

REPORT TO: HOUSING COMMITTEE – 19 JUNE 2000

**REPORT ON: HOUSING AND ANTI-SOCIAL BEHAVIOUR –
POLICY AND PRACTICE**

REPORT BY: DIRECTOR OF HOUSING

REPORT NO: 395-2000

1. **PURPOSE OF REPORT**

- 1.1. To advise Committee on current Housing Department Policy and Practice in response to anti-social behaviour.

2. **RECOMMENDATIONS**

Committee is asked to agree:

- 2.1. The proposed policy statement on anti-social behaviour.
- 2.2. The Housing Department will continue to make full use of the legal remedies available, and to encourage other Council departments and agencies to make use of the measures open to them.
- 2.3. The Housing Department will continue to identify new initiatives with respect to anti-social behaviour, identify best practice and determine effectiveness with regard to the particular circumstances pertaining to Dundee.
- 2.4. The continuation of the Joint Working Group between the Housing Department and Dundee Federation of Tenants Associations, with input from other departments/agencies as appropriate.
- 2.5. The continuation of the communication strategy to provide appropriate information and advice to tenants/residents and the introduction of a Good Neighbour Charter.

3. **FINANCIAL IMPLICATIONS**

- 3.1. There are no financial implications arising from this report.

4. **LOCAL AGENDA IMPLICATIONS**

- 4.1. These recommendations will help people live without fear of personal violence from crime.

5. **EQUAL OPPORTUNITIES IMPLICATIONS**

- 5.1. Measures are taken within crime prevention, community safety, education and other initiatives to eliminate violence and harassment perpetrated against people because of their race, gender, sexuality or connection with other target groups.

6. **BACKGROUND**

- 6.1. Anti-social behaviour can cause misery for communities and individuals. It can include verbal abuse, vandalism, loud music and in the most extreme cases severe harassment, drug dealing and violence. If unchecked it can lead to insecurity and fear and a decline in communities.
- 6.2. The Housing Department has for a considerable period been at the forefront of identifying new initiatives and utilising new measures to deal with anti-social behaviour.

The recent Scottish Executive consultation paper 'Housing and Anti-Social Behaviour: The Way Forward' identified a number of initiatives pursued by Dundee City Council as examples of good practice.

The Housing Department continues to make full use of remedies available to try to resolve often very complex problems. There is, however, a continuing need to review best practice from other areas and new legislation and initiatives. We are not, nor will ever be, complacent when attempting to resolve anti-social behaviour problems.

To achieve this, an ongoing Working Group has been set up with Dundee Federation of Tenants Associations and tenant satisfaction with the service provided by Housing staff (in form of survey) is tested annually.

7. **LEGISLATIVE FRAMEWORK**

- 7.1. The Housing Department will strive to resolve neighbour disputes by encouraging tenants to speak to each other to try to sort out problems wherever possible. If this is not possible, there are a variety of management options which are available without having to resort to legal remedies.

Dealing with anti-social behaviour is often a balance between enforcement and resolving conflict.

There are various legislative and common law measures available when considering action against anti-social neighbours.

The two main pieces of legislation in this field are:

- a. The Housing (Scotland) Act 1987 as updated by the Crime and Disorder Act 1998, provides for the recovery of possession of a house let on a secure tenancy, and now extends to include the behaviour of people visiting the house and people convicted of using a house for immoral or illegal purposes.
- b. Crime and Disorder Act 1998 introduced Anti-Social Behaviour Orders which are aimed at preventing the most serious forms of anti social behaviour. These can be made against anyone aged 16 and over and, if breached, could result in imprisonment.

It also allows the Police to seize sound producing equipment.

Interdicts, a common law remedy and can be granted by the court to prevent wrong, harm, or injury being done to a person or his property.

Under common law, nearly all offences which cause public disturbance are a breach of the peace and the Police should be involved. This covers areas such as intimidation and harassment.

The law relating to anti-social behaviour is varied and complex and, with a number of agencies have responsibility, it highlights the need for effective joint working.

8. **ANTI-SOCIAL BEHAVIOUR OUTWITH THE COUNCIL HOUSING SECTOR**

It has been widely accepted for some time that anti-social behaviour is not confined to Council housing. Such behaviour may be experienced by owner-occupiers and tenants of housing associations/co-ops and private sector landlords.

Anti-Social Behaviour Orders allow the Council to address the most serious anti-social behaviour and ECPD have powers to investigate and remedy issues which may affect all tenures in the City, e.g. dog fouling, noise, rubbish dumping.

Policy and Resources Committee approved the Council's strategy for implementation of ASBO's on 8th February 1999. To date, approximately 30 enquiries have been received from the non Council sector – housing associations, private rented sector tenants and owner occupiers. None have been pursued to Court due to lack of sufficient evidence to allow a credible case to be presented in Court.

The Housing Department at present has no remit for dealing with anti-social behaviour outwith the Council housing sector – with the exception of ASBO's which, by definition, address the most extreme cases.

The issue of anti-social owners and tenants of other landlords was flagged up in the recent Scottish Executive consultation paper on "Anti-Social Behaviour : The Way Forward" and any changes to the legislative framework which may arise from the impending Housing Bill will be carefully considered with regard to their implementation in Dundee, as will the current proposals for Local Authorities to license and regulate Houses of Multiple Occupation.

A Landlords Forum has been established recently as a vehicle to allow the dissemination of information and good practice amongst all landlords in the City and this will continue to be one of the key means of liaison with the non Council sector.

9. **BEST PRACTICE**

Dundee City Council has been at the forefront of instigating new initiatives to deal with anti-social neighbours, and has rightly been highlighted in the recent Scottish Executive Guidance e.g.

- The Dundee Families Project
- Community Safety Officer seconded from the Police to Neighbourhood Resources.
- The first Anti-Social Behaviour Order in the UK was obtained by Dundee City Council.

These examples show the commitment of the Council to act against anti-social neighbours and assist those experiencing problems with neighbours. Where the legislative tools exist we have demonstrated that we will take action to assist those who wish to live in peace without fear of nuisance or harassment.

The Council recognises racial harassment and violence as a particular form of anti-social behaviour and addresses this through the separate policy of the multi agency panel.

Dundee City Council Housing Department has been instrumental in setting up the Anti-Social Behaviour Officers' Forum. This group comprises representatives from all Scottish local authorities and aims to look at national best practice to deal with anti-social behaviour.

10. **POLICY STATEMENT**

The Housing Department has a range of tools and clear procedures with which to deal with anti-social behaviour. The Department does not, however, have a clear policy statement about what we will do.

In view of this, it is proposed that the Housing Department should adopt the following statement:

"Neighbour problems cover a wide range of issues. The Housing Department, in conjunction with other departments and agencies, is committed to tackling these problems.

Our aim is to try to resolve disputes informally wherever possible and, to help tenants resolve any differences they have. However, where a tenant (or their visitor) is responsible for persistent nuisance the council will take action under their tenancy agreement or other legal measures available, which may result in the eviction of anti-social tenants".

This statement is consistent with those used in the Housing Department Information Leaflets, and gives a clear message of the Housing Department's commitment to dealing with this problem.

Eviction remains a sanction which will be considered where appropriate. The Housing Department will, however, continue to work with other departments and agencies to try to resolve problems without having to resort to eviction.

11. **COMMUNICATION STRATEGY**

The Housing Department is committed to providing those people experiencing anti-social problems with the best information available to help them resolve the problem. To this end, a range of advice leaflets have been provided advising tenants what they can do to assist them if they are experiencing anti-social behaviour and what action the Housing Department can, and will, take. The Housing Department annually carries out a customer satisfaction survey of all those who make a complaint to the Housing Department about an anti-social neighbour. The aim is to identify if the Housing Department is providing the agreed services for tenants. Most recent survey results show that the majority of tenants experiencing an anti-social behaviour problem are satisfied with the service received and that we continue to make progress in this respect. We, however, are not complacent and accept that continued effort is required in this difficult area.

In addition the Housing Department, along with DFTA, has produced a Good Neighbour Charter to be signed by all new tenants, giving their commitment to being a good neighbour. This highlights what is expected of tenants as good neighbours and what action the Housing Department will take if tenants do not fulfil their obligations.

Appendix 1 shows the proposed Good Neighbour Charter.

12. **THE ROLE OF OTHER AGENCIES**

As a landlord, the Housing Department often plays the main role in resolving conflict between neighbours. Other departments and agencies do, however, play an important role.

12.1. **Police**

The Police have a vital role in areas such as:

- Harassment
- Dangerous Dogs
- Public Nuisance such as cars being abandoned
- Noise – noise making equipment can be seized by the Police
- Drugs

12.2. **Environmental and Consumer Protection Department**

Environmental and Consumer Protection Department play a leading role in areas such as:

- Noise
- Dumping Rubbish
- Animal Control and Dog Fouling

Anti-social behaviour is often complex in nature and it is essential that liaison between all agencies who may have a role to play continues. Therefore, the current liaison protocols with SWD and Tayside Police will continue with a view to ensuring a multi-agency approach designed to identify the most appropriate resolution to instances of anti-social behaviour.

12.3 **Social Work Department**

A joint protocol between Housing and Social Work Department is being developed with regard to anti-social behaviour cases which may proceed to eviction. The aim of the joint protocol is to ensure that all relevant factors are taken into account and to allow informed decision making.

Joint working, including that between Housing and Social Work, continues to be a key theme in any response to anti-social behaviour.

13. **JOINT WORKING**

A Joint Working Group between the Housing Department, DFTA, the Community Safety Officer, and any other departments/agencies as required has been set up to review how current procedures are undertaken and review new initiatives. This group provides a vital link with tenants' representatives, and should continue as an example of joint working to reduce anti-social behaviour.

Appendix 2 outlines the agreed purpose of the Joint Working Group and its aims and objectives.

14. **FUTURE ACTION**

The Housing Department, along with partners in other departments, agencies, and DFTA will continue to pursue new initiatives to minimise anti-social behaviour, and take action against those who act in an anti-social manner.

A report was approved by Housing Committee on 21 February 2000 outlining the Council's response to the consultation paper by the Scottish Executive 'Housing and Anti-Social Behaviour: The Way Forward', which identified a number of new initiatives which may offer further assistance to deal with anti-social behaviour.

15. **CONSULTATION**

All Chief Officers have been consulted on this report as has Dundee Federation of Tenants Associations.

16. **BACKGROUND PAPERS**

Housing Committee 21st February 2000 "Housing and Anti Social Behaviour : The Way Forward" Response to Scottish Executive Proposals.

Policy and Resources Committee 8th February 1999 "Anti Social Behaviour Orders".

ELAINE ZWIRLEIN
DIRECTOR OF HOUSING

SIGNATURE: _____

DATE: _____



Dundee City Council Good Neighbour Charter



What is Anti Social Behaviour?

Anti social behaviour covers a wide range of issues from playing music too loudly and dogs barking to incidents such as harassment and threats of violence.

Dundee City Council, in conjunction with other agencies, is committed to tackling these problems.

Everyone has the right to live peacefully alongside his or her neighbours and the council will take whatever action is necessary to resolve neighbour disputes. Experience has shown that it is better to attempt to resolve problems informally wherever possible.

However where a tenant (or visitor) is responsible for persistent anti social behaviour the Council will take action under their tenancy agreement, which may result in the eviction of the tenants responsible for causing the problem. Where the anti social resident is not a Council tenant the Council will use all the appropriate legal measures to address the unacceptable behaviour.

We will:

- Investigate all complaints of anti social behaviour and keep you informed of the progress of your complaint;
- Advise residents of the options available to them, and the Council, to resolve their problem;
- Allow everyone to give their version of events;
- Attempt to work out disputes informally;
- Take the strongest possible action against tenants and home owners or their family/visitors where anti social behaviour is proven;
- Take action against parents whose children are causing a nuisance where possible;
- Co-ordinate action between the Council and other agencies, such as the police, dealing with anti social behaviour in the City;
- Provide as much support and assistance as possible to the victims of anti social behaviour. This may range from help in reporting your complaint to assisting you if you have to appear in court.

You will:

- Be expected to show consideration for your neighbours and not to cause a nuisance to them, their guests or council staff;
- Be responsible for the behaviour of your visitors;
- Be expected to take your turn to keep any shared areas (such as staircases, entrances, gardens and drying areas) clean and tidy;
- Keep pets under control and have the required permission to keep pets;
- Not use your home for business premises; without written permission;
- Only park vehicles in appropriate areas, not on drying greens, gardens or common ground.

(continued overleaf)

I, _____ have agreed to rent the property at
_____ from Dundee City Council

I have read the Good Neighbour Charter and understand the conduct expected of Dundee City Council Tenants and what action the Council will take to protect tenants from anti social behaviour. I agree to abide by the contents of the Charter, and the terms of my tenancy.

Signed _____ Date _____

Witness _____ Date _____

What Action can we take?

Dundee City Council has a variety of tools to combat anti social behaviour and will use the most appropriate and effective option to resolve the problem as quickly as possible. Wherever possible we will encourage you to work out disputes informally, however where further action is required we will not hesitate to use the options available including:

- Verbal or written warnings;
- A Notice of Proceedings stating that if problems persist further action will be taken to evict troublesome tenants.

Action can also be taken through the courts against problem neighbours such as:

- Interdicts which prevent someone (owner or tenant) from doing a specific act;
- Eviction of tenants for breaching their tenancy;
- Anti Social Behaviour Orders can be used for the most serious forms of anti social behaviour to prevent someone from doing a specific act. Breach of these orders is a criminal offence. These orders can be granted by the Sheriff Court against anyone over 16 years of age at the request of the Council if the Sheriff considers it necessary to protect people in the area.

I _____ have agreed to rent the property at
_____ from Dundee City Council

I have read the Good Neighbour Charter and understand the conduct expected of Dundee City Council tenants and what action the Council will take to protect tenants from anti social behaviour. I agree to abide by the contents of the Charter, and the terms of my tenancy.

Signed _____ Date _____
Witness _____ Date _____

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APPENDIX 2

JOINT WORKING GROUP ON ANTI SOCIAL BEHAVIOUR

1. Both Dundee City Council and Dundee Federation of Tenants' Associations are very aware of the difficulty which is caused by having an anti social neighbour.

In order to minimise the disturbance experienced, a joint working group between the Council and DFTA has been set up.

The Housing Department will continue to discuss new initiatives with the group to achieve a joint approach.

2. The purpose of the group is to:

- Share a joint commitment to minimise anti social behaviour.
- Improve understanding of the nature and incidence of anti social behaviour.
- Assess new legislation and, where necessary, look at how to incorporate into practice.
- Continue to identify good practice from other areas.
- Continue to improve advice and information to people experiencing anti social behaviour.
- Liaise with other agencies who have legislative powers and responsibilities.
- Monitor improvements in satisfaction/service.

3. Group Membership

The group will comprise the City Housing Manager, a representative from Policy and Plans, representatives of DFTA, Police Community Liaison Officer, and representatives of other Departments/Agencies when necessary. Where possible, the same people should regularly attend.

4. Member Responsibility

The Housing Department will ensure that staff continue to put agreed Housing procedures into practice. DFTA will ensure that groups are kept informed of best practice and new developments, and represent the views of their affiliated groups.

A commitment to working together is essential to achieve positive results, with a shared commitment to the group's output.

24th January 2000