effectively solve the problems of ASB.
- 7.2 The Council has therefore adopted a partnership approach where agencies work together with communities to prevent and manage ASB at an individual, local and citywide level. This includes:

### **Partnership for individual support**

- 7.3 Where early intervention measures or initial investigation of a complaint indicates the need, the Council will set up case management meetings to co-ordinate support across agencies to tailor packages to meet the complex needs of a perpetrator e.g. this could involve alcohol, drug and/or mental health issues.
- 7.4 By working in this way, the Council will provide support to perpetrators to change their behaviour while ensuring that the complainant receives the necessary support to feel safe and live peacefully in their own home.
- 7.5 Where there are serious, significant risks to an individual (perpetrator) and/or the community, the case will be referred to the Escalating Concerns Group (ECP) where a risk management plan will be developed and carried out. Members of the ECP will include representatives from Social Work, Police Scotland, Fire and Rescue Service, Community Safety, Health Services, and will involve the individual concerned.

### **Operational/local partnerships**

- 7.6 In addition to responding to individual complaints, the Council will work with community networks, partners, and support agencies such as the Police, Fire Service, NHS, Youth Offending Services, Education, Housing Associations and community support organisations. This will involve responding to local priorities and delivering outcomes at a local/neighbourhood level and sharing relevant information in order to deter or prevent ASB from taking place.

### **Strategic/City wide partnerships**

- 7.7 The Council will also operate at a strategic city wide level with partners such as the Police, Probation Service, Procurator Fiscal Service, and agencies from the Voluntary Sector, through bodies such as the Edinburgh Community Safety Partnership. The intention is to ensure a joined up approach on priorities, monitoring and best use of available resources and services to address ASB

## **8. Effective Legal Solutions**

- 8.1 Where ASB is serious, persistent and/or the perpetrator is not responding or engaging with help and support measures, an appropriate legal solution will be sought to resolve the ASB. The range of options is listed at section 4 .
- 8.2 The Council will provide a mechanism for reporting complaints that can be used as part of the legal process (see making and responding to a complaint Appendix 1).

- 8.3 Complaints will be reviewed on a regular basis in conjunction with legal services to determine appropriate legal options.
- 8.4 At all times the victim/witnesses will be kept informed of the court process and possible outcomes.

## **9. Regular and Effective Communication**

- 9.1 Regular and effective communication with customers who report ASB is central to the Council's approach. All complaints will be taken seriously and will be recorded and investigated. Key stakeholders will be kept informed of how the complaint is being dealt with, including clear information on the relevant contact for the case and timescales at each stage of the process.
- 9.2 The Council will publicise and highlight its process for dealing with ASB including the consequences of persistent ASB.

## **Information Sharing**

- 9.3 The Council will maintain data sharing protocols with its partner agencies to facilitate ongoing multi-agency practices such as mapping of ASB hotspots and the analysis of trends to target the allocation of resources.

## **Confidentiality**

- 9.4 Interviews and conversations with customers about personal and sensitive matters will be carried out in private.
- 9.5 The Council will treat all reports of ASB confidentially and will not disclose information to third parties or other organisations without consent. The only exceptions to this will be in cases where the Councils has a legal or statutory duty to do so, or where passing relevant information would be essential to carrying out the Council's duties.

## **10. Quality and Performance Monitoring**

- 10.1 The Council will monitor and analyse the perceptions of ASB through the Edinburgh Peoples Survey, to establish how residents feel about ASB in their area.
- 10.2 The Council will set out targets for performance to ensure that interventions are monitored at a local level in relation to a number of indicators such as customer satisfaction, cases resolved and repeat offenders.
- 10.3 The Council will review serious and persistent ASB cases regularly through its ASB Review Group. The group involves key officers and agencies relevant to the individual case including; Youth Offending, Criminal Justice Social Work, Housing, Children and Families, Police, Legal Services and support agencies such as drugs and alcohol support.

10.4 The group aims to improve resolution of cases and drive continuous improvement across the service, through dissemination of good practice and improved training for support staff.

### **Measuring Customer Satisfaction**

10.5 The Council will send out customer satisfaction surveys to every customer when a case has been closed. This enables the Council to measure the views and opinions of customers using the service, the value of the service provided and used to make further improvements to the service.

### **Appeals and Complaints**

10.6 Any complaints about the level of service received will be dealt with under the Council's Customer Care and Complaints procedure. The detail of this process is outlined in Appendix 3.

## **11. Legislation and Guidance**

11.1 In the formulation of this policy guidance has been found in the following legislation:

- Antisocial Behaviour etc (Scotland) Act 2004;
- Housing (Scotland) Act 2001;
- Homelessness (Scotland) Act 2003;
- Adult Support and Protection (Scotland) Act 2007;
- The Data Protection Act 1998;
- Equality Act 2010;
- Children (Scotland) Act 1995;
- The Mental Health (care and treatment) (Scotland) Act 2003 Human Rights Act 1998; and
- The Scottish Social Housing Charter.

11.2 This policy will be reviewed in line with any amendments to legal provisions.

### **Making and Responding to a Complaint/Supporting victims and witnesses**

#### **1. Making a complaint**

1.1 In the first instance you can report ASB by phoning your local neighbourhood office and asking to speak to a Community Safety Officer (CSO), by emailing the antisocial behaviour email address, visiting the Council's website or by visiting any of the six local neighbourhood offices (see Appendix 5 for contact information).

1.2 The Council will take a customer focussed approach to tackling ASB, working with the complainant and the perpetrator, aiming to reach agreed actions, timescales and ultimately find an effective solution. The Council recognises that early intervention is important to stop cases escalating. On receiving a report of ASB we will:

- attempt to make contact with you by telephone to conduct the initial interview. Where an officer is unable to make contact via the telephone the officer will carry out a visit to your home. If you are not at home the officer will leave a card requesting that you make contact either by telephone or by visiting your local neighbourhood. It is important that you do not ignore the messages, particularly if ASB is continuing, if the officer is unable to contact you, the officer may decide to close the investigation;
- provide you with a named officer that you can contact;
- listen to your complaints and give you advice as to what the Council can do and what you can expect from the Council;
- assess and monitor any risk;
- advise you to report criminal behaviour to the Police;
- be clear and realistic about potential outcomes and timescales involved, choosing from a toolkit of different actions and taking action proportionate to the type of ASB reported;
- request your cooperation to assist in evidence gathering;
- refer you to external agencies as appropriate e.g. appropriate support agencies;
- liaise with relevant Council internal services such as Children and Families;
- liaise with other agencies such as Police Scotland;
- contact you every 14 days (or before this where case demands) with progress of the investigation and advise you of any actions taken and/or your nominated representative. If there are further problems, further enquires will be carried out;



- keep in contact with elected representative or nominated representative if you complain to the Council via this route and advise them of the progress of your case;
  - keep abreast with other agency/teams involvement such as the Police, Social Work or Noise Team ascertaining the outcomes of those contacts; and
  - when an investigation has been completed, complainers and witnesses will be updated in writing that the case is being closed.
- 1.3 On some occasions, an alleged perpetrator may make a counter-claim against the original complainant. We will adopt this same approach on responding to counter-claims.
- 1.4 Interpretation and translation services (ITS) will be used to support individuals where English may not be their first language, who are either the complainer or the person being complained about. ITS provides interpretation and translation facilities in approximately 40 community languages, Braille, tape, large print and British Sign Language.

## **2. If your complaint is about: Antisocial noise**

- 2.1 The Council provides an Anti Social Noise Service during the day from 8.30am to 5pm and an out of hours service operational between 4pm – 4am Thursday – Sunday. Outwith these hours this service is provided by the Police. The service can be contacted when the noise is occurring, and can be reached via the non-emergency number for Police Scotland, **101**.
- 2.2 The Council are authorised by the Antisocial Behaviour etc. (Scotland) Act 2004 to tackle noise disturbance from neighbours.

We will:

- visit as quickly as possible to assess the noise and take appropriate action, dependent on what they witness; and
- carry out an investigation adhering to the steps outlined in section; Making and Responding to a Complaint.

Police will:

- attend, where appropriate, when the Council Noise Teams are off-shift or when their presence is more required, and may use other legislation available to them to deal with the issue.

### **3. If your complaint is about: Home Owners/ Private tenants**

3.1 If your complaint is about ASB from a tenant who lives in a private rented property the we will adhere to the steps outlined in Making and Responding to a Complaint and contact the owner or landlord and advise them of their duty to be a responsible landlord. We can advise them to issue warning letters or depending on the serious nature of the ASB a Notice to Quit:

- We will , in tandem with the landlord taking action, apply to the courts for an ASBO that can be granted against the tenant if the situation is deemed serious enough and all alternative avenues have been explored (we would normally only do this if the landlord is not taking swift action to address their tenants behaviour).
- If a landlord does not follow the advice of the Council; we can again apply to the courts for an ASB Notice that will instruct the landlord to take appropriate action against their tenant.
- We also have the power to apply to the Court to grant an ASBO against private owner occupiers if their behaviour is deemed unacceptable.

3.2 If you need to establish who owns a property you can contact the Council's Landlord Registration section. If the property is unregistered you can report this to the Council's Private Rented Services Team who will investigate unlicensed or unregistered properties .

### **4. If your complaint is about: Short Term Lets/Party Flats**

4.1 Where there may be ASB experienced due to visitors staying in temporary holiday accommodation eg hen or stag parties or people visiting for sporting events, we will investigate the complaint as outlined in Making and Responding to a Complaint and where necessary meet with the landlord to discuss how they plan to ensure that their visitors will not continue to cause ASB.

4.2 If ASB persists, we will investigate serving an ASBN that will instruct the landlord to take appropriate action, for example the Council can advise that the landlord limit the amount of people allowed to stay in the property.

4.3 If the landlord fails to take action then we may apply to the court for a "Management Control Order" under section 74-77 of the 2004 Act to allow for transfer of the management of the property away from the landlord to the Council.

## **5. If your complaint is about: Registered Social Landlord (RSL) or Housing Associations, and other tenures**

5.1 We recognise that disputes may arise between Council tenants and other tenants from mixed tenures. While we will work closely with those associations responsible for their tenants, **the RSL's will have their own procedures and policies in place to address their tenant's behaviour.**

5.2 Where there are concerns about a tenant from any of the different tenures listed below you can go directly to the relevant organisation to make a complaint or you can contact your local Community Safety Team who will:

- Refer you to the appropriate Registered Social Landlord (RSL) or Housing Association – these cases are investigated by the RSL therefore we will pass on the details of your complaint and any supporting evidence such as corroboration of evidence from our noise teams. We can advise or liaise with RSL staff however the RSL would lead the investigation and be responsible for any appropriate enforcement action;
- Administrators of the Letfirst scheme are responsible for carrying out their investigations (see also above);
- Private Sector Leasing (PSL) tenants – complaints of ASB will be investigated by the relevant managing organisation (see also above).
- Sheltered Housing Council tenants – complaints of ASB will be investigated by the relevant Neighbourhood Office Community Safety Team where the sheltered housing is located. This will be initiated by a referral from an Officer from the Sheltered Housing team. The Neighbourhood Community Safety Team will continue to liaise with the Sheltered Housing team and involve the Visiting Support Service as appropriate, throughout the investigation. At case closure, the Community Safety Officer leading the investigation will liaise with the relevant officer from the Sheltered Housing / Visiting Support Service prior to making contact with the customer to explain the outcome and decision taken (see also above);
- Temporary Accommodation residents – complaints will be investigated by our Temporary Accommodation services; and
- Houses in Multiple Occupation (HMO) - complaints will be investigated by HMO services.

## **6. Supporting victims and witnesses**

6.1 Witnesses are crucial to tackling ASB, whether they are the direct victims of ASB or residents who witness ASB within the community. It is essential that witnesses report incidents, provide evidence, and help both the Council and the Police take action against the perpetrators.

6.2 In order to facilitate communication and support for witnesses, we will:

- take swift and appropriate action to stop intimidation;
- take complaints seriously and advise how they will be dealt with ;
- engage each key victim/witness in a face to face meeting;
- discuss with the victim/witness what is involved if their help is needed in taking legal action. The officer will provide them with information and support to help them make a decision about signing impact statements and going to court;
- not divulge who the complainer is without consent;
- provide regular support to the victim until the case is closed , including regular phone calls, visits and updates on progress;
- where appropriate, refer to relevant agencies or departments within the Council if further support is required;
- refer to the Police, where necessary to carry out a home environment assessment to assess what witness protection measures may be required;
- when people are too intimidated to come forward then the use of hearsay evidence can be considered. This can include anonymous witness statements alongside the use of professional witnesses such as the police, CSO's CCTV or Noise Teams; and
- temporary accommodation will be considered.

**Working in partnership the Council will also:**

- work closely with the Mediation Service; the Council offers this facility to neighbours where appropriate;
- work with the support services for victims, if you are the victim of ASB the Council will support you by providing an allocated CSO and refer you to support if you wish this to happen;.
- refer individuals for a support assessment, where necessary, pre-tenancy, and also if any concerns are highlighted through our case management approach to tackling ASB; and
- work with partners to manage issues across multi tenure properties, however, where there are limited actions that the Council can take, the Council will notify you immediately, for example in the case of two private owners having a neighbours dispute.

**7. If you are a victim of Hate Crime**

7.1 A hate crime/incident is any crime, incident or series of incidents intended or likely to intimidate, offend or harm an individual or group because of their ethnic origin, colour, race, religion, nationality, sexual orientation or disability.

- 7.2 If the victim or any other person thinks an incident is hate based, they should report it at their local neighbourhood office where we will investigate the complaint carrying out the steps outlined in Making and Responding to a Complaint section. Allegations of hate crime are investigated under the Council's Harassment Complaints Procedures.
- 7.4 The Council recognises that harassment complaints are complaints of a serious nature and therefore will prioritise their investigation. Where a complaint of harassment is reported to the Council, the local Community Safety team will investigate the complaint fully and take appropriate action against the perpetrators where evidence supports the harassment allegation. The investigation will include close partnership working with police colleagues to establish the facts of the case. The complainer may be offered alternative accommodation during the investigation process and longer term housing options will be considered, based on the outcome of the investigation.
- 7.5 The Council also recognises that victims of harassment and, in particular, hate crime, may be reluctant to report their experience to police for a variety of reasons. Therefore, to encourage reporting of hate crime, a number of Third Party Reporting Centres are being established across community based locations in Edinburgh, including local Council neighbourhood offices. Victims of hate crime are encouraged to report their experiences at those Centres using the Third Party Reporting facility. The Centres will include dedicated staff members who are especially trained to receive reports of hate crime in a sensitive and professional manner. The Centres will provide assistance and advice to victims and ensure that they have access to appropriate support services.

## **8. If you are a victim of Domestic Abuse**

- 8.1 If you are suffering from Domestic Abuse we will provide you with advice and support from a trained housing officer and carry out an investigation where appropriate.
- 8.2 Victims of domestic abuse are encouraged to report the abuse at any local Council neighbourhood office where assistance and advice will be provided. Council staff within Housing and Homelessness Services are trained to handle reports of domestic abuse with sensitivity, and all victims of domestic abuse will be offered temporary accommodation to minimise the risk of further harm. Those in fear of domestic abuse should also report their concerns to their local Council neighbourhood office to ensure that they can access appropriate practical support and advice. All victims reporting domestic abuse will be supported to access the specialist support services available.

## **9. Vulnerable Adults**

- 9.1 When investigating a complaint, if there are issues regarding adult or child protection, we will carry out our duties in accordance with the Council's child protection and adult support and protection guidelines and procedures. We will highlight our concerns and refer to the appropriate service for their immediate attention.

### Complaint Categories

Complaints will be acknowledged on the same working day of receipt or next working day if received on a public holiday or at the weekends. It may not be possible to provide a detailed response but acknowledgment will be given with an indication of when a full investigation will be carried out.

Below are the categories of antisocial behaviour with an indication as to when you can expect an investigation to begin:

**Category A** - very serious i.e. harassment, racially motivated ASB, drug dealing, threat to life possibility. Investigation will be initiated within 24 hours.

**Category B** – serious i.e. frequent serious disturbance, intimidation, damage to property. Investigation will be initiated within 48 hours.

**Category C** – nuisance complaints i.e. lower level neighbour disputes, noise complaints, behaviour of children, pet control, and misuse of communal areas. Investigation will be initiated within five working days.

Behaviour examples are given as a guide only, the CSOs will use their judgement based on complainant information submitted.

### Appeals and Complaints

1. If you feel that you have been treated unfairly or are unhappy with the level of service that you have received you can complain using the Customer Care and Complaints Procedure.
2. The Council will always try to resolve issues without them becoming complaints where you remain unhappy with our response the Complaints procedure has two stages

#### Stage 1. Frontline resolution

3. The Council will respond to complaints within five working days and aim to resolve the issues raised within this timescale.
4. When the Council responds we will advise you of what to do next if you are not satisfied.
5. If there are valid business reasons why the Council cannot respond within five working days, the person dealing with the complaint can request an extension of up to five working days, to be authorised by their manager. The Council will advise you of the new timescale and why this has been extended.

#### Stage 2. Investigation Stage

6. Complaints will be considered at the Investigation Stage where:
  - the Council have failed to resolve the complaint at Frontline Resolution;
  - if the customer refuses to engage with Frontline Resolution and insists on it being considered at Investigation; or
  - the Council feel the complaint is sufficiently complex or sensitive that it should be dealt with at Investigation Stage.
7. At this stage, the Council will identify a senior officer to investigate the complaint and tell you who this is. The Council will respond within 20 working days and aim to resolve the complaint within this timescale.
9. If there are valid business reasons why the Council cannot respond within 20 working days, the Council can request an extension of up to 20 working days to be authorised by the relevant manager. They will also advise you of the new timescale and why this has been extended.



10. If you are not satisfied at the end of the investigation stage you have the right to take your complaint to the [Scottish Public Services Ombudsman](#).
11. If this fails or the Council can immediately identify the issue as a complaint, then the Council will use the complaints procedure, which has two stages.

## Glossary of Terms

### 1. Antisocial Behaviour Orders & Interim ASBO's

- 1.1 An Antisocial Behaviour Order (ASBO) is a civil order made by a court which sets out specific terms and conditions that prohibit an individual from engaging in further incidents of ASB or undertaking specific activities in their local areas.
- 1.2 An interim ASBO with or without notice can also be obtained, pending a full hearing, to determine whether a full ASBO should be granted. A full hearing will be fixed for a later date.
- 1.3 An ASBO (either full or interim) starts from the date of service. The length of a full ASBO is determined by the Sherriff, during which time the order cannot be discharged without the consent of both parties. However, an order can be made for an indefinite period pending a further order. Breaching an interim or full ASBO is a criminal offence and may lead to eviction for a Council tenant.

### 2. Antisocial Behaviour Notice (ASBN)

- 2.1 An Antisocial Behaviour Notice (ASBN) is different from an antisocial behaviour order (ASBO). An ASBN applies only to private landlords whereas an ASBO applies to the person who is behaving antisocially.
- 2.2 The Notice focuses on the responsibilities of the landlord rather than that of the particular tenant/s or occupier/s. The Notice is served on the landlord of the offending property and would describe the ASB already taken place and the landlord requirements to deal with anticipated future ASB.

### 3. Acceptable Behaviour Contracts (ABC's)

- 3.1 ABC's are effective at addressing low level ASB, at an early stage. ABC's are often used where complaints about ASB have been received, but the behaviour is not serious enough to warrant an ASBO. An ABC is a voluntary contract which requires the signature of the perpetrator or in the case of a minor a responsible parent.
- 3.2 If an ABC is breached further action can be taken to remedy the situation such as an application for an ASBO.

### 4. Control of Dog's Notice

- 4.1 Our Environmental Wardens can serve a Control of Dogs notice when any dog owner does not keep their dog under proper control. The Control of Dogs Notice will prescribe the necessary measures to bring the dog under control, for example requirements may include ensuring the dog is kept on a lead, wearing a muzzle or completing a relevant dog training course.

## **5. Fixed Penalty Notices (FPN)**

- 5.1 The Council has the power to investigate complaints of excessive noise, give warning notices in respect of such noise and, where the noise remains excessive after the service of a warning notice, issue a Fixed Penalty Notice. The Council also has the powers to enter a dwelling and remove any noise equipment.

## **6. Management Control Orders (MCO)**

- 6.1 A management control order is an order granted by the sheriff court that gives the Council the power to take over the running of a privately rented property for up to 12 months. This allows the council to deal with the antisocial behavior directly.

## **7. Mediation**

- 7.1 Mediation is a process in which an impartial third party – the mediator-helps people in dispute work out an agreement. The people in dispute work out the agreement, **not** the mediator. The meetings are attended on a voluntary basis by both parties who consent to the mediation process.

## **8. Notice of Proceedings (NOPFROP)**

- 8.1 A notice of proceedings is a legal document which starts the eviction process.
- 8.2 This action is the Council's official notice of intention to enrol the case in court for recovery of a property from a Council tenant if there is sufficient evidence of ASB.
- 8.3 The notice expires at the end of six months and thereafter another notice can be applied for and served.

## **9. Official Warnings**

- 9.1 The Council can give up to three official written warnings before looking to apply for an ASBO. However, for Council tenants it is not necessary to issue any warnings prior to a final warning where the behaviour is serious.
- 9.2 Written warnings can be very effective in stopping people behaving antisocially. By challenging all unacceptable behaviour immediately, they establish clear standards of behaviour and reinforce the message that ASB will not be tolerated. It is also an opportunity to review the needs of both the perpetrator and victim, ensuring support is offered where necessary.

## **10. Scottish Short Secure Tenancy Agreements (SSST)**

- 10.1 A SSST enables the Council to end a tenancy more easily, as a court will not question the reason for eviction.
- 10.2 It can also be used as a preventative tool to manage and assist someone to modify their behaviour.

- 10.3 The Council will consider converting a tenancy from a Scottish Secure (SST) to a Short Scottish Secure Tenancy if a tenant or member of their household has had a full ASBO served on them.
- 10.4 A SSST will last for a minimum of six months and a maximum of 12 months. The Council will monitor the case throughout the duration of the SSST ensuring that no further issues arise. If they do the Council will consider evicting the tenant.

## **11. Seizure of Equipment**

- 11.1 Authorised Council Officers have powers to seize noise-making equipment under the Antisocial Behaviour etc (Scotland) Act 2004 – part 5

### Contacts

If you wish to make a complaint about antisocial behaviour you can:

- Contact your local Community Safety Team:

City Centre and Leith Neighbourhood Office  
1 Cockburn Street  
Edinburgh  
EH1 1BJ  
Tel 0131 529 7061  
E-mail: [citycentreteam@edinburgh.gov.uk](mailto:citycentreteam@edinburgh.gov.uk)

East Neighbourhood Office  
101 Niddrie Mains Road  
Edinburgh  
EH16 4DS  
Tel: 0131 529 3111  
E-mail: [easteam@edinburgh.gov.uk](mailto:easteam@edinburgh.gov.uk)

North Neighbourhood Office  
8 West Pilton Gardens  
Edinburgh  
EH4 4DP  
Tel: 0131 529 5050  
E-mail: [northteam@edinburgh.gov.uk](mailto:northteam@edinburgh.gov.uk)

South Neighbourhood Office  
40 Captains Road  
Edinburgh  
EH17 8QF  
Tel: 0131 529 5151  
E-mail: [southteam@edinburgh.gov.uk](mailto:southteam@edinburgh.gov.uk)

South West Neighbourhood Office  
10 Westside Plaza  
Edinburgh  
EH14 2ST  
Tel: 0131 527 3800  
E-mail: [southwestteam@edinburgh.gov.uk](mailto:southwestteam@edinburgh.gov.uk)

West Neighbourhood Office  
81 Drumbrae Drive  
Edinburgh  
EH4 7FE  
Tel: 0131 529 7440  
E-mail: [westteam@edinburgh.gov.uk](mailto:westteam@edinburgh.gov.uk)

**Email the Council at:**

[antisocialbehaviour@edinburgh.gov.uk](mailto:antisocialbehaviour@edinburgh.gov.uk)

**Online at:**

[www.edinburgh.gov.uk/asb](http://www.edinburgh.gov.uk/asb) and click on the 'report antisocial behaviour' box to complete our online reporting form.

**Antisocial noise response:**

In conjunction with Police Scotland we provide a 24 hour, 7 day a week response service, to take action against noisy neighbours. Contact us via 101 when the noise is happening.