

HOW WE MANAGE ANTI SOCIAL BEHAVIOUR COMPLAINTS



1. Dealing with Antisocial Behaviour in North Lanarkshire

The Community Safety Hub was established in 2019 and supports the continued development of multi-agency partners, working together to make sure our communities are safer and more pleasant to live, work and visit. The hub coordinates, delivers and supports a wide range of community safety activities, including managing and responding to complaints of antisocial behaviour, operation of public space CCTV, and the provision of the Mediation Service. The Community Safety Hub and the Housing Localities work together to tackle antisocial behaviour to ensure the best outcomes are achieved.

By combining these services we can provide an enhanced and much improved coordinated response to tackle antisocial behaviour and wider community safety issues affecting our communities.

2. What is Antisocial behaviour?

The term 'antisocial behaviour' covers any behaviour that would cause a nuisance, unreasonable disturbance or harassment. It can also include more serious criminal behaviour or activity. The Antisocial Behaviour etc (Scotland) Act 2004 provides the legal definition of antisocial behaviour as:

“A person engages in antisocial behaviour if they act in a manner that causes or is likely to cause **alarm and distress or pursues **a course of conduct which causes or is likely to cause alarm and distress to at least one person who is not of the same household. (Course of conduct must involve conduct on at least **two occasions**).**”**

We are aware that antisocial behaviour covers a wide range of issues, however may include, but not limited to the following:

- Noise disturbances (such as loud music, noisy parties, shouting etc)
- Street disorder
- Harassment or Hate Crime
- Violence or threats of violence
- Verbal abuse
- Drug taking/dealing

Many of these behaviours are considered to be a criminal offence, therefore we would always advise to report these to the police in the first instance on 101 or if an emergency 999. It's helpful when reporting to the Police to obtain an incident number as we can then liaise with Police using this number.

If your complaint relates to 'Animal Disturbance or Nuisance' additional information is available on our website which details what can be done in relation to this issue. Formal action can be taken by the complainer themselves, under the Civic Government (Scotland) Act 1982, Section 49. This allows complainers to apply to a Sheriff seeking an order requiring the owner of any creature causing annoyance to take steps to prevent this from occurring.

If your complaints is in relation to the welfare of a child or a vulnerable adult, please contact your local social work office or the Police if you believe they are in any immediate danger. Further information on 'public protection' issues can be found on our website.

3. What is not antisocial behaviour?

- Children playing in the street or communal areas - unless they are causing damage to property
- Groups gathering socially - unless they are swearing and being intimidating to others
- Being unable to park outside your own home
- DIY and car repairs - unless these are taking place late at night or early in the morning
- Civil disputes between neighbours e.g. fence/land boundaries

While these complaints may not be dealt with by our officers, advice will be given and the complaint may be passed to our Estate Management Team, Mediation Team or other council services, to deal with appropriately.

4. Mediation

For low level antisocial behaviour complaints and other issues not considered as antisocial behaviour, such as Parking or boundary issues, we can offer Mediation. Mediation can help by opening up a line of communication between you and your neighbour to discuss the issue within a safe environment. Both parties have an opportunity to voice their concerns and agree a possible solution. Both parties need to agree to participate in mediation as this is completely voluntary, however may be the best solution in some circumstances.

If you wish to participate in Mediation or wish further information on this service you can call the 24-hour contact number 0300 123 1382 or email: housingmediation@northlan.gov.uk (emails for this service will only be monitored during normal working hours). Alternatively further information can be found on our website.

5. How to report antisocial behaviour

To meet the needs of our residents, we have a variety of ways complaints can be reported to us - all complaints are initially reported to the Community safety Hub.

- **Hotline Number 0300 123 1382** - this central reporting service operates 24-hours-a-day, 365 days a year – you will be able to discuss your complaint with a call handler who can provide immediate advice in relation to the issue – this is the quickest way to report an issue
- **Online Reporting Form on our website** – this is currently being developed and will be live soon
- **Email** – antisocialenquiries@northlan.gov.uk

The Community Safety Hub operate 24-hours-per-day, 365-days a year, however is split into a Daytime Service and an Out of Hours (OOH) Service.

Complaints received during the Daytime and OOH service will all initially be taken and recorded by a call handler from the Community Safety Hub. The call handler will provide appropriate advice and assistance and will arrange for the most appropriate response. Should the complaint be passed to a housing locality for further investigation, this will be progressed by them the next 'working' day

We also operate an additional service between Thursday and Sunday, called the Night Time Team. This team of officers are available to assist those experiencing antisocial behaviour during these specific times and can provide advice and assistance, carry out home visits and where appropriate provide a witnessing service. The officers can independently witness **ongoing** noise nuisance or disturbance and take appropriate action at the time.

Complaints are taken in relation to all tenures, however if you are the tenant of a Housing Association or a Registered Social Landlord you should always contact them first instance for advice.

Operating times of the services can be found below, however please note that call handlers operate 24 hours per day to take complaints and can be contacted on the hotline number: **0300 123 1382**.

Day of Week	Daytime Service	Out of Hours Service	Night Time Service
Monday	08:45 - 16:45	16:45 - 08:45	-
Tuesday	08:45 - 16:45	16:45 - 08:45	-
Wednesday	08:45 - 16:45	16:45 - 08:45	-
Thursday	08:45 - 16:45	16:45 - 08:45	18:45 - 03:00
Friday	08:45 - 16:15	16:15 - 00:00	18:45 - 05:00
Saturday	-	24 hours	18:45 - 05:00
Sunday	-	24 hours	18:45 - 03:00

We receive a number of complaints where the complainant does not wish to provide their details and wants to remain anonymous. We can still progress these complaints, however without witness statements it can prove more difficult to collate evidence in order to take action. We are also unable to report back to the complainer the outcome of the complaint.

6. What happens after a complaint is made

All complaints are recorded on our IT system and will remain open until it has been resolved. A complaint may be closed down immediately if only advice is given by the initial call handler and no further action is required.

If the complaint is passed to the Housing Locality for further action they will contact the complainer within the timescales below, which are determined by the category of the complaint. The call handler will 'categorise' the complaint based on the information provided at the time of the call.

When a complaint is allocated to a housing locality, they will be responsible for managing the complaint until it has been resolved. However further complaints would still be reported to the Community Safety Hub on 0300 123 1382, where the call handler will record the details and forward to the relevant officer within the locality.

We aim to fully investigate and resolve all complaints within 42 days, however if legal action is required, this can be substantially longer.

Category	Examples of Types per Category	Timescale initial contact with complainer	Timescales for follow up
SEVERE – CRIMINAL	Complaints which concern allegations of drug dealing, criminal behaviour involving violence, serious harassment, hate crimes (including racial, sectarian or any discriminatory harassment) domestic abuse, serious damage to property including fire raising.	1 Working Day	Immediate advice at point of contact and complaint progressed within 1 Working Day
SERIOUS AND/OR PERSISTENT	Frequent/persistent complaints; Persistent disturbance including noise nuisance (loud music, banging etc); Abusive or threatening behaviour; Harassment; Minor damage to property (vandalism).	3 Working Days	Immediate advice at point of contact and complaint progressed within 3 Working Days
NEIGHBOUR DISPUTE/ BREACH OF TENANCY	Minor breaches of tenancy, including untidy gardens, disputes about communal areas etc; Minor noise nuisance including domestic appliances/pets; Children; Lifestyle clashes; Boundary disputes;	3 Working Days	Immediate advice at point of contact and complaint progressed within 10 Working Days
LOW LEVEL NUISANCE	Sometimes we will not be able to take any action, but we will record the report and let complainer know that no action can be taken. Examples include: Ball games; One-off parties or barbecues; Noise arising from normal daily living in a property; Conduct which is shown to be reasonable in the circumstances.	N/A	Immediate Advice at point of contact and follow up within 20 Working Days

What you can do

It is important that you record any further incidents of antisocial behaviour and continue to report each incident to us in order that we can collate as much evidence as we can.

Diary sheets should be used by you to record all incidents of antisocial behaviour that you witness. It is very important that an accurate entry is put in the diary sheet by you for each incident of antisocial behaviour in order that these can be used, if required, in any court action taken by us. Diary sheets can be requested or can be downloaded from the website.

Our Officers can independently witness ongoing noise nuisance or disturbance and take appropriate action, therefore the earlier you call us the more likely we are to witness the problem. To allow us to progress your complaint you must provide us with your details and any details you know about the person(s) who is causing the problem. You must also be prepared to allow officers to witness the disturbance from inside your property. We will always consider up to date Scottish Government Guidance in relation to Covid-19, when carrying out any visits within a property.

What we will do

During an investigation our officers will speak with all appropriate parties involved to establish the facts. They will seek to gather evidence to substantiate the complaint, and if necessary, they will take relevant action against the responsible persons.

Our officers may need to speak with neighbours or others who may have witnessed the incident to obtain statements, and may also liaise with partner agencies, such as Police Scotland, to gather information which may help contribute to action being taken.

We understand and appreciate that being a victim or witness of antisocial behaviour can be a difficult and stressful experience and our officers will be able to support and assist you through this difficult process. Additional help can also be provided by Victim Support who provide free, confidential and independent support for cases with a criminal element. You can ask the police to make a referral on your behalf or you can contact them direct on 01698 336565. Email: northlanarkshire@victimsupportsco.org.uk.

Only once we have sufficient evidence to confirm an incident has taken place, we can consider the most appropriate action to be taken.

7. Actions we can take where there is sufficient evidence

The action we take will depend on the tenure of the person being complaint about.

Written warnings

Where there is sufficient evidence after the initial investigation of a complaint or if an incident has been witnessed, a written warning can be issued against the subject of the complaint. A final warning will then be issued for any corroborated incident which occurs within a six month period of the written warning being issued. Warnings can be issued to any individual over 16 years old. Alternative action can be taken in relation to those under 16 years old.

Legal action

It is important to remember that gathering evidence to support a legal action can take time. The council will continue to provide support and assistance during this time, however, it is important that you keep us updated even when the case has been passed to our legal team for action. This is imperative as a continued pattern of behaviour must be demonstrated to the court for the council to be successful in any action against someone. In order to be successful in pursuing legal action the local authority must satisfy the court that all other methods to resolve the problems have been considered and that the case is serious enough to merit legal action being raised. Antisocial Response Officers can attend court on your behalf to provide evidence, however, you may be requested to provide evidence at court, should you be the only witness to the behaviour.

Antisocial Behaviour Orders (ASBOs)

An Antisocial Behaviour Order is issued by the court to prevent a named individual from continuing to participate in acts deemed by law to be antisocial. This can be applied to named individuals over 12 years, homeowners and private sector tenants who are behaving in an antisocial manner. This can also be applied to visitors to a household who are causing problems and a private Landlord, should they not take appropriate action against their tenant, if they are acting in an antisocial manner.

If breached, this can result in reduction of tenancy for North Lanarkshire Council tenants for a period of 12 months to allow close monitoring of behaviour. Breach of an ASBO is a criminal offence and if proven, carries the possibility of an unlimited fine and/or a custodial sentence.

In all cases, consideration is given as to whether to seek an Interim Antisocial Behaviour Order (an Interim Antisocial Behaviour Order is a temporary ASBO which lasts for a period of time until the court decides whether or not to grant a full ASBO). This allows the council to take quick effective control prior to any full hearing.

Eviction

Eviction will only be considered as a last resort and can only be used for tenants of North Lanarkshire Council. The court will expect that North Lanarkshire Council demonstrates that it has exhausted all other options. Only the court has the power to grant an order for eviction, **not** North Lanarkshire Council.

Unacceptable Behaviour Notices (UBNs)

An Unacceptable Behaviour Notice can be served on a young person, less than 16 years old, who are involved in activities that are deemed to be antisocial. It is an agreement between the local authority, Police Scotland, the parent or guardian of the young person involved and the young person themselves. UBNs will be served on the young person jointly by the local authority and Police Scotland; however, you should note that it is **not** legally binding.

Acceptable Behaviour Agreements (ABAs)

An Acceptable Behaviour Agreement is a non-legal contract/ agreement between the local authority, Police Scotland and a young person over 16 years old, who has been highlighted as engaging in persistent antisocial behaviour. It outlines the behaviour the individual has been involved in that is deemed to be antisocial; an agreement from the individual to stop acting in this manner, and the actions the council may take if conduct does not improve. ABAs will be served on the individual jointly by the local authority and Police Scotland, however, like UBN's they are not legally binding.

Where there is no evidence, we are unable to take action, however we would suggest that if you continue to experience issues, that these are reported to us each time it occurs.

8. Customer Feedback

After a complaint has been resolved, we may contact you to ask some questions about the service you have been given. We regularly carry out surveys with our customers who have used the service, to determine how satisfied or dissatisfied with different aspects of the service we have provided.

This feedback helps us to continually develop and improve the way we deliver our services.

9. GDPR

We are committed to protecting the privacy and confidentiality of any personal information that we hold. We will ensure that any personal information is kept secure, in line with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018. We will only collect the minimum information necessary to fulfil a particular purpose; when we don't have a need to keep information, it will be disposed of in a secure manner. If you require further information in terms of how we manage data, please refer to our privacy notice which can be found here www.northlanarkshire.gov.uk/housing/housing-privacy-notice