

## What is Anti-Social Behaviour?

Anti-Social Behaviour is defined under the Anti-Social Behaviour, etc. (Scotland) Act 2004 as where a person:

- 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 in the same household.

'**Conduct**' includes speech, and a '**Course of Conduct**' must be conducted on at least two occasions.

It is clear from this definition that it encompasses a wide range of behaviour which may be considered to be anti-social, and the perceptions of tenants and residents may be entirely different from those of practitioners.

By way of a guide, anti-social behaviour should be considered as falling into three types:-

1. Complaints relating to extreme forms of anti-social behaviour, and includes certain types of criminal behaviour such as drug dealing. Although behaviour which is criminal in nature is entirely within the remit of the police, certain action may also be taken by the landlord if convictions are obtained.
2. Complaints relating to serious and persistent anti-social behaviour - behaviour which typically may result in anti-social behaviour order and/or interdict and/or eviction proceedings. These types of complaints also require the landlord to work with the police as there is no legal remedy available to the landlord for immediate action.
3. Complaints relating to nuisance behaviour - behaviour which is more of a nuisance than anti-social, and may include low level neighbour disputes which may be dealt with by mediation or the landlord.

### What should I do if I am affected?

Call into the office and discuss the matter with your Housing Team or designated member of staff. We will listen to your problem and try to give you the best advice on how the matter can be resolved. It is important to do this at an early stage, before a minor dispute escalates. It may be necessary to complete diary sheets, providing as much information as possible, whether the Police have been involved etc. so that the Association can proceed with an investigation of your complaint. An investigation of anti-social behaviour can take a number of weeks or months depending on the circumstances.

### **What action can the Association take?**

There are several courses of action we can take depending on the problem. It is important that we are quickly made aware of any problem so we can establish the facts during our investigation and start collecting evidence early, if this is appropriate.

In severe cases where persistent problems occur we can take an offending tenant to court with the possibility of eviction from property. However, this can be a lengthy process as evidence is required by the court to prove the anti-social behaviour is consistent and ongoing. For minor disputes between tenants, advice or limited intervention from the Association may be all that is required.

Mediation might also be considered by staff if this is felt to be appropriate – this is where problems are discussed and resolved by all parties round the table. Staff might also suggest that the best way to prevent escalation of a problem may be to talk a problem through with your neighbour before involving the Association.

Serious cases of anti-social behaviour are a matter for the police. The Association has no authority to take immediate action against criminal activity, or violent or threatening behaviour or situations where there is potential for criminal arrests or charges. However, in such circumstances, the Association will work closely with Police Scotland, sharing evidence as appropriate. In the event of a conviction relating to the anti-social behaviour the Association can use this to pursue a number of options including interdicts, anti-social behaviour orders, and in some cases, eviction.

### **What if my neighbour is not a YHA tenant?**

The Association may be restricted in the action we can take against owner occupiers and tenants of other landlords, however we will assist you as much as possible.

It may be appropriate to consider the involvement of the police, Glasgow City Council Noise Team and we will give you advice and assistance where we can in these cases.

### **Useful contact information**

- Police Scotland non- emergencies call 101
- Glasgow City Council Noise Team call 0141 287 6688 (out of hours 0800 027 3901)
- Scotland Crime Stoppers call 0800 555 111