

## ANTISOCIAL BEHAVIOUR POLICY

Date Reviewed	Frequency of Review	Next Revision Date	Pages
20 April 2016	Every Three Years	20 April 2019	20

### 1. GENERAL PRINCIPLES AND AIMS

- 1.1. This policy sets out Neighbourhood Services' approach when dealing with antisocial behaviour in Dundee. Neighbourhood Services aims to promote community safety, and where incidents of antisocial behaviour occur, ensure they are tackled quickly, impartially and effectively.
- 1.2. The policy document provides a framework for action relating to complaints of antisocial behaviour. The policy names partner agencies and how these partners work together to tackle antisocial behaviour in Dundee.
- 1.3. Dundee City Council is committed to provide a high quality housing service, which includes having effective ways of tackling antisocial behaviour in the communities of Dundee. Our approach is designed to provide a range of options that can be used to deal with different types and levels of antisocial behaviour, according to the circumstances of an individual situation.
- 1.4. The policy outlines how Neighbourhood Services encourages residents to report antisocial behaviour and offers methods for making a complaint. The policy sets out how complaints will be dealt with in a consistent and sensitive manner.
- 1.5. The Council will use plain English in the production of information materials. This allows access for all, helps people to understand their rights and to make use of services.

### 2. HOMELESSNESS

- 2.1. This policy will have the following effect(s) on homelessness within the City of Dundee.
- 2.2. The Antisocial Behaviour Team will strive to resolve problems with the primary aim of allowing the people involved to remain in their households. However, there will be occasions where this may not be possible. In these circumstances, the team's principal efforts will be to remove the perpetrator from the locality.
- 2.3. It may not be possible for perpetrators of antisocial behaviour to remain in their house. The Antisocial Behaviour Team will inform the perpetrator that they risk losing their house if the antisocial behaviour continues. Perpetrators will be given advice on the Council's responsibilities under the Homeless legislation should they no longer be able to remain in their house.
- 2.4. Victims of antisocial behaviour may no longer be able to live near the perpetrators of that behaviour. The Antisocial Behaviour Team will make the victims aware of the Council's obligations under the Homelessness legislation. The Team will support victims and offer assistance if a victim can no longer remain at their household.

- 2.5. Where there is no alternative and either the victim or the perpetrator requires to be moved from their home, in the first instance the situation will be referred to the Housing Services Manager or the City Housing Manager to consider rehousing under the Management Transfer regulations. However, if there is a need to move a person urgently then liaison with the Housing Options Team will be required. For full information regarding the Council's duties under the homelessness legislation, please refer to the Homelessness Policy.
- 2.6. The requirements of the Homelessness etc (Scotland) Act 2003 are taken into account prior to any action taken on the grounds of antisocial behaviour.

### 3. **CORPORATE AIMS / HOUSING OBJECTIVES / PERFORMANCE STANDARDS**

- 3.1. This policy meets with the Corporate Aim to fulfil the City Vision under the strategic theme of "Building Stronger Communities" and "Community Safety".

The policy aims to achieve the following Neighbourhood Services Objectives:

- Foster a culture where housing staff are clear about their role and responsibilities, feel valued and committed resulting in a highly motivated and skilled workforce delivering excellent services.
- Provide opportunities for service users including residents and tenants to influence service delivery.
- Deliver the Dundee Antisocial Behaviour Strategy to enhance the quality of life of residents.
- Improve the quality of life and environment through partnership working.

- 3.2. This policy also conforms to the requirements of the Scottish Housing Regulator's Guiding and Activity standards.

- GS1.2 Policies and Procedures We have high quality written policies and procedures to guide our actions.
- GS1.3 Commitment to Continuous Improvement We actively strive for continuous improvement in all we do.
- GS2.1 Equal Opportunities We embrace diversity, promote equal opportunities for all and eliminate unlawful discrimination in all areas of our work.
- GS3.4 Performance Reporting We give our stakeholders the information they need about the organisation and its plans, services and performance.
- AS1.9 Antisocial Reporting We deal appropriately with antisocial behaviour. Where appropriate we work in partnership with others to manage such behaviour.

### 4. **LEGISLATION AND GUIDANCE**

- 4.1. This policy conforms to the requirements of the Housing (Scotland) Act 1987, as amended by the Housing (Scotland) Act 2001.

4.2. In the formulation of this policy, guidance has mainly been found in the following legislation:

- Antisocial Behaviour etc. (Scotland) Act 2004.
- Housing (Scotland) Act 2001.
- The Regulation of Investigatory Powers (Scotland) Act 2000.
- The Data Protection Act 1998.

In addition, Neighbourhood Services will have regard to statutory guidance on antisocial behaviour matters issued by the then Scottish Executive and the Scottish Government, including the Promoting Positive Outcomes Framework.

## 5. **PROTECTING VULNERABLE PEOPLE**

The Antisocial Behaviour Team will carry out its duties in accordance with Neighbourhood Services' Policies and Procedures for:

- Child Protection, and
- Adult Support and Protection

## 6. **POLICY STATEMENT**

6.1. A summary of this policy is to be found in the Document "Antisocial Behaviour – Policy Summary".

6.2. Details of the processes involved in the operation of this policy can be found in "Antisocial Investigation Procedure."

## 7. **INTRODUCTION**

7.1. Dundee City Council, Police Scotland, and all other partner agencies, both statutory and voluntary, along with the communities they serve, are engaged in a long-term commitment to promote community safety, foster confidence and where complaints of antisocial behaviour are received, ensure they are tackled quickly, impartially and effectively.

7.2. Early intervention in resolving problems is recognised as key to resolving antisocial problems and to avoid escalation of issues.

7.3. We aim to:

- Respond quickly to complaints in an effective, sensitive and consistent manner by undertaking thorough investigations, ensuring accurate record keeping and keeping complainants informed of progress.
- Encourage communication to tackle problems early and effectively and to minimise the risk of escalation.
- Advise and support the victims/witnesses of antisocial behaviour.
- Achieve our First Contact and other contact service standards.
- Aim to resolve antisocial cases within our locally agreed target.
- Ensure staff are fully trained and able to investigate complaints of antisocial behaviour.

- Ensure early action is taken, where appropriate, to prevent escalation of antisocial behaviour.
- Fully recognise the importance of multi-agency working and work in partnership with our key agencies.
- Refer people who are involved in antisocial behaviour to support agencies.
- Issue a balanced level of warning to try to stop the antisocial behaviour.
- Take appropriate legal action when necessary to curb antisocial behaviour.
- Seek consent from complainers when closing an investigation into antisocial behaviour.

## 8. WHAT IS ANTISOCIAL BEHAVIOUR?

8.1. Antisocial behaviour is a wide-ranging term that covers a variety of acts or courses of conduct. Under the Antisocial Behaviour etc. (Scotland) Act 2004, a person acts in an antisocial manner 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 not of the same household; "Conduct" includes speech; and a course of conduct must involve conduct on at least two occasions.

8.2. From the above definition it is apparent that the types of behaviour that may be considered "antisocial" are by no means detailed. For this reason, this policy outlines the types of antisocial behaviour the Antisocial Behaviour Team (ASBT) tackles within the communities of Dundee.

8.3. The table below shows type and category of antisocial behaviour investigated by the ASBT:

**NB** – The category numbers in the table below relate to performance indicators monitored by the ASBT relating to First Contact with the complainer and not the time it takes to conclude an investigation.

Additionally, people should report antisocial behaviour or crime when it is happening to Police Scotland and contact the ASBT at a later time to inform them. Please see the useful contact numbers in section 16 on page 20.

Number of Days	Type
1	Hate Incidents, Violence.
3	Fire Raising, Harassment, Vandalism.
5	Noise, Drugs Disturbances, Youth Disorder, General and Public Nuisance.

8.4. Complaints of antisocial behaviour (ASB) are put into categories defined by the behaviour complained about. The category will determine the first contact standard that the team aims to achieve. There are 3 different categories of complaint, namely categories 1, 3 & 5. The ASBT aims to make first contact with the complainer within 1, 3 or 5 working days respectively.

8.5. The definition of first contact is:

- Interviewing the complainer;
- Phone conversation with the complainer or message left on answering machine;
- Calling card through complainers door;
- E-mail to complainer;

8.6. The ASBT will monitor performance to ensure the services offered by the Team meet customer aspirations. We recognise that measuring numbers of complaints and actions alone does not necessarily reflect the effectiveness of the service delivery.

We will consider these indicators alongside indicators of satisfaction and outcomes identified in the Housing Services Unit Plan.

## 9. **HATE INCIDENT POLICY**

When dealing with antisocial behaviour that is categorised as a Hate Incident (discrimination motivated by perceived disability, religion or belief, sexual orientation and/or transgender status and race) the ASBT will deal with this in accordance with Neighbourhood Services' Hate Incident Policy. The ASBT will report incidents and follow guidelines from the Hate Incident Multi-Agency Partnership. This partnership seeks to:

- Collate hate crime incidents reported by partner agencies;
- Analyse reported incidents to identify trends or patterns;
- Develop co-ordinated strategies and action to address causes of hate crime;
- Identify and facilitate multi-agency meetings as appropriate;
- Identify and share best practice;
- Involve protected communities in the development and delivery of the Hate Incident Multi-Agency Partnership remit.

## 10. **RECEIVING COMPLAINTS**

10.1. Neighbourhood Services encourages the reporting of incidents of ASB. There are several options available for people to report incidents. They are as follows:

- In person at Dundee House or West or East District Housing Offices.
- Via the Antisocial Behaviour Advice Line or phone call to the ASBT's office.
- Via an Elected Member.
- A written complaint to the Antisocial Behaviour Team, Dundee House or District Housing Office.
- Via the Council's helpline or the Antisocial Behaviour Website.

10.2. The Community Intelligence Unit (CIU) informs the ASBT about antisocial disturbances through information gathered from partner agencies.<sup>1</sup> The CIU raises action files detailing action and provides details of the complainers and victims to allow the ASBT to take proactive action.

10.3. We may also begin an investigation on information received from other partner agencies, for example the Night Time Noise Team, Community Safety Wardens etc.

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<sup>1</sup> Partners are Dundee City Council, Tayside Police, Housing Associations and NHS etc.

#### 10.4. **ADVICE LINE**

The Antisocial Behaviour Advice Line is open to all residents within Dundee City boundaries. The service is available 24 hours a day, 7 days a week, 365 days a year. Callers to the Advice Line will be able to speak to trained officers who provide specialist advice and assistance concerning antisocial behaviour.

The Advice Line aims to give advice on:

- What options individuals have to deal with neighbour problems.
- What the ASBT can do to help.
- Possible legal remedies individuals could seek.
- What other agencies (such as Police or other Council Departments) can do to help.

#### 11. **INVESTIGATING COMPLAINTS**

- 11.1. We aim to respond to complaints within the target timescale and complaints are acknowledged in writing. We will deal with every investigation courteously and professionally. We will carry out investigations impartially, noting evidence gathered and take action where the evidence indicates the source of the problem.
- 11.2. Interpretation and translation services will be used to support individuals who are either the complainer or the person being complained about. The ASBT will contact and work with these services to assist an investigation when a person has difficulty with English.
- 11.3. Investigation Officers keep in regular contact with complainers and witnesses as laid out in our "Keeping in Touch" standards.
- 11.4. While a case is being investigated, contact will be made every 2 weeks. The contact can be made in one or more of the following ways:
- by telephone
  - by e-mail
  - by letter
  - by home visit
- 11.5. Investigation Officers update complainers with the progress of the investigation and advise of any action taken, for example, referrals, warnings or court action. When action has been taken, we monitor the case for up to 6 weeks to find out if the action taken has resolved the problem. If there are further problems, further enquiries will be carried out.
- 11.6. We also expect people to contact the Investigation Officer as soon as possible if any incident of antisocial behaviour occurs. This helps investigations to be carried out quickly. Contact can be made with Investigation Officers by:
- telephone
  - e-mail
  - letter
- 11.7. People can arrange to speak to their Investigation Officer in person by contacting them using one of the above methods and arranging an appointment.

- 11.8. When attempts to contact have failed, Investigation Officers will leave a message or calling card asking that people get in touch. We ask people not to ignore these, particularly if the ASB is continuing. If Investigation Officers cannot contact people, they may decide to close the investigation.
- 11.9. Complainers or people being complained about can have a friend, helper, support worker or other advocate at any meeting with the ASBT. In particular this may be appropriate when the person has support needs due to a health condition or learning disability for example.
- 11.10. When an investigation has been resolved, complainers and witnesses will be consulted to get their consent when a case is being closed.
- 11.11. When complainers or witnesses do not give consent, and the ASBT does not have the authority or powers to resolve the investigation, they will provide a full explanation of their position.
- 11.12. **Data Protection and Confidential Information**
- 11.13. We want to provide you with the best service we can. In order to do this it is necessary for us to collect some personal information about you and others involved in an investigation. Officers from the ASBT will not disclose any personal information to any third party without prior written permission, except where failure to do so would endanger yourself or any other person, or where required to do so by law.

Subject to certain exceptions, you are entitled to see any personal information held about yourself, to receive a copy of such information, to have it corrected where necessary and, in certain circumstances, to claim compensation for a failure to comply with the Data Protection Act 1998. The Act specifically states that all subject access requests must be made in writing.

You can make a Subject Access Request by completing an application form. Application forms are available from the Council's Support Services Department at 21 City Square, by telephoning 01382 434403 or online at [www.dundee.gov.uk](http://www.dundee.gov.uk). The fee for the request is £10.

11.14. **Evidence Gathering**

Out of Hours Service

The Out of Hours Service gathers evidence by using ASBT staff as professional witnesses and to offer professional support and advice while antisocial behaviour is occurring.

To make the Out of Hours Service most effective, Investigation Officers and Senior Officers prioritise which service users can use it.

In general, service users can use the Out of Hours Service where the officers agree it is likely to result in further evidence which could lead to action being taken.

A full risk assessment takes place on each case to ensure the safety of officers employed in this way and reviews whether or not access to Out of Hours should continue.

Service Users accessing the Out of Hours Service get a contact number for direct contact to the lead Out of Hours Officers. The Lead Officer holds details of all cases currently receiving the Out of Hours Service and has some background knowledge of each case.

The main benefits of the Out of Hours Service are that:

- Officers corroborate witness statements on incidents as they happen. This can lead to tenancy enforcement action or action against individuals for antisocial behaviour.
- Service Users get support from Officers.
- Officers can give evidence to the Police or the Night Time Noise Team.

#### 11.14.2. Surveillance

We have a comprehensive range of surveillance equipment including a range of cameras, sound recording equipment and digital recorders.

Surveillance techniques can be used when other efforts to gather supporting evidence has failed. Evidence from surveillance can be used to help progress an investigation or used in Court as evidence.

##### a. Overt Surveillance

We use overt (*clearly visible*) surveillance equipment in areas that experience higher than normal levels of antisocial behaviour. It is part of a package of measures, along with controlled entry and fencing aimed at preventing or “designing out” antisocial behaviour.

##### b. Covert Surveillance

The Regulation of Investigatory Powers (Scotland) Act 2000 (RIPSA) provides a legal framework for covert surveillance (*or recording activity secretly*) by public authorities and an independent inspection regime to monitor these activities. Interference with the right to privacy is lawful if carried out in accordance with RIPSA.

We use covert surveillance in accordance with the Antisocial Behaviour Team’s Procedures for the Use of Covert Surveillance and the formal authorisation process. In planning and carrying out covert surveillance, we must comply with the following principles:

We only carry out covert surveillance where necessary to achieve one or more of the permitted purposes, i.e. it must be:

- For the purpose of preventing or detecting crime or the prevention of disorder.
- In the interest of public safety; or
- For the purpose of protecting public health.

We must also ensure covert surveillance is only carried out where we have already establish there are incidents of antisocial behaviour occurring, by other methods used to gather evidence. Covert surveillance can then be used to escalate action against perpetrators of antisocial behaviour.

#### 11.14.3. Exchange of Information

11.15. Antisocial behaviour prevention and reduction depends upon pro-active and reactive information exchange between agencies who deal with or experience antisocial behaviour. The need to exchange information should not be seen as a barrier to successful antisocial behaviour action or a reason not to tackle antisocial behaviour.



- 11.16. Section 139 of the Antisocial Behaviour etc. (Scotland) Act 2004 provides a legal protection for those who disclose information where the disclosure is necessary or expedient for the purposes of any provision of the Act, or any other enactment the purpose of which is in connection with antisocial behaviour or its effects.

This would include, for example, professionals sharing information that may be used to issue a warning or apply for an ASBO wherever the conduct occurred.

- 11.17. Additionally, Section 29 of the Data Protection Act 1998 provides exceptions to the general principles of non-disclosure in respect of personal data processed for the prevention or detection of crime, or the apprehension or prosecution of offenders. Schedules 2 and 3 of the Act provides further relevant exceptions to the general principle of non-disclosure.

## 12. **JOINT-WORKING**

### 12.1. **Community Intelligence Unit (CIU)**

Exchange of information is an essential part of investigating antisocial behaviour.

The CIU acts as a central processing point for intelligence information from a range of partner organisations. The CIU and ASBT have access to a database that allows the sharing of information to be carried out quickly and efficiently. The information from the CIU helps the ASBT take action against people who cause distress or alarm.

An Information Sharing Protocol is in place between Dundee City Council and Police Scotland. Using this protocol the CIU aim to have:

- An Increase in quantity of information exchanged;
- A better quality of information exchanged;
- A Faster response to requests for disclosure;
- Antisocial behaviour seen as a community issue not just a housing issue;

The Antisocial Behaviour Team's excellent working relationship with Police Scotland help tackle antisocial behaviour issues quickly and effectively.

### 12.2. **Community Safety Wardens**

Community Safety Wardens patrol 7 days a week (2.40pm - midnight) 365 days a year. The wardens work specifically to target low level crime and antisocial behaviour that can gradually, over time, drag an area down - things like vandalism, graffiti and litter.

They do this by:

- Patrolling the streets
- Getting to know the local community
- Being a friendly and listening point of contact
- Reporting incidents to relevant agencies to action
- Being highly visible in their distinctive uniforms offering a reassuring presence that makes people feel safe

The ASBT and Community Safety Wardens will work together and share information to help tackle incidents of antisocial behaviour.

The ASBT can task the Community Safety Wardens to specific areas and addresses to help gather evidence to assist with case progression. This can include the Community Safety Wardens engaging with complainers to note details of recent incidents and pass this information back to the ASBT. Complainer's consent will be requested prior to contact being made by the Community Safety Wardens.

The ASBT will also act on information provided by the Community Safety Wardens. This information may also act as a trigger to open a case investigation by ASBT.

### 12.3. **Night Time Noise Team (NTNT)**

With powers under the Antisocial Behaviour etc. (Scotland) Act 2004 the Council's NTNT are better placed to tackle noise nuisance. Initially assessing the noise either by simply listening to how loud it may be or an actual measurement, it allows the investigating officers to issue either a verbal or written warning and have the noise lowered to an acceptable level, if not stopped altogether.

Should the noise not be sufficiently turned down, officers can measure the noise from a neighbouring property and compare it to the required standard. Should it fail, a Fixed Penalty Notice of £100 can be issued. Failure to pay this can result in prosecution and a possible fine of up to £1000. Officers also have powers to confiscate equipment believed to be causing the problem.

The NTNT have access to the ASBT's database. Officers can check if the ASBT have an ongoing investigation when they are responding to a call, they can also find out what stage the investigation has reached. Equally, the ASBT can check what addresses the NTNT have attended and find out what level of action the NTNT has taken. If this ties in with an ongoing investigation, this information is given to the officer dealing with the case.

An automatic referral will be made to the ASBT via e-mail when the NTNT have required to attend at the same address on three or more occasions within a 12 month period. ASBT will then decide if it is appropriate for them to carry out further investigations.

The NTNT can be contacted by using the regular non-emergency telephone number for Police Scotland.

### 12.4. **Victim Support**

One key aim is to minimise the impact of antisocial behaviour on victims. The Victim Support Co-ordinator receives referrals from the ASBT and delivers a range of services to victims of antisocial behaviour. The principal aims of the service are to provide support and information to victims and witnesses of antisocial behaviour and to encourage victims and witnesses to report antisocial behaviour.

We realise that victims of antisocial behaviour need someone to talk through their experiences. They may need to off-load feelings and emotions resulting from their experiences of antisocial behaviour, to explore why it happened and whether it would or could happen again. Victims need help to understand the antisocial behaviour investigation, what actions can be taken, how long it will take and possible barriers to success.

A referral to Victim Support is automatically made when a new complainer lodges a complaint with the ASBT. The person can withdraw from the service if they do not require it. Investigation Officers can also make referrals to Victim Support.

The Victim Support Co-ordinator assesses all cases and gives priority to victims with the greatest need, taking into account their vulnerability and isolation in the community.

Referrals are also made from Registered Social Landlords.

#### 12.5. **Registered Social Landlords (RSLs)**

The purpose of this protocol is to set out the processes in which the ASBT and RSLs in Dundee will work together to manage incidents of antisocial behaviour effectively and efficiently.

This protocol was written and agreed between Dundee City Council and RSLs to clarify what services will be offered to the named RSLs with the aims of offering advice and support for dealing with cases of ASB and gathering evidence to establish or further support the facts in cases involving antisocial behaviour of individuals.

This protocol has been established to ensure that any instances of antisocial behaviour within the communities of Dundee are addressed consistently, achieving the earliest and most suitable resolution. The aims of the protocol are to define the services that will be available to RSLs, to formalise working relationships and lines of communication and lay down the procedures for accessing these services.

More information can be found in the Antisocial Behaviour Protocol with RSLs.

#### 12.6. **Youth Housing Options**

Dundee City Council has a Service Level Agreement with Action for Children Scotland. The agreement provides a mentoring and support service for young people. The service investigates, develops and implements preventative and diversionary measures to combat the antisocial behaviour of young people and prevent homelessness by helping young people to sustain tenancies and other accommodation options, such as support to sustain individuals within the family home.

This aims to provide enhanced housing support services to young people:

- To reduce and prevent antisocial behaviour by young people, enabling them to play a full and active part in their community, and allowing people to live in a safe and secure environment, and
- To contribute to the prevention of youth homelessness through individual tailored support packages to meet identified needs.

The ASBT will make referrals to the Youth Housing Options service when appropriate.

#### 12.7. **NHS Protocol**

The purpose of this protocol is to set out the processes in which Dundee City Council's ASBT and NHS Tayside will work together to manage incidents of antisocial behaviour within A&E Departments in Hospitals run by NHS Tayside efficiently and effectively.

This protocol has been established to ensure that instances of antisocial behaviour within NHS establishments are addressed consistently, achieving the earliest and most suitable resolution. The aim of the protocol is to formalise working relationships and lines of exchange of information and communication and lay down procedures for accessing these.

This protocol does not aim to interfere with the procedures in place to deal with antisocial behaviour within NHS establishments when it occurs.

The intention of this protocol is to tackle the antisocial behaviour some time after the incident by issuing warnings or pursuing ASBOs against the perpetrators in accordance with the Antisocial Behaviour etc (Scotland) Act 2004. These actions aim to help prevent further incidents of antisocial behaviour by offenders.

More information can be found in the Antisocial Behaviour Protocol with NHS Tayside.

#### 12.8. **National Express Dundee**

The purpose of this agreement is to set out the processes in which the ASBT and National Express Dundee will work together to manage incidents of antisocial behaviour on or near National Express Dundee buses.

This protocol has been established to ensure instances of antisocial behaviour around buses are addressed consistently and effectively. The aim of this agreement is to formalise working relationships and lines of exchange of information and lay down procedures for accessing these.

The intention of the agreement is to tackle the antisocial behaviour soon after the incident by issuing warnings or pursuing ASBOs against the perpetrators in accordance with the Antisocial Behaviour etc (Scotland) Act 2004. These actions aim to help prevent further incidents of antisocial behaviour by offenders.

More information can be found in the Antisocial Behaviour Statement of Agreement with National Express Dundee.

#### 12.9. **Department of Work and Pensions (DWP)**

The purpose of this protocol is to set out the processes in which Dundee City Council's ASBT and DWP will work together to manage incidents of antisocial behaviour within DWP, efficiently and effectively.

This protocol has been established to ensure that instances of antisocial behaviour within DWP buildings are addressed consistently, achieving the earliest and most suitable resolution. The aim of the protocol is to formalise working relationships and lines of exchange of information and communication and lay down procedures for accessing these.

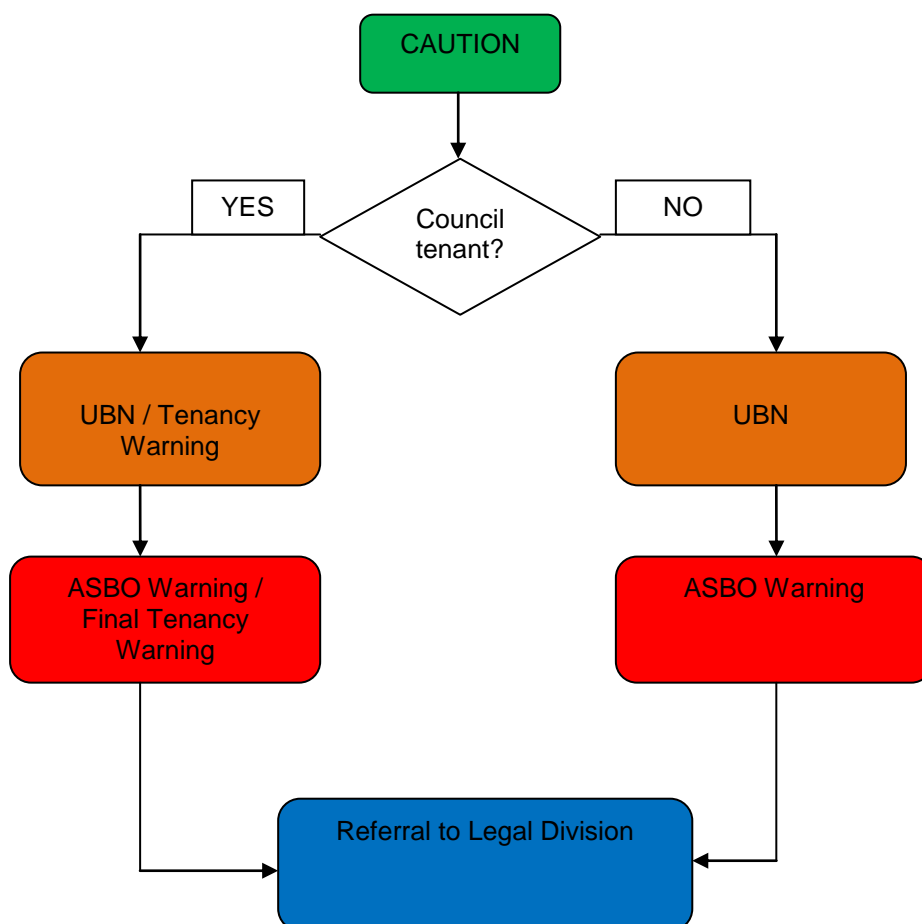
This protocol does not aim to interfere with the procedures in place to deal with antisocial behaviour within DWP when it occurs.

The intention of this protocol is to tackle the antisocial behaviour some time after the incident by issuing warnings or pursuing ASBOs against the perpetrators in accordance with the Antisocial Behaviour etc (Scotland) Act 2004. These actions aim to help prevent further incidents of antisocial behaviour by offenders.

More information can be found in the Antisocial Behaviour Protocol with Department of Work and Pensions.

### 13. WARNINGS

- 13.1. Investigation Officers will use a number of resolutions at their disposal to resolve cases. This can include encouraging neighbours to speak to each other, conflict resolution, unacceptable behaviour notices, warnings and other actions. The Investigation Officer's aim is to try to prevent or stop antisocial behaviour at the lowest level and prevent escalation of the situation, through discussion, conflict resolution, diversion and advice.
- 13.2. When there is insufficient evidence to justify a warning or action, the Investigating Officer can offer advice to the complainer on how to gather and collate evidence. The Investigating Officer will also consider other means of gathering evidence i.e. Out of Hours Service, surveillance equipment etc.
- 13.3. We try to stop antisocial behaviour at the lowest possible level. When supported complaints of antisocial behaviour have been confirmed, warnings will be issued to warn offenders of the implications of further antisocial behaviour. Advice is also given to offenders to help prevent further complaints.
- 13.4. Our warning system aims to be fair no matter if you are a Council tenant, an owner or a tenant of a private landlord. People who commit antisocial behaviour will receive the same level of warning. However, the prospect of recovery of a Council tenancy remains.
- 13.5. The flow chart below shows warnings available to Investigation Officers when trying to stop antisocial behaviour. The warnings do not need to flow through the stages. For example, an ASBO Warning could be issued immediately if the Investigation Officer deems it appropriate in the circumstances, or a warning can also be re-issued rather than proceeding to the next level of warning.



13.6. When issuing warnings Investigation Officers consider:

- The category of the antisocial behaviour;
- The frequency of the antisocial behaviour;
- The response of the offender;
- Previous complaints and history of action;
- Level of supporting evidence;

13.7. **Warning Types**

13.7.1. Caution

A caution will be issued when there is a supported complaint of antisocial behaviour against a person or household. The offender will be given advice on how to manage the household and how to try to prevent further complaints of antisocial behaviour. The Investigation Officer will warn the offender on the implications of further supported complaints of antisocial behaviour.

13.7.2. UBN/Tenancy Warning

The aim of this action is to make offenders aware of what behaviour is unacceptable and the possible implications of further supporting evidence against the person. This option will normally be used when the person has not taken heed of the previous advice or caution given.

When the investigation relates to a Council tenant or a Council Tenancy, a tenancy warning will also be issued. The tenancy warning tells the tenant that further complaints could affect their suitability to remain as a tenant.

Although this warning normally follows a Caution, this warning can be issued as the first warning of the Investigation Officer believes the evidence available to them justifies this level of warning.

13.7.3. ASBO Warning / Final Tenancy Warning

When issuing this warning the perpetrator is told that unless the antisocial behaviour stops, the next stage will be to apply to the courts for an Antisocial Behaviour Order (ASBO) to help curb their behaviour. The possible terms of the ASBO and the penalties for a breach of the order will be outlined at this point. This action will normally follow on from a previous warning, although could be considered for one serious incident of antisocial behaviour.

When issuing an ASBO warning to a Council tenant, or joint tenant, or someone who lives with a tenant, the Investigation Officer will advise of the implications on the security of the tenancy and the possibility of eviction. This forms the Final Tenancy Warning which is issued alongside the ASBO Warning.

13.8. **Other Remedies**

13.8.1 Conflict Resolution

ASBT recognise that some neighbour disputes can be resolved at an early stage and conflict resolution is an effective way of making this happen. The ASBT will facilitate a conflict resolution meeting between neighbours with a view to reaching a compromise to disputes.

Conflict Resolution Meetings are held in a mutually convenient and neutral environment, issues discussed will be in confidence, each party will be given time to speak without interruption and we would also ask all parties concerned to be prepared and explain what they are aiming to achieve and to consider realistic aims.

The aim of the ASBT is that all parties concerned will reach a mutual agreement.

Two officers from ASBT facilitate every conflict resolution meeting and they will record action points and agreed outcomes. Copies of these records can be provided to parties where requested and ASBT will carry up follow visits to ascertain if the meeting has resolved the antisocial behaviour.

Should conflict resolution not resolve the antisocial behaviour, the ASBT will go back to other options as noted at 13 above.

### 13.9. **Health Issues**

It may be possible an individual is displaying antisocial behaviour due to a health condition. Where an individual has such a condition, or it is suspected they may have such a condition, advice should be sought from medical experts or other bodies with expertise in the area on support which is available. Authorities should also take account of local support strategies for people with particular needs – such as individuals with attention deficit hyperactive disorder (ADHD) or addiction problems – and other relevant guidance on supporting people. This does not preclude the possibility that an ASBO may be used, but the wider circumstances and support being made available should be fully considered. Decisions will need to be taken on a case-by-case basis.<sup>2</sup>

When the ASBT are dealing with an investigation and it is suspected the behaviour may be due to a health condition, the team will seek a mandate from the individual to allow the team to write to their doctor or other relevant health professional. Any information received will be used to help decide whether action can be taken to control the behaviour using antisocial legislation.

When an individual refuses to approve disclosure of medical information, the ASBT will make every possible enquiry to support agencies for assistance. A case conference may also be called if relevant agencies can be identified. The ASBT will also consider referrals to other agencies such as Social Work.

### 13.10. **Youth Disorder**

Part 2 of the Antisocial Behaviour etc (Scotland) Act 2004 extended the use of ASBOs to 12-15 year olds. Complaints about 12 to 18 year olds lodged with the ASBT are handled slightly differently to complaints about adults aged 18 years and over.

The ASBT along with Police Scotland and other partner agencies aim to help young people stay away from trouble. A range of tools has been established to identify and reduce antisocial behaviour caused by young people.

The tools used by the ASBT are designed to complement actions taken by Police Scotland and work alongside support services supplied to help young people address troublesome behaviour.

More information can be found in the Antisocial Behaviour and Young People Protocol.

<sup>2</sup> Guidance on Antisocial Behaviour Orders, Scottish Executive, Edinburgh. 2004.

### 13.10.1. Case Conference

An Investigation Officer will consult their senior colleagues and convene a case conference when appropriate. This will normally be done when it is judged that an investigation is nearing the stage of an ASBO application or when other legal action can be considered.

The minimum quorum for a case conference will include the Investigation Officer, a senior member of the ASBT staff and a representative from Legal Services. However, when support officers are involved with the person, either statutory or voluntary, they will also be invited to the conference.

The purpose of the conference is to discuss the antisocial behaviour being displayed and efforts taken to try to stop the antisocial behaviour. The conference will discuss any support measures that have been tried to help curb the antisocial behaviour or other support measures that can be accessed to help prevent any further antisocial behaviour.

### 13.11. Legal Remedies

#### 13.11.1. Referral to Legal Division

When it is believed that there is sufficient evidence to justify an application for an ASBO or other legal action, a referral will be made to Legal Division. Legal Division may offer advice as how to present the case or require that further evidence is gathered.

In the case of a Council tenancy, when an application for an ASBO is being progressed against a tenant, or joint tenant, or someone who lives with a tenant, a Notice of Proceedings will also be issued against the tenancy unless served earlier.

#### 13.11.2. Notice of Proceedings

Investigation Officers will refer the case papers to Legal Division to issue a notice of proceedings for recovery of possession when sufficient evidence of antisocial behaviour has been gathered to justify this action.

This action is Neighbourhood Services' official notice of intention to enrol the case in court for recovery a property from a Council tenant. Anytime after twenty-eight days of the notice being served and within six months after these twenty-eight days, the case can be lodged in court for a hearing to take place. The notice expires at the end of six months, however another notice can be served.

#### 13.11.3. Antisocial Behaviour Orders (ASBOs)

An ASBO is a civil Court order that tells someone to stop behaving in an antisocial way. For example, an ASBO can order someone not to play loud music or not to shout, swear or abuse their neighbours. ASBOs can also order someone not to enter certain areas.

ASBOs are orders that aim to protect the public from behaviour that causes or is likely to cause alarm or distress. Breach of ASBO is a criminal offence and carries a statutory power of arrest.

The expression "likely to cause" has the effect that someone other than a victim of antisocial behaviour can give evidence. This allows using professionals as witnesses where those subject of the antisocial behaviour feel unable to come forward, for example, for fear of reprisals or intimidation.



An ASBO can be sought against any person irrespective of their housing tenure: i.e. owner-occupiers, private sector tenants and tenants of public sector landlords including local authorities.

ASBOs are not restricted to deal with neighbour problems. We continue to receive referrals from other agencies such as Police Scotland, National Express Dundee, Department of Work and Pensions and NHS Tayside. We aim to help prevent antisocial behaviour wherever it occurs.

The minimum age at which a person may be subject to an ASBO in Scotland is 12, cases involving under 16's and 16 and 17 year olds under supervision have a different process to those who are over 16 (*see Antisocial Behaviour and Young People Protocol.*)

ASBOs will only be sought when other less punitive measures have been considered or tried and failed.

A full ASBO either lasts indefinitely or for a specified term. A full ASBO granted against a Council tenant or against a member of a household of a Council tenancy has implications on the security of that tenancy.

In the above scenario the provisions in the Housing (Scotland) Act 2001 allow the ASBT to convert a tenancy to a Short Scottish Secure Tenancy (SSST) (*see SSST section*). The decision to convert a tenancy will be made by the ASB Co-ordinator or Senior Investigation Officer after consultation with the Investigation Officer. This decision will be determined by the individual merits of the case.

#### 13.11.4. Interim ASBOs

Interim ASBOs provide more immediate protection for the community from antisocial behaviour. An interim ASBO aims to stop antisocial behaviour from occurring in the same way as the full order and is in place pending determination of the application for a full ASBO.

The interim ASBO can impose the same prohibitions on a person as a full order and breach of an interim ASBO carries the same penalties as breach of a full order. The interim order does not impact on security of the tenancy as the provisions for this only relate to full ASBOs. The ASBT will normally apply for an interim ASBO prior to the full order although each case will be considered on its merits.

#### 13.11.5. Short Scottish Secure Tenancy (SSST)

A SSST is a short term tenancy agreement which can be given to tenants of Dundee City Council.

The ASBT will consider converting a tenancy if:

- A Council tenant or a member of their household has had a full ASBO served on them.

When a Council tenant or a member of their household has had a full ASBO served on them the ASBT will consider the circumstances and decide whether it is appropriate to convert the tenancy to a SSST.

A SSST converted under Section 35 of the Housing (Scotland) Act 2001 will last for a minimum of 6 months and a maximum of 12 months. The ASBT will normally offer a 6 month tenancy, although consideration will be given to the circumstances to ascertain the most appropriate term of the SSST.

The SSST will be monitored throughout the duration of the tenancy. Meetings will be held to establish if the tenancy is being maintained properly or to share the details of further problems. Within 3 months of the SSST ending a meeting will be held to decide what is to happen with the SSST. The options are:

- Tenancy continues for a further 6 months (only if in the first 6 month period).
- Tenancy ends after 6 months.
- Tenancy converts to mainstream tenancy.

The decision of what will happen with a SSST at this stage will be influenced by the behaviour that led to the SSST and how the tenancy has been managed during the duration of the SSST. The decision will be made by the ASB Co-ordinator after consultation with members of the ASBT, housing office staff, housing support staff and any other staff or agencies involved.

In addition, Neighbourhood Services can consider creating a SSST under Section 34 of the Housing (Scotland) Act 2001, by virtue of paragraphs 1 – 7 of Schedule 6. If the SSST is created by virtue of paragraphs 1 – 2, i.e. as a result of a previous decree for recovery of possession being obtained for antisocial behaviour; or an ASBO having been obtained this will also revert to a SST if a notice is not served within a 12 month period.

Any other SSST's created under Section 34, of the Housing (Scotland) Act 2001, by virtue of paragraphs 3 – 7, for example where a support need has been identified, will not revert to a SST and will always remain a SSST, unless converted to SST by Neighbourhood Services.

#### 13.11.6. Closure of Premises

The authority to apply for a Closure of Premises was introduced by Part 4 of the Antisocial Behaviour etc (Scotland) Act 2004. While these are essentially Police powers, they should be used in consultation with the local authority. In Dundee closure of premises will be co-ordinated by the Community Intelligence Unit in consultation with the Antisocial Behaviour Team.

Further information can be found in the Closure of Premises Protocol.

## 14. **ANTISOCIAL BEHAVIOUR AND RELATED STRATEGIC PARTNERSHIPS**

### 14.1. **Community Safety Hub-Multi Agency Tasking and Co-ordinating Meetings**

The remit of this group is to:

- identify key emerging issues from the intelligence/information gathering process;
- develop appropriate operational strategies to deal with the issues, consulting as required;
- allocate resources as required from partner agencies / ASB awards;
- report to Dundee Community Safety Partnership and others as required;
- recommend longer term strategic options to Dundee Community Safety Partnership and others as required;
- recommend longer term strategic options to Dundee Community Safety Partnership and others as required;

All partners, including the ASBT, will contribute information to the CIU who will be responsible for collating the information and publishing a monthly assessment document.

#### 14.2. **Domestic Abuse**

Where domestic abuse is a factor a balance must be struck between addressing issues of antisocial behaviour which have arisen (for example, noise complaints from neighbours) and preventing further risk / harm to the victim of ongoing domestic abuse.

Dundee City Council's ASBT and Police Scotland will work together to address antisocial behaviour arising from domestic abuse cases where the victim and perpetrator are not resident within the same household.

In cases where domestic abuse is a factor and the victim and perpetrator are resident within the same household the Antisocial Behaviour Team recognise the need to provide a sensitive and appropriate response, whilst addressing issues of antisocial behaviour for the benefit of neighbours. In these circumstances the ASBT will work in partnership with colleagues in Police Scotland and specialist domestic abuse services to agree an appropriate response. Officers will ensure that victims are provided with advice and information about appropriate support services.

More information can be found in the Antisocial Behaviour and Domestic Abuse Protocol.

#### 15. **RACE EQUALITY IMPACT ASSESSMENT**

- 15.1. This policy has been screened as required by the Race Relations (Amendment) Act 1976 as amended, and is considered to be compliant with the Act.

#### 16. **ABBREVIATIONS**

##### **ABC**

Acceptable Behaviour Contract

##### **ASB**

Antisocial Behaviour

##### **ASBO**

Antisocial Behaviour Order

##### **ASBT**

Antisocial Behaviour Team

##### **CIU**

Community Intelligence Unit

##### **DWP**

Department of Work and Pensions

##### **NHS**

National Health Service

##### **NTNT**

Night Time Noise Team

**RIPSA**

Regulation of Investigatory Powers (Scotland) Act 2000

**RSL**

Registered Social Landlord

**SST**

Scottish Secure Tenancy

**SSST**

Short Scottish Secure Tenancy

**UBN**

Unacceptable Behaviour Notice

**17. USEFUL NUMBERS**

Antisocial Behaviour Team	01382 307366
Antisocial Behaviour Advice Line	0800 169 3845
Community Safety Wardens	01382 436333
Police Scotland (non-emergency)	101
Scottish Fire and Rescue (non-emergency)	01382 322222
Night Time Noise Team	101
Crimestoppers	0800 555 111
Rapid Response Team	01382 432731
East District Housing Office	01382 307401
West District Housing Office	01382 307301

**18. APPEALS & COMPLAINTS**

- 18.1. Service recipients who feel that they have been treated unfairly or are unhappy with the level of service they have received, can complain using the Corporate Complaints procedure. We will assist service recipients wherever necessary to complete complaints forms and associated documentation. We will monitor the number of complaints we receive, analyse the data and use our findings to improve our future performance.
- 18.2. Service recipients who are unhappy with the decision we have made in their case can appeal against the decision using the Housing Appeals Form. We will assist service recipients wherever necessary to complete appeals forms and associated documentation. We will monitor the number of appeals we receive, analyse the data and use our findings to improve our future performance.

<b>REVIEWED BY:</b>	Housing Services Team Leader		
<b>Date Approved by NSMT</b>		<b>SSHC Indicators</b>	