

Anti-social Behaviour and Neighbour Nuisance

A guide to making a complaint





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What is anti social behaviour?

The Crime & Disorder Act 1988 states that anti-social behaviour is **“Conduct, including speech, which has caused, or is likely to cause alarm or distress to one or more persons who do not reside in the same household as the offender”**.

However everyone has different views on what anti-social behaviour means. Some people have different tolerance levels and what is acceptable to one person may be unacceptable to another. At the same time we would ask that everyone is reasonable about what they expect from their neighbours and, especially, from children in their area.

There are different levels of anti-social behaviour, ranging from ‘minor’ breaches of the tenancy agreement to very serious criminal behaviour. This is reflected in the way we deal with complaints about anti-social behaviour.

How do I make a complaint?

Don’t assume the Association is aware of a problem...you must let us know!

It is important that you notify us as quickly as you can after any incident of anti-social behaviour so that we can start our investigations as soon as possible.

We encourage residents to provide written details of the incident for our records (your Housing Officer can assist you to do this). However we will accept and investigate all reports of anti-social behaviour whether these are made in writing, by telephone or in person either to the office generally or directly to your Housing Officer.

Anonymous complaints will only be accepted where the complaint is of a serious or criminal nature and where supporting evidence can be obtained by us.

You should discuss your complaint with your Housing Officer who will deal with the problem in a confidential and

sensitive manner. Your identity will not be disclosed by the Association at any point during the investigation without your prior consent. However, there may be circumstances where it will be obvious who has made the complaint and, in these situations, you will need to decide if you want us to take the matter any further.

What happens once I make a complaint?

The Association believes it is important to clearly show our commitment to dealing with cases of anti-social behaviour by responding quickly to complaints. How we deal with a complaint depends on the nature and seriousness of the behaviour and we have target response times that reflect the severity of the complaint:

- **Category A** complaints cover less serious types of behaviour that are clearly a breach of the tenancy but are of a relatively minor nature and are a cause of neighbour nuisance. We aim to acknowledge these types of complaints and carry out initial investigations within five working days of the complaint being made.
- **Category B** complaints are breaches of the tenancy agreement involving serious anti-social behaviour that may also constitute a criminal act. We aim to acknowledge these types of complaints and carry out interviews with the parties involved within two working days of the complaint being made.
- **Category C** complaints are treated as priority as they involve extreme behaviour of a very serious or criminal nature. Investigations will be started as soon as the complaint is received at the office and, where appropriate, other agencies such as the police will be contacted within 48 hours.

During the initial investigations, all reasonable steps will be taken to substantiate the complaints and to collect corroborating evidence. Initial sources of supporting evidence will include:

- interviews with other residents, especially immediate neighbours;
- talking to other witnesses to the incident;
- interviews with the alleged perpetrator;

- police incident reports;
- reports from the Anti-Social Task Force.

Once the initial investigations have been completed we will decide how best to deal with the matter. We will endeavour to keep you informed at all times about what is happening and about any action to be taken.

What can the Association do?

First and foremost we will try to stop the anti-social behaviour. However it is important to remember that the Association MUST operate within the law which will, at times, restrict what we can do. For instance, we cannot simply evict someone from their home because there are anti-social complaints about them. To evict someone we must get a court order and this is a lengthy process. Furthermore, we are only allowed to pursue legal action of any kind as a last resort after we have made every effort to resolve the situation through mediation and other means.

We therefore will, as far as possible, seek to resolve problems caused by anti-social behaviour amicably and with the co-operation of everyone involved. First and foremost we will try to stop the anti-social behaviour so that everyone can live peacefully and harmoniously together. Where the problem has become a neighbour dispute we can offer advice and assistance and, where appropriate, we can offer to set up mediation to allow both parties to discuss the problem and find their own solution. In very extreme cases of neighbour disputes, the Association may agree to a management transfer but this would be very much a last resort and will not be used as a means of resolving an individual's housing issues.

If there is a clear breach of the tenancy agreement or the good neighbour agreement we will offer assistance and support to the perpetrator to try and help them change their behaviour. If appropriate we will consult with other agencies that can assist with the problem, such as the social work or environmental health department. However where the perpetrator fails to respond to the warnings or modify their behaviour, we will issue formal warnings and, if the behaviour continues, will consider taking legal action and/or making a referral to an agency such as the Anti-Social Task Force.

The Association is also committed to supporting victims of

anti-social behaviour and we can refer people suffering from anti-social behaviour to agencies such as Victim and Witness Support groups.

Again we will try to ensure that you are kept informed at all times of the progress of your complaint and the course of action we intend to take.

What sort of legal action can be taken?

The type of legal action that will be taken will depend on the nature of the behaviour and the Association will pursue the most appropriate, taking into account all the circumstances.

Options for legal action include:

- **Applying for an Anti-Social Behaviour Order (ASBO)**

An ASBO is a legal order granted by the court that bans a person from doing something which can be shown to be causing distress to other people. This can include banning the person from being in a certain area or vicinity. If an ASBO is broken the person could be given an unlimited fine and/or a term of imprisonment.

In applying for an ASBO the Association has to prove to the court that the person has conducted themselves in an anti-social manner on at least two occasions and that we have taken all reasonable steps to stop the behaviour.

- **Interdicts & Interim Interdicts**

An interdict can be applied for through the court to prevent a person from doing something that is legally wrong such as stopping them from certain actions, behaving in a certain way and/or frequenting a certain area.

The Association can only apply for an interdict against our own tenants when they are in breach of their tenancy agreement and against non-tenants who are damaging the Association's property.

Individuals can apply for an interdict against another person who is behaving in an anti-social, threatening or violent manner towards them. Where appropriate, staff of the Association will assist and support residents through the process of applying for an interdict.

- **Action For Specific Implement**

An Action for Specific Implement is a court order requiring a

person to do something that they are legally obliged to do (as opposed to stopping them from doing something that is illegal). Usually the Association will be able to pursue this course of action against a tenant who is in breach of their tenancy agreement or against a sharing owner who has an occupancy agreement with the Association.

- **Eviction**

We can only take eviction action against a tenant of the Association who is in breach of a term of their tenancy agreement.

It is extremely difficult and time consuming to get an eviction on the grounds of anti-social behaviour. A decree for eviction can ONLY be granted through the court and the Association must provide documented evidence of the alleged behaviour. To evict a person means that a household becomes homeless and we will, therefore, only take eviction action as a last resort and where we have tried every other means to resolve the problem.

How long will it take for the Association to resolve the problem?

If we decide to take court action we must ensure that we provide as much evidence as possible to the court in support of our case. Although we are allowed to present written statements, professional witnesses and video and CCTV evidence these have limited evidential value. We would therefore encourage and support witnesses to events to present their evidence in person to the court.

We realise this can be very daunting and intimidating for people but please remember that we are unlikely to win a court case without your help and support.

How Long Will It Take For The Association To Resolve The Problem?

Please try to be patient – dealing with serious anti-social problems takes time and effort from everyone involved.

Some people respond very well to a warning from their Housing Officer while others will continue with their behaviour even when faced with legal action. This can be especially true where alcohol or drugs are involved or where the person has a mental health problem.

Unfortunately the Association cannot force anyone to change their behaviour instantly and may have to spend a lot of

time trying to find a way of working with the person to resolve the problems. Taking legal action is also a lengthy process, due in part, to the waiting time for court dates.

The Association cannot work miracles and we cannot guarantee instantaneous results. What we can guarantee is that we are committed to dealing with anti-social problems as quickly and as efficiently as possible.

What can I do to help?

Continuing pressure is very powerful and your co-operation is vital in tackling anti-social behaviour in your neighbourhood. There are various ways you can help:

- speak to the perpetrator and make sure they understand the problems they are causing (some people don't realise that their music can be heard by neighbours for example);
- contact the Police where necessary and appropriate;
- inform the Association immediately of incidents;
- contact the Anti-Social Task Force if necessary;
- keep a written log of all incidents – a comprehensive record of incidents and events is vital, especially if legal action is to be taken;
- consider forming a Residents Association to represent the needs of everyone in the area.

Who can I contact if the office is closed?

If you are experiencing prolonged anti-social behaviour during times when our office is closed you can contact either the Anti-Social Task Force or the Police. The Association has an agreement with the Task Force that allows them to do out-of-hours visits to perpetrators of anti-social behaviour. The Task Force can also issue formal warnings on behalf of the Association and both the Task Force and the Police will keep a record of all incidents reported to them that can be used as evidence in any subsequent legal action against the perpetrator of anti-social behaviour.

Other Useful Contacts

Anti-Social Task Force

23 Easton Place, Coatbridge ML5 4EW
Tel: 01236 622500 (24 hour line)

The Samaritans

Lo-Call: 0845 790 9090

Citizens Advice Bureau

Almada Tower, Almada Street, Hamilton ML3 0EZ
Tel: 01698 283477

32 Civic Square, Motherwell ML1 1TP
Tel: 01698 251981/259389

58 Roberts Street, Wishaw ML2 7JF
Tel: 01698 373388

Police Stations

HARTHILL • Victoria Street, Tel: 01501 751222

MOTHERWELL • Windmillhill Street, Tel: 01698 483000

SHOTTS • Caledonian Road, Tel: 01501 820506

WISHAW • Stewarton Street, Tel: 01698 202600

Victim Support

North Lanarkshire Area Office, 267 Brandon Street,
Motherwell ML1 1RS
Tel: 01698 336565

Women's Aid

115 Cadzow Street, Hamilton ML3 6HG
Tel: 01698 891498

Further information

Wishaw & District Housing Association Limited

55 Kirk Road, Wishaw ML2 7BL

Tel: 01698 377200/372776 • Fax: 01698 358712

E-mail: assoc@wishawdha.org.uk

Web: www.wishawdha.org.uk



Open: Monday – Thursday: 9.00am – 4.30pm and

Friday: 9.00am – 4.00pm

Closed for lunch: 12.30pm – 1.30pm