
Report to: Clackmannanshire Council

Date of Meeting: 28th November 2024

Subject: Housing Service Antisocial Behaviour Policy

Report by: Strategic Director (Place)

1.0 Purpose

- 1.1. This report seeks Council approval of the Housing Service Antisocial Behaviour Policy (ASB Policy).
- 1.2. The Policy aims to address antisocial behaviour where it occurs in association with Council tenancies. The Policy supports Clackmannanshire Council's wider Antisocial Behaviour Strategy and adheres to the statutory guidelines and recommendations under the Antisocial Behaviour (Scotland) Act 2004, Data Protection Act 2018, Equality Act 2010, Homelessness etc. (Scotland) Act 2003 as well as Housing (Scotland) Acts 2001 and 2014.

2.0 Recommendations

- 2.1. It is recommended that the Council:
 - 2.1.1. Approves the Housing Service Antisocial Behaviour Policy.
 - 2.1.2. Notes that the Policy is limited to addressing Anti Social Behaviour (ASB) only where it occurs in association with Council tenancies.

3.0 Background

- 3.1. Every year all registered social landlords, including Clackmannanshire Council, report to and notify the Scottish Housing Regulator (SHR) on their compliance with meeting the regulatory standards and requirements set out within the Regulatory Framework, this is achieved by submitting an Annual Assurance Statement (AAS).
- 3.2. As part of its 2023 Statement, the Council noted that it did not materially comply with its legal obligations towards the management of antisocial behaviour due to the absence of a recognised Council wide ASB Strategy and a Housing Service specific ASB Policy.
- 3.3. As part of the Statement, the Council outlined a plan to progress to develop a corporate ASB Strategy (approved at October Council) and following this to develop a Housing-specific ASB Policy.

- 3.4. The proposed Housing Service ASB Policy sits in line with the strategic goals and actions outlined within Clackmannanshire Council's wider Antisocial Behaviour Strategy 2024-2027.
- 3.5. The Policy was developed following engagement sessions with Clackmannanshire's Tenants' and Residents' Federation (CTRF), review of previous tenant satisfaction survey information and via discussion with Housing Officers from within the Housing Service's Tenancy Management Team.
- 3.6. Feedback from the ASB Strategy consultation was taken into consideration when developing this policy. The strategy consultation involved a number of different partners, including CTRF, community councils, and registered tenant organisations.
- 3.7. The ASB Policy aims to set out a framework of how the Council will respond to and tackle antisocial behaviour in association with Council tenancies.
- 3.8. The Policy aims to ensure that the Housing Service effectively responds to antisocial behaviour within Council tenancies and in line with the Tenancy Agreement (where required), and that complainants, victims, witnesses as well as perpetrators of antisocial behaviour receive the appropriate support as required. The Service will aim to support partnership working in order to efficiently tackle antisocial behaviour and facilitate the provision of the relevant support.

UNCRC

- 3.9. The UNCRC (Incorporation) (Scotland) Act 2024 went live in July 2024. The Act incorporates UNCRC into Scotland's laws. As part of the legislation, public authorities will not be allowed to act in ways that are incompatible with the UNCRC requirements. One of the UNCRC requirements is for all public bodies to present information in an accessible format for all children and young people.
- 3.10. All Council policies must now give due regard to UNCRC requirements.
- 3.11. A 'plain English' summary of the policy is provided to adhere to the relevant UNCRC requirements. (Appendix 2).

4.0 Considerations

- 4.1. The Policy sets out the definition of antisocial behaviour as defined within section 143 of the Antisocial Behaviour etc. (Scotland) Act 2004 and Clackmannanshire Council's Tenancy Agreement, as well as provides examples of what behaviour will not be classed as antisocial.
- 4.2. Clackmannanshire Council's Housing Service's Tenancy Management Team is responsible for investigating and managing antisocial behaviour in association with Council tenancies. Housing Officers within the Tenancy Management Team are allocated and are responsible for managing specified Council Housing estate areas known as 'patches.' If antisocial behaviour occurs within their patch, the dedicated Housing Officer will be responsible for responding to and investigating the relevant reports.

- 4.3. The Officers will offer advice, support and information to victims, witnesses as well perpetrators of antisocial behaviour as and when required.
- 4.4. The Policy sets out the standards of service that complainants can expect from the Tenancy Management Team to investigation antisocial behaviour reports, including considerations for data protection and initial acknowledgement timescales to reports.
- 4.5. When the Tenancy Management Team receives a report of antisocial behaviour, Housing Officers will assess whether the behaviour qualifies as antisocial and confirm whether or not it has occurred within a Council tenancy. The Housing Service can only investigate reports of antisocial behaviour where they relate to Council tenancies.
- 4.6. Where antisocial behaviours reports are received in relation to private rented properties, and which negatively impacts Council tenants, the Housing Service may only proceed to investigate subject to involvement of the Council's Private Housing Sector Team and the landlord of the private property.
- 4.7. Where antisocial behaviour reports are made against owner occupiers and which negatively impact Council tenants, the Housing Service may only proceed where the behaviour is deemed to be severe and subject to the assistance from the Council's Legal Service.
- 4.8. The Service are not responsible for dealing with antisocial behaviour that occurs in association with other tenure types and which does not negatively impact Council tenants. In these instances Officers will direct the complainant to the appropriate agency.
- 4.9. Once an Officer has opened an antisocial behaviour case, the Officer will carry out an initial investigation, and will then decide how to proceed with the case, subject to the facts, evidence and other surrounding circumstances of the case.
- 4.10. Enforcement action taken will depend on the strength of the evidence. Corroboration of any instances of antisocial behaviour is required and complainants are encouraged to continuously report any occurring instances of antisocial behaviour and utilise all the evidence-gathering tools offered by the Tenancy Management Team.
- 4.11. Enforcement action may be split into non-legal and legal remedies. Where antisocial behaviour is proven to have occurred in association with the tenancy, the Officer will aim to use non-legal remedies first to resolve the antisocial behaviour, and will use legal remedies only as a last resort where all other intervention action has failed.

5.0 Sustainability Implications

- 5.1. There are no sustainability implications.

6.0 Resource Implications

Financial Details

- 6.1. There are no funding implications from this report that will not be met from within existing resources.
- 6.2. Finance have been consulted and have agreed the financial implications as set out in the report. Yes
- 6.3. Staffing
- There are no staffing implications from this report.

7.0 Exempt Reports

- 7.1. Is this report exempt? Yes (please detail the reasons for exemption below) No

8.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

- (1) **Our Priorities** (Please click on the check box)
- Clackmannanshire will be attractive to businesses & people and ensure fair opportunities for all.
- Our families; children and young people will have the best possible start in life
- Women and girls will be confident and aspirational and achieve their full potential.
- Our communities will be resilient and empowered so they can thrive and flourish.
- (2) **Council Policies**
- Complies with relevant Council Policies

9.0 Equalities Impact

- 9.1. Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations? Yes No

10.0 Legality

- 10.1. It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes



Clackmannanshire Council
Housing Service
Antisocial Behaviour Policy

PLACE – Housing Service
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**Clackmannanshire
Council**

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Comhairle Siorrachd
Chlach Mhanann



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1. Scope of the Policy

Clackmannanshire Council aims to ensure that the Council's housing estates are attractive, well-maintained, safe and secure living environments. This includes dealing with antisocial behaviour that interferes with tenants' right to quiet enjoyment of their homes and the surrounding neighbourhood.

This policy provides a framework of how Clackmannanshire Council's Housing Service will aim to tackle and resolve antisocial behaviour that occurs in association with Council tenancies, working in partnership with relevant internal departments and external partner agencies and organisations.

The Clackmannanshire Council's Antisocial Behaviour Policy links in with and supports the aims of Clackmannanshire's Antisocial Behaviour Strategy and Clackmannanshire Council's Evictions Policy as well as the principles of Clackmannanshire's Family Wellbeing Partnership.

2. Aims of the Policy

The overarching aim of the policy is to reduce the occurrence and the severity of antisocial behaviour within Council tenancies by employing an early intervention approach to dealing with antisocial behaviour.

The specific aims of this policy are to:

- Ensure that Clackmannanshire Council's Housing Service effectively responds to antisocial behaviour within Council tenancies;
- Enforce Clackmannanshire Council's Tenancy Agreement;
- Provide and signpost victims and witnesses of antisocial behaviour to the relevant support;
- Assist perpetrators of antisocial behaviour to remedy and change their behaviour and help them sustain their tenancies;
- Support partnership working in responding to and tackling antisocial behaviour;
- For all actions aimed at preventing, responding and resolving antisocial behaviour to meet all legislative requirements and statutory guidelines.

3. Legislative Framework

Clackmannanshire Council will ensure that this policy adheres to all legislative requirements under relevant legislation and gives due regard to statutory guidance.

The main legislative framework for addressing and tackling antisocial behaviour is set out in the following acts:

- Antisocial Behaviour etc. (Scotland) Act 2004



- Data Protection Act 2018
- Equality Act 2010
- Freedom of Information (Scotland) Act 2002
- Homelessness etc. (Scotland) Act 2003
- Housing (Scotland) Act 2001
- Housing (Scotland) Act 2014

4. Definition of Antisocial Behaviour

Antisocial Behaviour etc. (Scotland) Act 2004 states that antisocial behaviour occurs where a person:

- a) Acts in a manner that causes or is likely to cause alarm or distress; or
- b) Pursues a course of conduct that causes or is likely to cause alarm or distress,

to at least one person who is not of the same household; “conduct” includes speech, and a course of conduct must involve conduct on at least 2 occasions.

Antisocial behaviour can mean different things to different people and everyone can have a different idea of what antisocial behaviour is and how severe it is. Differences in age, beliefs, health considerations and values may mean that what one individual considers being antisocial behaviour may not be viewed as such by someone else.

Clackmannanshire Council prohibits its tenants from harassing or behaving antisocially against, or causing damage to the property of, any person in the neighbourhood. The tenancy agreement sets out a list of prohibited activities that the tenant must refrain from doing. Examples of what the Council considers to be antisocial behaviour may include, but is not limited to:

- Drug and alcohol-related antisocial behaviour;
- Failing to control pets;
- Litter and fly-tipping;
- Noise nuisance;
- Vandalism and graffiti;
- Verbal abuse and harassment.

5. Early Intervention and Provision of Support

The Housing Service is committed to employing an early intervention approach to dealing with antisocial behaviour as soon as it is reported to us by providing the relevant services and support.

At the start of a tenancy, the Tenancy Management Team responsible for the management of Council’s housing tenancies will aim to establish a strong relationship with its tenants. The Team will



aim to ensure that the tenants are informed of all of their responsibilities associated with maintaining the tenancy as well as the responsibilities that the Council has towards the tenants.

The Tenancy Management Team will provide estate management services by regularly monitoring, inspecting and recording the condition of Council housing estates and taking the appropriate action to resolve any issues that may arise. It will aim to address any antisocial behaviour on estate land such as fly-tipping, graffiti, damage to property and vandalism in a timely manner.

5.1. Complainant Support

Where antisocial behaviour has been reported, the Tenancy Management Team will explain to the complainant how the case will be handled, how the responsible Officer may proceed with the investigation and the potential actions arising from the investigation.

Where appropriate, the Team will provide the complainant with advice on available support services.

5.2. Perpetrator Support

Where antisocial behaviour has been established, the Team will engage with the perpetrator to address and change their behaviour.

The Team will aim to ensure that the relevant information, advice and/or support are given to the tenant.

Where all other remedies have been exhausted and eviction action is due to take place due to the persistent antisocial behaviour, the Tenancy Management Team will advise the tenant of the homelessness duties that the Council has towards them.

6. Handling Antisocial Behaviour Reports

The Housing Service's Tenancy Management Team is responsible for investigating and managing antisocial behaviour in association with Council tenancies.

The Officers within the Team will adopt a person-centred approach to responding to and investigating any antisocial behaviour reports which considers the individual circumstances of the victims, witnesses and the perpetrator of antisocial behaviour.



7. Reporting Antisocial Behaviour

Antisocial behaviour should be reported as soon as it arises or is discovered. Early reporting is vital in order to be able to tackle any unacceptable behaviour at the earliest opportunity to prevent it from escalating and causing any further damage.

The complainant must provide contact details for the Tenancy Management Team to successfully progress a report and/or give advice on the report and effectively tackle the ongoing issue. The complainant must provide all relevant information, including the details of the perpetrator, the date, time and the location, the nature, and the frequency of the antisocial behaviour in question.

All personal details of the complainant will be held in confidence in accordance with the Data Protection Action 2018. In carrying out investigations, the Team will never reveal the identity of or disclose personal information of individuals reporting antisocial behaviour without the consent of the individual.

Please note that the Tenancy Management Team can only deal with antisocial behaviour that occurs in association with Council housing tenancies.

Where antisocial behaviour reports are received in relation to private sector tenants and which negatively impacts Council tenants, Housing Service may only proceed subject to the involvement of the Council's Private Housing Sector Team and the landlord of the private property.

Where antisocial behaviour reports are made against owner occupiers and which negatively impact Council tenants, the Housing Service may only proceed to deal with the antisocial behaviour where it is deemed to be severe and subject to the assistance from the Council's Legal Service.

Any antisocial behaviour occurring in association with another tenure type which does not impact Council tenants will not be dealt with the Tenancy Management Team and should be reported to Police Scotland.

8. Receiving Reports

The Housing Officer will assess the report once it has been received. All reports will be dealt on an individual basis, and may not require investigation in the first instance. If the Housing Officer assesses that the report does not constitute antisocial behaviour, the Officer will not open a case, but appropriate advice and information may be provided to the complainant.

Certain reports including, but not limited to:

- Children or young people gathering socially or playing in the street;
- Odours;
- Parking issues;
- Personal disputes between neighbours;



- Regular domestic noises

Are not classed as antisocial behaviour and will not be investigated by Clackmannanshire Council.

Antisocial behaviour relating to criminal activity, including suspected drug dealing and cannabis use are not dealt with by the Council's Tenancy Management Team and should be reported to Police Scotland in the first instance. The Team will only take appropriate action in relation to criminal matters where the tenant has been charged or convicted of tenancy-related criminal behaviour.

The Officer will advise the individual reporting antisocial behaviour if the Tenancy Management not responsible for dealing with the report and will direct the complainant to the appropriate agency to make the report.

9. Response timelines

The Officer responsible for the case will aim to acknowledge and respond to the initial report within 5 working days of the complainant lodging the report.

Subsequent investigation and enforcement as well as resolution timescales are determined by the nature and the severity of each case and are dealt with on a case-by-case basis, subject to the discretion of the responsible Officer.

10. Investigating reports

The Officer will carry out an initial investigation and will gather all information relevant to the case, such as previous antisocial behaviour associated with the address and any previous involvement by partner agencies.

To assist evidence gathering and reach a resolution as soon as possible, the complainant and any witnesses must keep reporting any occurrences of antisocial behaviour and use the evidence-gathering tools provided by the Tenancy Management Team.

11. Investigation Outcomes

Following the investigation, the Officer will then decide on how to proceed with the case, subject to the facts, the evidence and other surrounding circumstances of the case. The Officer will take appropriate, reasonable and proportionate action accordingly based on the individual circumstances of the case.



Subject to exceptions and/or where the antisocial behaviour is found to be severe, the Tenancy Management Team will use non-legal remedies first to resolve the antisocial behaviour in question, before seeking legal remedies as a last resort.

If the report is substantiated, the responsible Officer will identify the most appropriate action with the aim to resolve the situation, taking into account any previous actions taken, the nature and the severity of behaviour concerned and the perpetrator's response to the initial investigation.

11.1. Non-legal Remedies

Non-legal remedies may include:

- Provide advice and information;
- Issue a Tenancy Warning Notice;
- Sign an Acceptable Behaviour Agreement.

11.1.1. Advice and Information

The Officer may provide the perpetrator with the relevant advice and information if the perpetrator is unaware that their behaviour is causing a nuisance. The Officer will explore what the perpetrator might be doing to resolve any issues, discuss any support needs, and explain what could happen if further antisocial behaviour incidents were to occur.

11.1.2. Tenancy Warning Notice

The perpetrator may be issued with a tenancy warning notice for behaving in an antisocial manner. The tenancy warning notice formally notifies the offending tenant of the breach of the terms of their tenancy agreement.

Once any antisocial behaviour reports have been corroborated, the Officer will issue a tenancy warning notice to the tenant.

Tenancy warning notices may be used as evidence to support the use of any legal remedies such as an application for an ASBO or eviction action.

11.1.3. Acceptable Behaviour Agreement

Acceptable Behaviour Agreement (ABA) is a voluntary agreement made between the perpetrator of antisocial behaviour, the Council, Police Scotland and any other relevant departments and partner agencies.



ABA establishes the terms and conditions that the perpetrator agrees to adhere to, the list of actions that they agree not to do and the occurring antisocial behaviour they agree to stop, and the relevant support they agree to engage with.

ABA is designed to help the perpetrator reduce, prevent and change their involvement in antisocial behaviour by providing appropriate support before any legal action is taken. While an ABA in itself is not a legally enforceable agreement, any breaches of the ABA may lead to legal action.

11.2. Legal Remedies

Where all non-legal remedies have been exhausted, the Tenancy Management Team may pursue legal action to stop antisocial behaviour from continuing. Pursuing legal remedies may be a lengthy process and any outcomes may depend on the evidence provided to support the case. The Tenancy Management Team will liaise with the Council's Legal Services where it decides to take legal action.

Legal remedies may include:

- Applying for an Antisocial Behaviour Order (ASBO);
- Converting a Scottish Secure Tenancy (SST) to a Short Scottish Secure Tenancy (SSST);
- Applying for an eviction order.

11.2.1. Antisocial Behaviour Order (ASBO)

An ASBO is a civil order made by the Court, prohibiting a person from engaging in antisocial behaviour or other specified activities within a designated area. The Council can apply to the Court for an ASBO to be granted against a person aged 12 and over.

Before proceeding with an application for an ASBO, the Council must be able to prove that:

- The antisocial behaviour is persistent and an ASBO is required to protect the complainant, neighbours and the wider community from the effects of the perpetrator's behaviour;
- All other options to resolve the behaviour have been exhausted;
- The perpetrator has been made aware that their behaviour is unacceptable, and has refused to change it;
- The perpetrator has been made aware that an ASBO is going to be applied for, and has been advised of their rights.
- Applying for an ASBO is proportionate to the antisocial behaviour occurring.

Where an ASBO is sought for an individual aged 12 to 18, the Council will consult the Principal Reporter before making the application.



If the Court grants a full or an interim ASBO, the responsible officer will notify the complainant of the order and the terms contained within it. A breach of a full or an interim ASBO is a criminal offence and any breaches will be investigated by Police Scotland.

11.2.2. Conversion of SST to SSST

The Council may convert the tenant's Scottish Secure Tenancy to a fixed-term Short Scottish Secure Tenancy where:

- the tenant, or a member of their household, is subject to a full ASBO or;
- the tenant, a member of their household or anyone visiting the property, has acted in an antisocial manner in the last three years prior to seeking conversion.

A SSST will last for an initial period of 12 months, with a possibility to extend it for a further 6 months. To extend the tenancy, the Council must serve a notice on the tenant, stating the reason for the extension at least 2 months before the extension.

To convert the tenancy from a SST to a SSST, the Council must provide the tenant with the notice advising them of the conversion. The notice must state the following:

- The tenancy will be offered as a SSST;
- Name of the individual who is subject to the ASBO;
- Where an ASBO does not apply, the name of the individual who has behaved antisocially, the specific behaviour in question and the Council's reasons for serving the notice;
- Explanation of the tenant's right of appeal to the Court if they are not satisfied with the conversion of the tenancy to a SSST.

The tenancy will automatically convert to a SST at the end of the SSST term if the Council does not take any subsequent action to repossess the tenancy.

11.2.3. Eviction

If all other remedies have been exhausted, the perpetrator has refused to engage in offered support, and their behaviour has not improved, the Council may apply to the Court for a decree for repossession to be granted. A decree for repossession will be used to formally end the tenancy agreement between the Council and the offending tenant and will be used to evict the tenant from the property. Eviction action will be only used as a last resort. For further information on evictions, please see Clackmannanshire Council's Eviction Policy.

12. Case Closure



Clackmannanshire Council defines antisocial behaviour cases to be resolved where appropriate action has been taken to investigate and address the antisocial behaviour in question and the complainant has been advised either verbally or in writing of the outcome of the case.

Appropriate action may include, but is not limited to:

- Non-legal remedies are sought, and no further complaints are received;
- Legal action is pursued;
- Investigation was carried out, but no evidence/insufficient evidence was found.

13. Equal Opportunities and Diversity

Clackmannanshire Council is committed to the elimination of unlawful discrimination, advancing equality of opportunity and fostering good relations between people.

The Council believes that equality of opportunity should be a guiding principle in all of its activities. The Council aims to ensure that its commitment to equality is embedded in all council services and in the organisations that it funds.

In accordance with the Equality Act 2010, the Council is actively working towards the elimination of policies and practices that discriminate unfairly on grounds including age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race including colour, nationality, ethnic or national origin; religion or belief; sex; and sexual orientation. For example, this legislation is incorporated into the decision-making process of housing officers in the eviction process.

14. Privacy Statement

Clackmannanshire Council must adhere with its legal obligations under Data Protection Legislation as set out in the Data Protection Act 2018 and UK General Protection Regulation (GDPR).

In order to provide the required and/or requested services, the Council will collect, store and process relevant personal information or data.

Personal information may also be shared with other partner agencies and organisations.

Personal information will be kept securely, as long as required by law and/or by specific service requirements. Once the data is no longer required, it will be securely disposed of. The Council has a Record Retention Schedule which sets out the period of time and reasons for keeping particular records. The Retention Schedule is available on request.



Under the Data Protection Act 2018 and the Freedom of Information(Scotland) Act 2002, individuals have the right to access personal information and data held about them by Clackmannanshire Council as well as the right to access information from records held by the Council.

To submit a Subject Access or Freedom of Information request, please follow [the link](#).

To make a complaint in relation to the Council’s handling and processing of personal data and information, please contact the [Information Commissioner’s Office](#).

For further information on Clackmannanshire Council’s data protection practices, please visit the Council’s [Data Protection Statement](#). For the Council’s Data Protection Policy, please follow the [link](#). For further information on freedom of information laws, please visit the [Scottish Information Commissioner webpage](#).

15. Complaints

If the tenant is dissatisfied with the provided services and/or the standards of service, please follow the Council’s Complaints Procedure. Complaints can be made in person, in writing, by email or online. For further information on the Complaints Procedure and how to make a complaint, please visit the [Council’s Complaints Procedure webpage](#).

If the tenant remains dissatisfied with the final decision or the way the complaint has been handled following the Council’s Complaints Handling Procedure, they can make a complaint to the Scottish Public Services Ombudsman (SPSO) by completing a [complaints form found online](#) or calling on 0800 377 7330.

For further information on how to make a complaint to SPSO, please visit the [SPSO website](#).

16. Monitoring and Reviewing

The policy will be continuously monitored to ensure that it is performing efficiently against the aims set out in the policy.

The Council will review and evaluate this policy every 3 years to ensure the adherence to the relevant legislation and statutory guidance as well as changes in organisational practices and policies.

PLACE – Housing Service
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01259 45000



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Comhairle Siorrachd
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Council Housing Antisocial Behaviour Policy

Child-Friendly Version



We want to make sure that everyone who lives in a council home has a safe, peaceful and nice environment to live in. We have rules in place to help keep the peace and will take action against behaviour that disturbs others such as loud noises, vandalism, harassment or litter. Together, such behaviour is known as antisocial behaviour.



If you see or hear something that feels wrong, it is important you report it as soon as you can. You should share details like what happened, where it happened and when. All of your personal information will be kept private.



When you make a report, our Officers will investigate any issues. They will work both with you and the person causing the problem to help improve the situation.



If you are a victim of antisocial behaviour and require support, you can access support services that provide guidance and tips which can help you cope with the situation.

If we find that a person's behaviour is antisocial and disturbs others, they might receive a warning or we might help them to try to change their behaviour. But if the problem continues, we may take legal steps to stop the disturbance



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Equality and Fairer Scotland Impact Assessment - Screening

Title of Policy:	Clackmannanshire Council's Antisocial Behaviour Policy
Service:	Place
Team:	Housing Business Management

Will the policy have to go to Council or committee for approval	Yes
Is it a major policy, significantly affecting how functions are delivered?	No
Does it relate to functions that previous involvement activities have identified as being important to particular protected groups?	Yes
Does it relate to an area where the Council has set equality outcomes?	Yes
Does it relate to an area where there are known inequalities?	Yes
Does it relate to a policy where there is significant potential for reducing inequalities or improving outcomes?	Yes

IF YES TO ANY - Move on to an Equality & Fairer Scotland Assessment

IF NO - Explain why an Equality & Fairer Scotland Assessment is not required

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APPROVAL

NAME	DESIGNATION	DATE

NB This screening exercise is not to be treated as an assessment of impact and therefore does not need to be published. However, if you decide not to assess the impact of any policy, you will have to be able to explain your decision. To do this, you should keep a full record of how you reached your decision.

Equality and Fairer Scotland Impact Assessment - Scoping

Purpose of the proposed policy or changes to established policy

In line with the new Clackmannanshire Council's Antisocial Behaviour Strategy 2024-2027, Clackmannanshire Council's Housing Service is developing its new antisocial behaviour policy.

The policy will aim to provide a framework of how Clackmannanshire Council's Housing Service will prevent, tackle and resolve antisocial behaviour that occurs in association with Council tenancies. The Council will aim to work in partnership with relevant internal departments and external partner agencies and organisations to efficiently deal with antisocial behaviour as soon as it occurs.

The main aims of the policy include:

- Reducing the occurrence and the severity of antisocial behaviour within Council tenancies
- Ensuring that Clackmannanshire Council effectively responds to antisocial behaviour within Council tenancies;
- Provide victims and witnesses of antisocial behaviour with the relevant support;
- Assist perpetrators of antisocial behaviour to remedy and change the unacceptable behaviour and help them sustain their tenancies;

This Equality and Fairer Scotland Impact Assessment scoping document sets out the Council's initial assessment on any potential impacts arising from proposals. The policy is being developed in line with the corporate-wide Antisocial Behaviour Strategy 2024-2027, the outcomes of its consultation and its Equalities Impact Assessment.

A consultation will be carried out with members and representatives of Clackmannanshire Council's tenants and the wider residents. Feedback from our consultation process will inform the final Equality and Fairer Scotland Impact Assessment which will be included as part of the final decision-making process for the development of the policy.

Which aspects of the policy are particularly relevant to each element of the Council's responsibilities in relation to the General Equality Duty and the Fairer Scotland Duty?

General Equality Duty -

➤ Eliminating unlawful discrimination, harassment and victimisation and other prohibited conduct

The Antisocial Behaviour policy has considered potential unlawful discrimination to ensure that person-centred services are delivered to all. Impacts are assessed as low to this policy.

The policy sits in line with Clackmannanshire Council's antisocial behaviour strategy, and will take into consideration the outcomes and action plan associated with the strategy, including in relation to eliminating unlawful discrimination, harassment, victimisation and other prohibited conduct.

➤ Advancing equality of opportunity between people who share a relevant protected characteristic and those who do not

The policy places emphasis on prevention and early intervention, and the provision of the relevant information, advice and support to victims and witnesses of antisocial behaviour. The offered support is individual in each circumstance, and aims to reflect the needs and circumstances of each person in question, taking into account their protected characteristics.

The policy also focuses on engaging with the perpetrators of antisocial behaviour to address and change their behaviour. It provides considerations for the use of non-legal remedies to resolve antisocial behaviour. This includes signing an acceptable behaviour agreement between the perpetrator and the Council, whereby the perpetrator agrees to stop the offending behaviour and engage in appropriate housing support offered to the tenant. The support will aim to promote positive changes in tenant's behaviour and help them sustain their tenancy. The provision of support is assessed on a case-by-case basis, taking into account the needs and circumstances of the

perpetrator, including any protected characteristics they may possess.

➤ **Fostering good relations between people who share a protected characteristic and those who do not.**

Where antisocial behaviour occurs as a result of a hate crime and in association with the protected characteristics, the Council will aim to take a joint approach with Police Scotland and other relevant departments and partner agencies to deal with the case. The Tenancy Management Team will be sensitive in its approach in dealing with hate crime, offering support to the victims and witnesses along the journey.

Fairer Scotland Duty -

➤ **Reducing inequalities of outcome caused by socioeconomic disadvantage**

The policy sits in line with Clackmannanshire Council's antisocial behaviour strategy, and will take into consideration the outcomes and action plan associated with the strategy, including any considerations for the reduction of inequalities caused by socioeconomic disadvantage.

Following the development of the Council-wide Antisocial Behaviour Strategy, the following have been assessed as having a likely impact:

- Low-income households in Clackmannanshire face particular challenges as a result of reduced real-term incomes and increased costs. Consequently, this may have impact and contribute to increased instances of certain types of antisocial behaviour.
- Compounding factors may include poor mental health, decrease in quality of life, turning to crime to meet basic needs, an increase in number of people entering the criminal justice system, poorly maintained environment and buildings, increased burden on and reduction in essential services, staffing capacity limitations, as well as budget constraints.

Clackmannanshire Council's Housing Service will work to ensure that impacts of poverty and the cost-of-living crisis that occur in association with Council tenancies are reduced and mitigated, by providing appropriate advice, information and support to Council tenants as and when discovered and required.

To which of the equality groups is the policy relevant?		
Protected Characteristic	Yes/No*	Explanation
Age	No	There is no indication at this stage that this protected characteristic would be impacted. However, proposals relating to offering and providing service users with the relevant support packages and signposting to appropriate support services on an individualised, case-by-case basis may positively impact this group.
Disability	No	There is no indication at this stage that this protected characteristic would be impacted. However, proposals relating to offering and providing service users with the relevant support packages and signposting to appropriate support services on an individualised, case-by-case basis may positively impact this group.
Gender Reassignment	No	There is no indication at this stage that this protected characteristic would be impacted. However, proposals relating to offering and providing service users with the relevant support packages and signposting to appropriate support services on an individualised, case-by-case basis may positively impact this group.
Marriage and civil partnership	No	There is no indication at this stage that this protected characteristic would be impacted. However, proposals relating to offering and providing service users with the relevant support packages and signposting to appropriate support services on an individualised, case-by-case basis may positively impact this group.
Pregnancy and Maternity	No	There is no indication at this stage that this protected characteristic would be impacted. However, proposals relating to offering and providing service users with the relevant support packages and signposting to appropriate support services on an individualised, case-by-case basis may positively impact this group.
Race	No	There is no indication at this stage that this protected characteristic would be impacted. However, proposals relating to offering and providing service users with the relevant support packages and signposting to appropriate support services on an individualised, case-by-case basis may positively impact this group.
Religion and Belief	No	There is no indication at this stage that this protected characteristic would be impacted. However, proposals relating to offering and providing service users with the relevant support packages and signposting to appropriate support services on an individualised, case-by-case basis may positively impact this group.
Sex	No	There is no indication at this stage that this protected characteristic would be impacted. However, proposals relating to offering and providing service users with the relevant support packages and signposting to appropriate support services on an individualised, case-by-case basis may positively impact this group.
Sexual Orientation	No	There is no indication at this stage that this protected characteristic would be impacted. However, proposals relating to offering and providing service users with the relevant support packages and signposting to appropriate support services on an individualised, case-by-case basis may positively impact this group.

What evidence is already available about the needs of relevant groups, and where are the gaps in evidence?

Extensive audit and consultation exercises carried out as part of the development of Clackmannanshire Council's Antisocial Behaviour Strategy 2023-2027 have revealed that Clackmannanshire is home to high number of vulnerable communities, experiencing high levels of socio-economic disadvantages which also contain a higher number of children and young people (aged 0-25). It was revealed that these communities are more likely to be disproportionately disadvantaged and at a higher risk of both experiencing and committing antisocial behaviour.

Results of the audit and the consultation exercises demonstrated that there are a number of specific issues occurring in Clackmannanshire that are prevalent in the area and important to local communities, and which partner organisations should place a particular emphasis on. This includes lack of communication with local communities and a lack of clarity about who to report antisocial behaviour issues and what action can be taken to resolve them.

Following the formulation of a number of actions to fulfil outcomes set out in the strategy, particularly relevant to the Housing-specific antisocial behaviour are the following:

- Clarifying process and procedures used to tackle antisocial behaviour and the roles and responsibilities for those affected by antisocial behaviour.
- Promoting engagement in currently available services to help individuals resolve disputes pertaining to a number of situations classed as antisocial behaviour
- Promoting awareness of all services and partner agencies and what they provide, to encourage uptake and reporting, so that residents are able to receive appropriate support,

Further engagement with Clackmannanshire Council tenants and residents may be beneficial to inform actions the Council's Housing Service can take when responding specifically to antisocial behaviour which occurs in association with Council Tenancies. This includes providing the appropriate support to victims, witnesses and perpetrators of antisocial behaviour, taking into consideration their individual circumstances, including any relevant protected characteristics that they may possess.

Which equality groups and communities might it be helpful to involve in the development of the policy?

Consultation carried out as part of the development of the Antisocial Behaviour Strategy was included in consideration of the development of the policy, which included views provided by School Pupil Parliament and Clackmannanshire's Community Councils.

Further information is being sought on any impacts arising from the proposals and any additional mitigating action that the Housing Service should consider.

In particular, we are seeking views from Clackmannanshire Tenants' and Residents' Federation.

Next steps

1. Carry out consultations with the relevant groups
2. Make amendments to the policy, following the consultations with the relevant groups and considerations for the proposals from the relevant groups.

Equality and Fairer Scotland Impact Assessment - Decision

Evidence findings		
Details of engagement undertaken and feedback received		
Following the engagement sessions held with Clackmannanshire Tenants' and Residents' Federation and Sauchie Community Group, changes were made to the contents of the policy, following the feedback received from the groups.		
Decision/recommendation		
Having considered the potential or actual impacts of this policy, the following decision/ recommendation is made:		
Tick ✓	Option 1: No major change The assessment demonstrates that the policy is robust. The evidence shows no potential for unlawful discrimination and that all opportunities have been taken to advance equality of opportunity and foster good relations, subject to continuing monitoring and review.	
	Option 2: Adjust the policy – this involves taking steps to remove any barriers, to better advance equality or to foster good relations. It may be possible to remove or change the aspect of the policy that creates any negative or unwanted impact, or to introduce additional measures to reduce or mitigate any potential negative impact.	
	Option 3: Continue the policy – this means adopting or continuing with the policy, despite the potential for adverse impact. The justification should clearly set out how this decision is compatible with the Council's obligations under the duty.	
	Option 4: Stop and remove the policy – if there are adverse effects that are not justified and cannot be mitigated, consideration should be given to stopping the policy altogether. If a policy leads to unlawful discrimination it should be removed or changed.	
Justification for decision		
APPROVAL		
NAME	DESIGNATION	DATE

