

cairn



# Antisocial behaviour

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## WHAT IS ANTISOCIAL BEHAVIOUR?

The law states that someone is behaving in an antisocial way if they are causing alarm or distress. Making too much noise, carrying out graffiti, disorderly behaviour, using drugs, littering and racism are some examples of antisocial behaviour.

## WHAT CAN I DO?

There are a number of things you can do to help the situation.

### **Stay calm**

- Remember that the person might not be aware that they are causing you distress and might be shocked to find out that they are upsetting you.
- Try to see things from both points of view and remember to be reasonable.

### **Keep a diary**

- It's useful to record any incident that happens

as evidence. You should mention the date and time the incident took place, what happened and who was involved.

### **Talk things through**

- If you feel comfortable doing so, try speaking to them about it.
- Remember to stay calm and don't be aggressive.
- If you would like support, ask a friend to come along with you, or there might be support agencies in your area that will come with you.
- You should only approach your neighbour if you feel it will be safe to do so.

### **Report the problem**

- If it is a serious offence, for example, if there has been any criminal activity or if you feel in immediate danger, you need to phone the police first, followed by your housing officer. Housing officers need an

incident report number to progress all serious cases so it is really important that you report all serious cases to the police.

- For all other cases, if you don't feel comfortable talking to your neighbour or if you have tried and didn't reach an agreement, the next step is to contact your housing officer. Contact them to report all levels of antisocial behaviour.
- Keep your housing officer updated as they need as much information and evidence as they can to build a strong case for further action.

## WHAT CAN WE DO?

We aim to investigate each reported case and take action within 30 working days. Depending on the nature of the antisocial behaviour that has been reported, we will take a different approach to suit each case. The following gives you a guide on how we categorise antisocial behaviour and how long you can expect us to take to make contact with those behaving in an antisocial way.

### **Category A - high level**

More serious and usually involves criminal activity. We will contact source within one working day. All Category A antisocial behaviour should be reported to the police first, followed by your housing officer.

### **Category B - medium level**

Usually stops short of criminal behaviour but may be a deliberate attempt to cause disturbance or

annoyance. We will contact source within five working days.

### **Category C - nuisance**

Other cases of nuisance behaviour, usually disagreements between neighbours. We will contact source within 10 working days.

### **Category D - environmental**

Usually includes reports of breach of tenancy. We would progress to a Category C if the reports become frequent (minimum of once per week for three months).

The following gives you a guide on how we tackle different types of antisocial behaviour.

### **Problems with neighbours**

- When we receive complaints about neighbours, we will visit them to hear their side of the story and, if necessary, speak to other neighbours. If there is evidence of antisocial behaviour we will take action. This will start with a spoken warning, moving to a first and second written warning before we may go on to take formal action.
- We will offer mediation with both sides who don't get on due to a lifestyle clash. We do not treat instances of doors banging, children playing, and so on, as antisocial behaviour so mediation can be offered to both sides in this instance.
- When you report preventable noise such

as loud music and parties late at night, we might have to take legal action if all other routes have been exhausted.

### **Drugs**

- If you report cases of suspected drug taking or dealing this has to be investigated by the police. It is important that you give the police all information regularly to allow them to do their investigation.

### **Hate incidents**

- We will pass incidents where people report antisocial behaviour motivated by their age, sex, ethnic background, religion, sexuality, disability, social background, and so on, to the police for investigation.

### **Animal welfare**

- This includes animal neglect and cruelty, dangerous animals, dog barking, dog fouling and

any damage done to property by pets. We will investigate all reports and speak to dog owners, encouraging responsible pet ownership.

- In cases of dog fouling, we will work with the local authority environmental officers. If the animal is considered dangerous we will involve the police and we will contact the SSPCA if you report any instances of animal welfare.
- In cases where all action has failed, we can ask that the pet be removed from the house permanently.

We will refer serious and persistent antisocial behaviour to the local Antisocial Behaviour Partnership Group. Discussions will take place and an action plan will be agreed between the agencies represented at the group.

## THE NEXT STEPS

### Non-legal action

We will try the following options before we take any legal action.

#### Mediation

- We will offer this to you and your neighbours if you have a dispute with them.

#### Warnings

- We will usually use this in the initial stages of antisocial behaviour if it is not too serious.

#### Acceptable behaviour contract

- This is an agreement signed by the tenant causing the problem agreeing to keep to the terms of their tenancy agreement.

#### Transfer

- We will only use this in cases where your safety is in immediate danger. It may include cases of racial harassment or other hate crimes.

Transfers depend on what houses we have available.

We can only take action after we have investigated your complaint and found it justified. In some cases we may not be able to take any further action if, for example, there is no evidence to support your complaint or the behaviour does not involve breaking the tenancy agreement.

### Legal action

In most cases legal action is not appropriate and we will make every effort to sort out a dispute without going to court. However, in some instances we can and will apply to the court for one or more of the following.

#### Interdict

- This is an order from the Sheriff Court to prevent someone from repeating certain behaviour, such as acts of violence or

harassment. This order can't be used to make the person do anything, such as tidy their garden. It can only be used to make a person stop certain behaviour.

- If your neighbour continues to carry on with their behaviour, they could be fined or put in prison as they are breaking their interdict.

#### Antisocial behaviour order (ASBO)

- This can be used to tackle serious antisocial behaviour such as drug-dealing, unprovoked assault, severe harassment, persistent vandalism, racial harassment, and so on.
- Like interdicts, these orders try to prevent someone from carrying out certain behaviour which is causing alarm or distress to the community.
- We will only consider applying for an ASBO when all other attempts

at dealing with the problem have failed.

#### Decree for eviction

- If all other attempts at dealing with the problem have failed, we can apply for a decree to evict the tenant. The process for eviction can be a lengthy one and usually involves people giving evidence in court. In all cases the Sheriff decides whether to grant eviction. If an eviction is granted, we will not offer the tenant another tenancy.

We understand that antisocial behaviour can be very stressful and frustrating for our tenants. Remember that your housing officer is always here to help you and will offer help and guidance if you need it.

For more information or to report a case of antisocial behaviour please contact your Housing Officer using the details below.

**0800 990 3405**

**www.cairnha.com**

**enquiries@cairnha.com**

This Antisocial behaviour leaflet is available on CD, in braille, in large print and in community languages from **Cairn, Bellevue House, 22 Hopetoun Street, Edinburgh EH7 4GH**. Email **enquiries@cairnha.com** or call **0800 990 3405**.

本文件提供 CD、布莱叶盲文、大字体印刷和社区语言版本，可从以下地址 Cairn, Bellevue House, 22 Hopetoun Street, Edinburgh EH7 4GH、通过电子邮件 [enquiries@cairnha.com](mailto:enquiries@cairnha.com) 或致电 0800 990 3405 获取。

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Niniejszy dokument dostępny jest na płycie CD, w formie dużym drukiem, oraz w językach ojczystych członków lokalnej społeczności. Aby uzyskać ten dokument należy odwiedzić Cairn pod adresem: Bellevue House, 22 Hopetoun Street, Edinburgh EH7 4GH, wysłać e-mail na adres: [enquiries@cairnha.com](mailto:enquiries@cairnha.com) lub zadzwonić pod numer 0800 990 3405.



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