



# Guide to Dealing with Antisocial Behaviour

[www.waverley-housing.co.uk](http://www.waverley-housing.co.uk)



## Who is this information for?

This information is for people experiencing antisocial behaviour who want to know how to make a complaint to us. It summarises our policy and approach to tackling antisocial behaviour (ASB) in our communities.

We believe that all tenants have a right to live peacefully in their homes and, as such, take very seriously, the issue of antisocial behaviour which adversely affects that right.

## What is this information about?

This leaflet explains what antisocial behaviour is, shows you how to complain to us and sets out how we will respond.

## What is antisocial behaviour?

Antisocial means “causing or likely to cause alarm, distress, nuisance or annoyance to any person or causing damage to anyone’s property. Harassment of a person includes causing the person alarm or distress.” (Section 3.2 of your tenancy agreement).

The 2004 Antisocial Behaviour (Scotland) Act also defines Antisocial behaviour in this way:

A person engages in antisocial behaviour if he/she:

- acts in a manner that causes or is likely to cause alarm or distress; or
- pursues 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.

And just to remind you...

The agreement that you signed when you became a Waverley tenant explains what is expected from you:

- “You, those living with you, and your visitors, must not harass or act in an antisocial manner to, or pursue a course of antisocial conduct against, any person in the neighbourhood. Such people include residents, visitors, our employees, agents and contractors and those in your house”.

There are many ways we can deal with antisocial complaints ranging from warning the perpetrator about their behaviour to taking them to court and seeking their eviction. (We will only seek a decree or eviction when all other solutions have been pursued or considered as inappropriate).

## How can I make a complaint?

Waverley Housing can only investigate and act against Waverley Housing tenants. If the person causing antisocial behaviour is a tenant of another Registered Social Landlord, you must inform their landlord, however please still contact us, and make us aware that you are submitting a complaint to them; we can help and advise you on what to do. If the person causing antisocial behaviour is a private tenant or homeowner, you must contact Scottish Borders Council, Antisocial Behaviour Unit at [www.scotborders.gov.uk](http://www.scotborders.gov.uk) to make your complaint.

Before making a complaint to us, ask yourself whether the issue could be resolved by speaking to the individual concerned. This can be a successful resolution to the problem at the start of a relatively minor problem. Please only consider this if you feel it is safe to do so. If you'd like to talk this through with a member of staff, please contact us. We will always be prepared to get involved where you do not wish to take action yourself.

If you do wish to complain, you can do this in several ways, as detailed below:

- telephone
- in writing by post
- emailing us at [info@waverley-housing.co.uk](mailto:info@waverley-housing.co.uk)
- request a home visit with your housing officer

## How will we respond to your complaint?

We will:

- take all complaints about ASB seriously.
- respond to your complaint promptly.
- always offer you a home visit.
- ensure that, wherever possible, staff deal face to face with you.
- listen sympathetically to you and we will not prejudge or make assumptions.
- ask you who you believe is causing the problem.
- ask you when it happened and how often.
- ask you how long the incident(s) last.
- ask you who is affected by it.
- where deemed appropriate, promote mediation as a means of resolving neighbour disputes.
- advise you of the actions you can take in response to your ASB complaint.
- advise you of what actions Waverley Housing can take in response to your ASB complaint.
- support you if you are a victim of ASB, particularly where you are at risk of reprisals and are required to give evidence in court against your neighbour.

## Will my complaint be confidential?

We will make every effort to protect the confidentiality of complaints made and avoid the risk of any action we take making the situation worse.

We will make every attempt to act on each complaint made, however we may not take any further action where the complaint is anonymous and/or there is no corroboration from a reliable or impartial source.

## How do we categorise complaints of antisocial behaviour?

Antisocial behaviour can be categorised into workable groups i.e. the various types of complaints of tenant/resident antisocial behaviour that have been, or could be, reported to the Police or Registered Social Landlord.

### Group A: Disregard for Community and Personal Wellbeing – Neighbour Nuisance

- Noise - noisy neighbours, loud music, persistent alarms. If you are disturbed by unreasonable levels of noise, for example from televisions and radios, first approach your neighbour and explain politely that you are being troubled by the noise. You may find this difficult, but often people are unaware of the problem they are causing; most will be glad to do what they can to reduce the noise. If this does not resolve the problem or you feel that you are unable to discuss the matter directly with them, your housing officer will be able to offer you advice and assistance.

### Group B: Disregard for Community and Personal Wellbeing – Neighbour Nuisance requiring intervention

- Rowdy behaviour - shouting and swearing, fighting, drunken behaviour, hooliganism or loutish behaviour.
- Nuisance behaviour - urinating in public, fire raising, inappropriate use of fireworks, throwing missiles, climbing on buildings, impeding access to communal areas, playing games in restricted or inappropriate areas.
- Hoax calls - false calls to the emergency services.
- Animal related problems – dog fouling, nuisance pets etc.

### Group C: Environmental Damage

- Criminal Damage/Vandalism - graffiti, damage to street furniture including bus shelters, telephone kiosks, buildings, trees, plants or hedges.
- Litter and rubbish - dropping litter, dumping rubbish, fly-tipping, fly posting.

### Group D: Misuse of Public Space

- Drugs and Substance Misuse/Dealing - taking drugs, solvent abuse, discarding needles and drug paraphernalia, presence of dealers or users.
- Street drinking.
- Prostitution - soliciting, discarding condoms.
- Kerb crawling, loitering for the purposes of prostitution, pestering residents.
- Vehicle related nuisance and inappropriate vehicle use - abandoned vehicles, setting vehicles alight, racing cars, off-road motorcycling, using quad bikes inappropriately.

## Police

Any criminal behaviour should be reported to the police immediately such as:

### Drugs

- If you believe that drug dealing is happening at one of our properties, or communal stairwells, you should report this to the Police first and then to us. Once the Police have investigated this matter, should they provide evidence of drugs offences, we will then consider the appropriate action to be taken.

### Domestic Abuse

- Domestic abuse is serious, and you should report it to the Police as well as to us. Our main role is to work towards a situation that prevents further domestic abuse. This may involve working with other agencies.

## Dogs and Other Pets

It is a condition of the tenancy agreement that any pet kept in one of our properties must not cause a nuisance to neighbours. Pets cannot be kept without our permission. Waverley Housing operates a two-pet policy.

## Other Types of Antisocial Behaviour

We will take prompt action to remove graffiti, repair vandalism and remove dumped rubbish. We may need to report the matter to the Police as vandalism and graffiti are also criminal offences. Racist or offensive graffiti will be removed within 24 hours.

Reports of property neglect will also be taken seriously as this is often a sign that a property may have been abandoned. You should also report damaged fencing, smashed windows or untidy gardens.

If you know who is responsible for the problem, you can tell us in confidence. We will then contact them, and they will be asked to put things right, or be charged for the costs incurred by Waverley Housing if we have to do this on their behalf. If we do not know who is responsible, we may contact all residents in the area to make them aware that the problem is unacceptable; this could lead to all residents in the block/area being re-charged a share of the clean-up costs.

## Emergency Action

If there is a need for temporary housing, including where severe damage to the property has occurred i.e. as the result of an arson attack, or where there has been violence to the complainant, arrangements will be made with the appropriate emergency authorities, such as Scottish Borders Council or Social Work.

## Training

Waverley Housing will ensure that relevant employees have the appropriate level of skills and knowledge to deliver the requirements of this policy.

## Complaints

Tenants and owners, who feel that Waverley Housing have not delivered the service outlined in this information leaflet, have the right to complain. Complaints will be dealt with in accordance with Waverley Housing's Complaints Policy, a copy of which can be obtained on request. Tenants and owners also have the right to refer the matter to the Scottish Public Services Ombudsman (SPSO) if not satisfied.

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