

**To: Communities, Housing and Planning Policy Board**

**On: 16 March 2021**

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**Report by: Director of Communities and Housing Services**

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**Heading: Neighbour Nuisance and Anti-Social Behaviour Policy and Practice**

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## **1. Summary**

- 1.1 At the Communities, Housing and Planning Policy Board on 27 October 2020, in approving the Annual Assurance Statement that the Council is required to submit to the Scottish Housing Regulator; members also agreed that a report be brought to a future meeting of the policy board in relation to antisocial behaviour and a review of the laws and processes that exist and the ongoing co-operation between housing, police, social work, and the voluntary sector, to provide an integrated approach to addressing anti-social behaviour.
- 1.2 This report provides an update on the ongoing work to review and develop an updated Anti-Social Behaviour Strategy, and to review and improve existing policies, practice and procedures within Housing services.
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## **2. Recommendations**

- 2.1 It is recommended that the Communities, Housing and Planning Policy Board:
- (i) note that work is ongoing within Renfrewshire's Community Safety Partnership to review the overall Anti-Social Behaviour strategy as an integral part of the Community Safety Partnership Service Delivery Plan;
  - (ii) note that the review being taken forward will include 2 workstreams: the first reviewing the Community Safety Partnership anti-social behaviour strategy; and the second conducting a review of housing landlord policy and practice in relation to anti-social behaviour. Each of these workstreams will be overseen by a steering group to be chaired by the Head of Housing Services;

- (iii) note that the review process will:
- review the effectiveness of current practices, policies and procedures in managing neighbour disputes and anti-social behaviour;
  - consider best practice in managing and tackling anti -social behaviour;
  - work closely with local housing providers to develop new and improved ways of dealing with housing and neighbour related anti-social behaviour across all tenures;
  - work closely with all relevant partners including Police Scotland, Scottish Fire and Rescue Service, Social Work, Health and Social Care Partnership and the Voluntary Sector, to provide an integrated approach to addressing all forms of anti-social behaviour and
  - involve consultation with Council tenants on relevant policy and practice through mechanisms such as the Tenant Scrutiny Panel and / or focus groups.
- (iv) agree that further reports on progress of the review and the development of the Community Safety Partnership Anti-Social Behaviour Strategy be brought back for consideration and agreement to future meetings of the board.

### 3. Background

- 3.1 Anti-social behaviour sits within the broader context of public protection and delivering safer communities. Community safety has a key role to play in creating the conditions in which communities can develop the confidence and capacity they need to engage positively with their environment and with partner agencies improving quality of life and outcomes for individuals and families and maximising feelings of safety and security.
- 3.2 Dealing with anti-social behaviour is a collective effort and is delivered by the Council working with all relevant partners through the Community Safety Partnership. Processes and procedures are governed by key areas of legislation and guidance including the Anti-social Behaviour (Scotland) Act 2004, and the Housing (Scotland) Act 2001 and subsequent amendments
- 3.3 The table below provides figures from the Scottish Housing Network return for 2019/20 which provides data for all categories of ASB relating to Council housing stock during 2019 / 20.

| Categories | Number of cases of anti-social behaviour reported |                  | Number of cases resolved |                  |
|------------|---------------------------------------------------|------------------|--------------------------|------------------|
|            | Housing Services                                  | Community Safety | Housing Services         | Community Safety |
| A          | 26                                                | 13               | 25                       | 13               |
| B          | 178                                               | 36               | 177                      | 36               |
| C          | 228                                               | 2                | 227                      | 2                |
| Total      | 483                                               |                  | 480                      |                  |

Category A cases: those involving serious anti-social behaviour, for example drug dealing, hate crime or violence.

Category B cases: those involving behaviour such as frequent disturbances, or disturbances arising from drug / alcohol misuse

Category C cases: those involving nuisance such as vandalism, or infrequent disturbances.

3.4 In addition to the complaints dealt with by Housing services, in Renfrewshire during 2019/20 there were 196 anti-social behaviour cases reported to and dealt with by the Community Safety Partnership – which involved cases in relation to the following tenures:

- 70 - Council Tenancies ( *Note: 21 of these cases were youth anti-social behaviour (under 16) most of which did not involve Housing Services and therefore were not included on the return submitted to the Scottish Housing Network and the figures provided in the table above*)
- 44 - Owner Occupiers
- 32 - Private Landlord
- 44 - Housing Association
- 3 - Residential Accommodation
- 3 - Other

3.5 As can be seen from the information provided above, the majority of anti-social neighbour complaints and disputes received by housing services are successfully resolved at an early stage and do not escalate to formal stages of intervention or require the support or involvement of the Community Safety Partnership. In addition, many incidents of anti-social behaviour involve residents in other forms of tenancy or private accommodation. However, when it has been established that a Council tenant has breached the terms of their tenancy agreement, a housing officer will issue the relevant warnings and may refer the case to the anti-social behaviour investigation team within the Community Safety Partnership. A case would normally be deemed for investigation when the tenancy has been breached on 3 separate occasions within a 12 week period. The anti-social behaviour investigation team will undertake specialist interventions and investigations in order to seek to prevent the anti-social behaviour from escalating or continuing. Professional officers will work with all participants and with relevant partner agencies to seek to resolve the issues that are leading to anti-social behaviour, which may include the use of mediation and/or enforcement activities.

3.6 Neighbour disputes can be particularly difficult to resolve. Tolerance levels are different for all and although extremely upsetting for some people the matters sometimes reported to housing officers or the Community Safety Partnership sometimes don't merit an anti-social behaviour investigation or formal intervention. It is also unusual for only one party to be entirely responsible for all instances of antisocial behaviour. Individuals thresholds and interpretation of anti-social behaviour differ and the tools available to officers to impact on reported anti-social behaviour are limited. The most realistic and likely route to a successful outcome is the affected neighbours modifying their behaviours and accommodating the needs and preferences of

each other as far as possible – normally achieved through mediation. As only the serious and persistent anti-social behaviour is ultimately referred to the Community Safety Partnership poor behaviours can have become established and willingness to compromise can sometimes be difficult to achieve. The review will consider options for relevant earlier intervention where appropriate – however, public agencies intervening too early can sometimes be counterproductive as it can escalate a situation.

- 3.7 The Community Safety Partnership has developed a holistic approach to addressing antisocial behaviour. At daily and monthly tasking meetings housing officers and community safety investigators work alongside other relevant partner and safeguarding agencies, with a view to resolving issues before they escalate to the point where more formal interventions are required. Officers investigate complaints, share relevant information and seek to resolve issues as quickly as possible to reduce the wider impact of anti-social behaviour on the community and to encourage those involved in anti-social behaviour to consider their actions before they have reached the point of causing significant harm. The partnership has seen considerable success in taking forward this approach with overall reports of anti-social behaviour consistently around a quarter of the level they reached in advance of the establishment of the partnership.
- 3.8 Residents can make a complaint using a variety of methods ie, telephone, email, text, letter, Renfrewshire Council website or in person at any Customer Service Unit or local housing office. Complaints may also be reported by the professional officers who attend the daily tasking Community Safety Partnership meetings. The overall approach is supported by a robust and comprehensive information sharing protocol to ensure the proportionate and confidential sharing of information – only where it is deemed necessary to protect an individual or a community from coming to harm.
- 3.9 In all cases the Partnership use the resources and legal processes at their collective disposal to improve the situation for tenants and residents. The aim of all action and intervention is to support people to cease the continuation of any nuisance that is impacting on surrounding residents, or the wider community.
- 3.10 If the perpetrator is a secure tenant of the Council or a Registered Social Landlord they will have entered into a tenancy agreement. Failure to adhere to the terms of the agreement in relation to conduct may result in their landlord seeking and interim anti-social behaviour order or even eviction.
- 3.11 Eviction is an option of last resort. It takes time before a conclusion is reached and ultimately it is the Sheriff who decides whether a tenant can be evicted; if they consider there are sufficient grounds they will grant a 'decree' for eviction which allows the landlord to end the tenancy. Renfrewshire Council evicted two tenants in 2019/20 due to anti-social behaviour.

- 3.12 Work is already ongoing within Renfrewshire's Community Safety Partnership to review the Anti-Social Behaviour Strategy as an integral part of updating the Community Safety Partnership Service Delivery Plan. The review will:
- review the effectiveness of current practices, policies and procedures in managing neighbour disputes and anti-social behaviour;
  - consider best practice in managing and tackling anti -social behaviour;
  - work closely with local housing providers to develop new and improved ways of dealing with housing and neighbour related anti-social behaviour across all tenures; and
  - work closely with all relevant partners including Police Scotland, Scottish Fire and Rescue Service, Social Work, Health and Social Care Partnership and the Voluntary Sector, to provide an integrated approach to addressing all forms of anti-social behaviour.
- 3.13 As highlighted earlier in the report, however, there is a significant body of work undertaken by Housing Officers to resolve complaints and issues of anti-social behaviour that will never require the involvement of the wider community safety partnership. It is therefore planned that the overall review process will have 2 workstreams: the review of the Community Safety Partnership anti-social behaviour strategy outlined above; and a review of housing landlord policy and practice in relation to anti-social behaviour which will involve consultation with Council tenants on relevant policy and practice through mechanisms such as the Tenant Scrutiny Panel and / or focus groups. Each of these workstreams will be overseen by a steering group to be chaired by the Head of Housing Services with the aim of ensuring that there is an effective relationship and consistency of approach between housing landlord policy and practice and the broader Community Safety Partnership anti-social behaviour strategy arrangements.
- 3.14 The outcomes from this review process will ensure that the Council continues to meet its responsibilities to tenants in terms of the requirements set by the Scottish Housing Regulator as well as the requirements set out in section 1 of the Antisocial Behaviour etc (Scotland) Act 2004.

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## Implications of the Report

1. **Financial** – n/a.
2. **HR & Organisational Development** – n/a
3. **Community/Council Planning** – The review will be a partnership process.
4. **Legal** – n/a
5. **Property/Assets** – n/a
6. **Information Technology** - n/a

7. **Equality & Human Rights** -  
(a) The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report. A more detailed assessment of any implications will be made as the update of the Community Safety Strategy is developed. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.
8. **Health & Safety** - none
9. **Procurement** – n/a
10. **Risk** – n/a
11. **Privacy Impact** – n/a
12. **COSLA Policy Position** – n/a
13. **Climate Risk** – n/a

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**List of Background Papers:**

none

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