MANOR ESTATES
Housing Association



Dealing with Anti-Social Behaviour

WHAT IS ANTI-SOCIAL BEHAVIOR?

It depends: it can mean different things to different people! Examples can include:

- Low level neighbour nuisance - for example, not cleaning the common stair or dumping rubbish;
- Excessive noise and disturbance – noisy neighbours, barking dogs;
- Serious assault and threatening behaviour.

The legal definition of acting in an anti-social manner is to act in a way that causes (or is likely to cause) someone to be alarmed or distressed on a regular basis. A regular basis usually means on at least two occasions.

Some anti-social behaviour can also be criminal behaviour;

- Vandalism or graffiti;
- Excessive noise;
- Allowing a property to be used to store stolen goods or to deal drugs from.

Just because someone's behaviour may annoy you it doesn't necessarily mean they are being anti-social; they are just living their lives. Some examples of what we do not consider to be anti-social behaviour include;

- A neighbour using a washing machine in the early evening;
- Children playing safely and legally;
- Hearing your neighbour walking across the floor in the flat above you.

WHAT CAN YOU DO?

If you are being disturbed by anti-social behaviour, there are a number of things you can do:

Stay Calm!

- Remember that the person might not be aware that they are causing a disturbance. It can be useful to talk to your neighbour and explain how their behaviour is affecting you;

- Call the police if you feel unsafe or intimidated in any way by the anti-social behaviour, or if the behaviour is criminal in any way;

- Keep a diary of what happened, when and where it happened and who saw it – this may be useful for the landlord or police in investigating an anti-social behaviour case.

- Call the City of Edinburgh Council's Community Safety Team for your area (numbers at the back of this leaflet)

- We will undertake eviction action only in the most serious of antisocial behaviour cases: those where there is clear evidence that a deliberate course of anti-social behaviour is being followed and where there is no solution available.

We need as many witnesses as possible to incidents you tell us about; especially if we are considering legal action as the only appropriate course of action. This is because we need to prove to a Sheriff the "reasonableness" of evicting someone. We must therefore provide a lot of evidence from neighbours to prove the anti-social behaviour. It is the Sheriff's decision to grant permission to evict anyone.

LEGAL ACTION

There are two main types of legal action we will take; eviction action or seeking an ASBO. If the tenant defends the action, the case then goes to proof, which means we need witnesses in court. We will need people who have complained about the antisocial behaviour to be witnesses, although Manor staff can sometimes act as professional witnesses. In some cases, it may be appropriate for our solicitors to interview victims / witnesses and read their statements in court.

EVIDENCE

Evidence is the information we have about what has happened, where it happened, who was involved and who saw what happened. The more witnesses to an incident, the stronger the evidence is.

The best evidence is that confirmed by the police, the noise team or the Council's community safety team.

If you have been advised to call the police, the noise team or the Council's community safety team, you must do so. We are often contacted by residents telling us that there has been an incident of excessive noise and/or disturbance, but the resident has not contacted the police or the noise team. Even if the incident or disturbance is no longer ongoing, it is important that the police were contacted as this acts as a record of the incident.

WHAT CAN'T MANOR DO?

We cannot investigate issues if we don't know who is to blame! Common examples of what we can't deal with as anti-social behaviour are:

- Complaints about unauthorised dumping of items in common areas by unknown persons (we would of course arrange an uplift but have to charge everyone in the common area);

- Complaints about dirty stairs if we don't know for certain who is not cleaning the stair and/or leaving items in the common stair. If the stair is dirty and we do not know who is at fault, we can suggest all residents in the stair go to mediation or clean the stairs ourselves, but we would need to charge everyone;

- Complaints about groups of people hanging about if we don't know who any of the persons are;

- Complaints about parking in public areas.

- Complaints concerning other landlords' tenants or owner-occupiers. In these cases, we would refer the matter to the appropriate landlord or to the Council's relevant Community Safety Team or the Community Mediation Service.



If you are in a situation where it is no longer safe for you to remain in your own home because of serious anti-social and criminal behaviour, you can ask the City of Edinburgh Council to consider you for emergency temporary accommodation. The Council will carry out its own assessment of the situation and decide if it is reasonable for you to occupy your current accommodation.

We will investigate anything you have told us, in confidence and with as much sensitivity as possible.

We aim to respolve 90% of all cases within 30 working days. When you contact us we will provide you with details of when we will respond to you about your complaint.

Category	Timescale	Examples
Category A – Complaints of a very serious nature	Initial Response within 24 hours	Examples would include: criminal behaviour; drug dealing; physical assault, threat of violence or harassment; harassment based on race, religion, sexual orientation, disability, transphobia or other hate behaviours; sexual harassment; serious damage to property.

Category	Timescale	Examples
Category B – Complaints of a serious nature Initial response within 72 hours	Initial Response within 72 hours	Examples would include: frequent and/or serious noise disturbance; allegations of threatening/aggressive/abusive behaviour; ongoing failure to control children; ongoing failure to control pets; problems caused by drug/alcohol abuse.
Category C – Nuisance complaints Initial response within 5 working days	Initial Response within 5 workign days	Examples would include: low level noise complaints or minor nuisance complaints where staff may have minimal involvement, however the complaint may require investigation. .

Each case is different, so the type of action we may take will vary:

- We can refer aggrieved neighbours to mediation (please let us know if you want to know more about this service);

- We can issue warning letters where it has been confirmed a tenant has breached their tenancy agreement.



- We can ask a tenant or member of their household to sign a voluntary Acceptable Behaviour Contract (ABC). This is not a legal requirement but if the person refuses to sign one, this could support any case for further legal action, such as an Anti-Social Behaviour Order (ASBO) or other legal remedy;

- We can consider offering alternative accommodation to one party involved in a dispute; however this would only be considered in exceptional circumstances.

NEIGHBOURHOOD POLICE

We work closely with the local Neighbourhood Police and Community Safety Teams in gathering evidence and taking action against anti-social behaviour. We can arrange joint home visits with the Police, or refer a case to the community safety team for additional evidence gathering and action.



FURTHER INFORMATION

The following agencies can assist with particular types of nuisance or concerns:

Dog Nuisance, barking, fouling and strays: Environmental Health or SSPCA

Dangerous dogs: Police under the Dangerous Dogs Act 1991

Litter and dumping AND infestations of rodents, insects etc.: Environmental Health under the Environmental Protection Act 1990

Children not under parental control: Social Work under the Children (Scotland) Act 1995

People with mental health problems: Social Work under the Social Work (Scotland) Act 1968

Commercial Repair of vehicles AND using domestic premises for a business: Planning Department under the Town and Country Planning (Scotland) Act 1997

Loud music, loud TVs etc.: Police under Civic Government (Scotland) Act 1982 and Crime and Disorder Act 1998

Dirty Houses: Environmental Health under the Public Health (Scotland) Act 1897

CONTACTS

Lothian and Borders Police: **Dial 101 (24 hours)** for non-urgent calls to the Police regarding antisocial behaviour.

Calls will be routed by police call centre to the appropriate service.

This will be based on previous case history and nature of reporting (e.g. if it was violent behaviour they would send police.)

Callers leave a message with the operator and are then called back by police or noise team staff. Response priority for normal noise complaints is low in the case of the police, but is escalated if there is any threat of violence.

City of Edinburgh Council: *Environmental Services Call Centre* 0131 529 3030 - Anyone wanting to chat about noise issues can ring this number and speak with the noise team 'Duty Officer'.

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Email: info@manorestates.org.uk

Web: www.manorestates.org.uk

OSCR
Scottish Charity Regulator
www.oscr.org.uk
Registered Charity
SC023106

Do you need information provided in a different language or format?

HAPPY TO TRANSLATE

We can arrange to have information translated into most languages - please contact the office for further information.

We can also provide information in alternative formats (for example, large font or on CD) - again, contact the office for further details.