

## **The Edinburgh City Council**

### **Draft Antisocial Behaviour Policy**

<b>Aims</b>	This policy sets out the Council's approach to the prevention and management of ASB that can often blight the lives and wellbeing of those residents who are subjected to it.  The policy aims to inform all stakeholders, in particular tenants of CEC, their household members and their visitors, of how we will tackle complaints of ASB in a robust and consistent manner.
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<b>Policy Owner</b>	<b>Rachael Craik</b>
<b>Date of Next Review</b>	

# DRAFT ANTISOCIALBEHVIOUR POLICY MARCH 2014 V1

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## 1 Introduction: Rationale

- 1.1 Many factors may lead to antisocial behaviour (ASB). These may include, but are not limited to; mental health issues, drug and alcohol dependency, family breakdown, involvement with the criminal justice system, experience of abuse or lack of activities for young people.
- 1.2 We aim to tackle the underlying causes of ASB by working in partnership with other public bodies, the voluntary sector and local communities, taking a holistic approach, balancing intervention and enforcement with prevention and support for the victims and perpetrators.
- 1.3 However, we will use the tools and powers available to us and take a robust and decisive approach with those individuals who will not take responsibility for their (or their household's) behaviour and continue to engage in ASB.
- 1.4 Under the Housing (Scotland) Act 2001 the City of Edinburgh Council has the powers to evict a tenant(s) from their property on the basis of someone's antisocial behaviour.
- 1.5 Were we have taken steps to evict a tenant from their property, the Council will have no responsibility to re house those who have been evicted due to their behaviour, as it is likely they will be found intentionally homeless.
- 1.6 This approach is not something we take lightly; however, we have a responsibility to ensure that people have a right to enjoy their own homes and to live peacefully within their local communities.
- 1.7 Recent feedback from the Edinburgh People's Survey 2013 confirms we are taking the right approach as residents in Edinburgh have indicated that they feel that their city is a safe place to live in. with 91 % of respondents saying that they feel safe after dark.
- 1.8 We recognise, however, that ASB remains an issue for some of Edinburgh's citizens and are committed to ensuring that everyone is able to live in peace within their own home's and communities.
- 1.9 This policy has been developed to provide a framework to ensure that it is self evident we take this approach seriously and will rigorously enforce sanctions where necessary. This policy supports the aims of Edinburgh's ASB Strategy 2013 – 2016;

The aims of the strategy are to:

- improve partnership working;
- ensure a consistent approach towards antisocial behaviour;
- increase public awareness of services and support available;
- update victims on progress made in tackling antisocial behaviour;
- increase public feelings of safety and security; and
- work with communities to co-produce outcomes.

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## 2 Policy Aims

- 2.1 This policy provides a framework for action; setting out the Council's approach to the prevention and management of ASB that can often blight the lives and wellbeing of those residents who are subjected to it.
- 2.2 The policy aims to inform all stakeholders, in particular tenants of CEC, their household members and their visitors, of how we will tackle complaints of ASB in a robust and consistent manner.
- 2.3 This policy recognises that disputes may arise between Council tenants and neighbouring owners or private tenants, as a result of mixed tenure.

## 3 Definition of Antisocial Behaviour

- 3.1 The Antisocial Behaviour etc. (Scotland) Act 2004 sets out the interpretation of antisocial behaviour in relation to the Act. This provides that a person engages in antisocial behaviour if they:
  - act in a manner that causes or is likely to cause alarm or distress; or
  - pursue 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 as them.
- 3.2 From the above definition it is apparent that the types of behaviour that may be considered "antisocial" are by no means detailed. ASB can mean different things to different people. Behaving in an antisocial manner can cover a wide range of behaviour such as:
  - Persistent abusive behaviour towards neighbours causing them fear or distress.
  - Noise nuisance (due to lifestyle differences **NOT** general day to day living noises).
  - Vandalising or damaging common living areas such as stairways or shared gardens.
  - Persistent troubling behaviour by small groups of individuals in a local area, a means of intimidating others.
  - Persistent nuisance and threatening behaviour as a result of substance or alcohol abuse.
- 3.3 The above examples are not exhaustive. In order to provide a framework for prioritisation and to indicate clearly what types of behaviour will be acted upon, agreed categories are set out in Appendix 1 .

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## 4 What isn't Antisocial Behaviour

4.1 There needs to be an understanding of when the Council can intervene and what is classified as ASB. It is worth considering:

- behaviour regarded as acceptable by some can be seen as antisocial and competently unacceptable to others ;
- expectations of standards of behaviour can vary between communities, groups within communities, and individuals;
- common repair issues between others are not classified as ASB and will not be dealt with by the Council.

4.2 ASB is not a behaviour that is merely different, or that is the result of a medical or developmental condition or mental disorder. Tolerance and awareness of other's needs is an important part of tackling ASB.

4.3 The Council will assess each case individually before deciding on whether we can take action.

## 5 Sanctions/Measures available to tackle Antisocial Behaviour

5.1 There are a wide range of tools and powers available for the Council to employ in order to tackle ASB, including:

- Antisocial Behaviour Order (ASBO).
- Interim ASBOs.
- Notice of Proceedings.
- Antisocial Behaviour Notices – (ensuring that landlords take responsibility for tackling antisocial behaviour caused by their tenants).
- Scottish Short Secured Tenancy Agreements - anyone with a SSST can have their tenancy brought to an end swiftly.
- Eviction.

5.2 However the vast majority of complaints of ASB can be resolved without court action with other interventions such as:

- Warnings
- Acceptable Behaviour Contracts
- Housing Support
- Mediation
- Referral to support agencies e.g. drugs and alcohol or mental health agencies
- Fixed Penalty Notices
- Seizure of equipment - noise

5.3 In order to tackle the ASB effectively we will employ the right intervention, or a combination of interventions at the right time to ensure the most effective outcome.

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- 5.4 Enforcement will be matched with support for the perpetrator, where necessary, to tackle the cause of their antisocial behaviour.
- 5.5 Anyone who is involved in ASB could ultimately end up losing their home and may find that they are ineligible for housing assistance in the future.

## **6 Making and responding to a compliant**

- 6.1 You can report ASB by phoning any of the local neighbourhood office numbers and asking to speak to a Community Safety Officer, emailing the antisocial behaviour email address or by visiting any of the six local neighbourhood offices (see Appendix xxx).
- 6.2 We will take a customer focussed approach to tackling ASB, working with the complainant and the alleged perpetrator, aiming to reach agreed actions, timescales and ultimately find an effective solution. We recognise that early intervention is important to stop cases escalating. On receiving a report of ASB we will:
  - Attempt to make contact with you by telephone to conduct the initial interview (see Appendix 1 for specified target response times). Where we are unable to make contact via the telephone we will carry out a visit to your home. If you are not at home we will leave a card requesting that you make contact either by telephone or by visiting your local neighbourhood. We ask that you do not ignore the messages, particular if ASB is continuing. If we cannot contact you, we may decide to close the investigation.
  - Listen to your complaints and give you advice as to what we can do and what you can expect from us.
  - Assess and monitor any risk.
  - Advise you to report criminal behaviour to the Police.
  - Be clear and realistic about potential outcomes and timescales involved, choosing from a toolkit of different actions and taking action proportionate to the type of ASB reported.
  - Request your cooperation to assist in evidence gathering.
  - Refer you to external agencies as appropriate e.g appropriate support agencies.
  - Liaise with relevant internal services such as Children and Families.
  - Liaise with other agencies such as the Police.
  - Contact you every 14 days with progress of the investigation and advise you of any actions taken and/or your nominated representative. If there are further problems, further enquires will be carried out.
  - Keep abreast with other agency/teams involvement such as the Police or Noise Team ascertaining the outcomes of those contacts.

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- When an investigation has been completed, complainers and witnesses will be updated in writing that the case is being closed.

6.3 Interpretation and translation services will be used to support individuals who are either the complainant or the person being complained about. We will contact and work with the translation service to assist an investigation when a person has difficulty with English.

6.4 On some occasions, an alleged perpetrator may make a counter-claim against the original complainant. We will adopt this same approach on responding to counter-claims.

## 7 Antisocial Noise

7.1 The City of Edinburgh Council's, in conjunction with Police Scotland, provide a 24 hours a day, 7 days a week, Antisocial Noise Service. The service is to be used when the noise is occurring and can be contacted via the non-emergency number for Police Scotland, **101**.

7.2 We are authorised by the Antisocial Behaviour Etc. (Scotland) Act 2004 to tackle noise disturbance from neighbours. Officers will visit as quickly as possible to assess the noise and take appropriate action, dependent on what they witness. Police will attend when the Noise Teams are off-shift or when their presence is more appropriate, and may use other legislation available to them to deal with the issue.

## 8 Supporting victims and witnesses

8.1 Witnesses are crucial to tackling ASB, whether they are the direct victims of ASB or residents who witness ASB within the community. It is essential that witnesses report incidents, to provide evidence, and to help both the Council and the Police take action against the perpetrators.

8.2 In order to facilitate communication and support for witnesses, we will:

- Take swift and appropriate action to stop intimidation.
- Take complaints seriously and advise how they will be dealt with swiftly, where possible.
- Engage each key victim/witness in a face to face meeting.
- Offer solutions such as employing a Person of Interest form where the Community Safety Officer will not divulge who the complainant is.
- Provide regular support to the victim until the case is closed or if agreed otherwise with the victim, including regular phone calls, visits and updates on progress.

- Where appropriate we will refer to relevant agencies such as Victim Support.
- Ensure all reporting channels are communicated effectively through various media channels and directly to those affected (including out of hours support).
- Refer to the Police to carry out a home environment assessment to understand what witness protection measures are required (such as installing new locks on windows and doors or panic buttons) where appropriate.
- Discuss with the victim/witness what is involved if their help is needed in taking legal action. We will provide them with information and support to help them make a decision about signing impact statements and going to court.
- When people are too scared to come forward then we can consider the use of hearsay evidence containing anonymous witness statements and the use of professional witnesses such as the police or social workers.
- Alternative housing options will only be considered as a last resort, where all other options have been exhausted and where there is evidence of risk to the victim. However we will consider each situation on a case by case basis, working with the victim, to establish what is the best route for them.

## **9 Hate Crime**

- 9.1 The Homelessness (Scotland) Act 2003 outlines that a person who, by reason of that person's religion, sexual orientation, race, colour or ethnic or national origin runs the risk of violence, or is likely to be the victim of a course of conduct amounting to harassment, is awarded priority need.
- 9.2 In cases of hate incidents/crime we will recognise that it is the victim's perception that carries weight in the determination of any breach, and can accept the incident without formal evidence and automatically refer them for a homelessness assessment.
- 9.3 However, we will consider each situation on a case by case basis and will carry out an investigation, working closely with the Homelessness Officer and the customer, providing advice and reviewing their housing options.
- 9.4 If immediate temporary accommodation is required then, this will be offered while a full investigation is carried out by the Community Safety Officer.

## 10 Legislation and Guidance

In the formulation of this policy guidance has been found in the following legislation:

- Antisocial Behaviour etc (Scotland) Act 2004
- Housing (Scotland) Act 2001
- Homelessness (Scotland) Act 2003
- Adult Support and Protection (Scotland) Act 2007
- The Data Protection Act 1998
- Equality Act 2010

This policy will be reviewed in line with any amendments to provisions as a result of the Housing Bill which went out for consultation in November 2013.

## Key Principles of the Policy

### 11 Prevention and Early Intervention

#### Prevention

11.1 We will facilitate prevention through various measures including placing emphasis on tenant responsibility and providing support services at the outset of a tenancy where required. We will combine this with regular visits to tenants in the early stages of a tenancy and where necessary we will consider a Short Secured Tenancy for individuals with previous history of ASB.

Preventive approaches include:

- we have included clear clauses in our tenancy agreement prohibiting ASB and advising of residents/tenants responsibilities.
- we provide customers with information on our policy and procedures on ASB at the start of their tenancy and settling in visits for new tenants.
- we assess the vulnerability and support needs of our tenants and provide support.
- where possible we will tackle environmental ASB so as to reduce the potential for crime and risk of ASB –e.g. – removal of graffiti, abandoned vehicles, clearing gardens etc.
- we carry out ongoing community initiatives such as diversionary activities for young people to combat ASB.
- sensitive lettings where appropriate .
- consider refusing applications with a known history of ASB.
- publicising our commitment to dealing with ASB, for example in newsletters and on line.

### **Early Intervention**

- 11.2 The majority of the cases investigated are resolved by a Community Safety Officer investigating the issue. These cases are usually resolved at an early stage where actions are undertaken through preliminary investigations, and interventions, including joint visits with the Police to the complainants and alleged perpetrator. These visits offer suggested solutions and using tools such as, Acceptable Behaviour Contracts, issuing warnings and/or referring to mediation.
- 11.3 This has been a successful approach to date however where there is need for further support, there are various options open to us to intervene and prevent ASB escalating further including:
  - We will make appropriate referrals to support services, for example to Neighbourhood Support Teams who can assess the individuals needs and recommend what support should be put in place to enable that person to sustain their tenancy without causing further ASB.
  - Where necessary we will establish early case management meetings working in partnership with all services (including GP's, Education, Police, etc) and the perpetrator, sharing relevant information and collectively making appropriate decisions on how to obtain the most effective outcome.
  - A small number of households may require intensive family support, such as parenting support. We will refer and work with those services that can offer the support to help parents to break the cycle of poor behaviour.
- 11.4 If the perpetrator does not engage in the support offered and they continue to cause ASB we will take enforcement action that could ultimately end up with them being evicted from their tenancy.
- 11.5 Anyone who has been involved in ASB may find that they are ineligible for housing assistance in the future.

### **12 Effective Legal Solutions**

- 12.1 We will provide you with a mechanism for reporting your complaints that can be used as part of the legal process (see making a complaint).
- 12.2 We will work with colleagues in legal services to review your complaint on regular basis.
- 12.3 When it is believed that there is sufficient evidence to justify an application for an ASBO or other legal action, we will work with our colleagues in legal

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services, seeking their advice to ensure that the case is of a standard that will be progressed through the courts.

- 12.4 At all times we will keep the victim/witnesses informed of the court process and possible outcomes.

## **13 Management of Tenancy Conditions**

### **Tenants' Obligations**

- 13.1 When a person is allocated a Council property they have to sign a Tenancy Agreement. This is a legally binding contract between the Council and its tenants. Under this, tenants are responsible for the behaviour of every person (including children) living or visiting the tenants home. This includes responsibility for their behaviour in the home, on surrounding land, in communal areas (stairs, lifts, landing, entrance halls, shared gardens, parking areas) and in the locality of the dwelling house.
- 13.2 Where low level infringements become a nuisance to neighbours and the community we will take immediate action to manage the behaviour which could ultimately end up with the tenant losing their home.
- 13.3 We will ensure that where there are policies and procedures (e.g. noise, dirty houses, garden maintenance, stair cleaning) that are in place to effectively manage infringements of tenancy conditions that these are utilised to full effect where necessary.
- 13.4 Furthermore, throughout 2014 we will review our policies as part of the commitment to the Coalition Pledge 13 which is to "*Enforce tenancy agreements (council and private) with a view to ensuring tenants and landlords fulfil their good conduct responsibilities*".
- 13.5 Where low level infringements become a nuisance to neighbours and the community we will take immediate action to manage the behaviour which could ultimately end up with the tenant losing their home.
- 13.6 Anyone who has been involved in ASB may find that they are ineligible for housing assistance in the future.

## **14 Effective Partnership Working**

- 14.1 We recognise that the problems faced in some communities are complex and that no one agency can therefore effectively solve the problems of ASB.
- 14.2 We have therefore adopted a partnership approach involving multi agencies and communities to prevent and manage ASB at an individual, local and citywide level. These include:

**Partnership for individual support**

- 14.3 We will set up multi-agency arrangements to respond to individual cases, co-ordinating support from more than one agency in order to tailor packages to meet the complex needs of a perpetrator e.g alcohol, drug and/or mental health issues.
- 14.4 By working in this way we will provide support to those who need to change their behaviour, however it does not detract from our primary focus to ensure that the victim receives the necessary support to feel safe and live peacefully in their own home.

**Operational/local partnerships**

- 14.5 We will work with community networks, partners, and support agencies such as the Police, Fire Service, NHS, Youth Offending Services, Education, RSL's and community support organisations, delivering outcomes at a local/neighbourhood level and sharing relevant information in order deter or prevent ASB from taking place, e.g Total Neighbourhood and Total Craigroyston.

**Strategic/City Wide partnerships**

- 14.6 We will also operate at a wider level with our partners such as the Police, Probation Service, Procurator Fiscal Service, and agencies from the Voluntary Sector; strategically joining up resources and services across the city to address the wider issues of ASB.

We will also;

- Work closely with the Mediation Service; we offer this facility to neighbours where appropriate.
- Work with the support services for victims, if you are the victim of ASB we will support you by providing a liaison CSO and refer you to support if you wish this to happen.
- Refer individuals for a support assessment, where necessary, pre-tenancy, and also if any concerns are highlighted through our case management approach to tackling ASB.
- Work with partners to manage issues across multi tenure properties, however where there are limited actions that the Council can take, we will notify you immediately, for example in the case of where there are two private owners having a neighbours dispute.

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## **18 Home Owners/ Private tenants**

- 18.1 If your complaint is about ASB from a tenant who lives in a private property we will contact the owner or landlord and advise them of their duty to be a responsible landlord. We can advise them to issue warning letters or depending on the serious nature of the ASB we can instruct the landlord to issue a Notice to Quit.
- 18.2 We can, in tandem with the landlord taking action, issue an ASBO on the tenant if the situation is deemed serious enough and all alternative avenues have been explored (we would normally only do this if the landlord is not taking swift action to address their tenants behaviour).
- 18.3 If a landlord does not follow the advice of the Council we can issue an ASB Notice instructing them to take appropriate action on their tenant.
- 18.4 We also have the power to issue an ASBO to private owner occupiers if their behaviour is deemed unacceptable.

## **19 Registered Social Landlord (RSL) or Housing Associations, and other tenures**

- 19.1 We recognise that disputes may arise between Council tenants and other tenants from mixed tenures. Whilst we will work closely with those associations responsible for their tenants they will have their own procedures and policies in place to address their tenant's behaviour. Below is a list of tenures that we will work closely with.
  - Registered Social Landlord (RSL) or Housing Association tenants – these are investigated by the appropriate RSL therefore we will pass the details to the RSL for investigation. We will and can advise or liaise with RSL staff on a case but the RSL would lead the investigation and take any appropriate enforcement action.
  - Letfirst tenants – complaints regarding those tenants will be investigated by the administrators of the Letfirst scheme.
  - Private Sector Leasing (PSL) tenants – complaints of ASB from this client group will be investigated by the relevant PSL group.
  - Sheltered Housing Council tenants – we will investigate on receipt of a referral from Sheltered Housing. We will continue to liaise with Sheltered Housing throughout the investigation. At case closure, we will alongside Sheltered Housing carry out a joint home visit to the customer to explain the outcome and decision taken.

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- Temporary Accommodation residents – complaints against this group will be investigated by Temporary Accommodation services.

## **20 Communications**

- 20.1 As part of our customer centred approach to dealing with ASB, we will take reports seriously, by recording and investigating all cases of ASB and keeping you informed of how we are dealing with your complaint, providing timescales and relevant contacts at each stage of the process.
- 20.2 We will be clear about what is achievable in accordance with minimum ASB standards.
- 20.3 We will provide you with a named officer who you can contact.
- 20.4 We will communicate with your elected representative or nominated representative if you complain to us via this route.
- 20.5 We will publicise and highlight our process for dealing with ASB, what each stage of the process entails and what consequences of such behaviours can be.
- 20.6 We will share legal outcomes and feedback with the community through targeted local communications such as leaflets and progress updates at local meetings.

## **21 Information Sharing**

- 21.1 We will maintain data sharing protocols with our partner agencies to facilitate ongoing multiagency practices such as mapping of ASB hotspots and the analysis of trends to target the allocation of resources.

## **22 Confidentiality**

- 22.1 Interviews and conversations with customers about personal and sensitive matters will be carried out in private.
- 22.2 We will treat all reports of ASB confidentially and will not disclose information to third parties or other organisations without your consent, except in cases where we have a legal or statutory duty to do so, or where passing relevant information would be essential to carrying out our duties.

**23 Quality and Performance Monitoring**

- 23.1 We will monitor and analyse the perceptions of ASB through the Edinburgh Peoples Survey to establish how residents feel about anti-social behaviour in their area
- 23.2 We will set out targets for performance to ensure that work is monitored at a local level and by senior management in relation to a number of indicators such as customer satisfaction, cases resolved and repeat offenders.
- 23.3 We will review serious and persistent ASB cases regularly through our ASB Review Group. The group involves key officers and agencies relevant to the individual case including; Youth Offending, Criminal Justice Social Work, Housing, Children and Families, Police, Legal Services and support agencies such as drugs and alcohol support.
- 23.4 The group aims to improve resolution of cases and drive continuous improvement across the service, through dissemination of good practice and improved training for support staff.
- 23.5 We will, when concerned about significant risks to an individual (perpetrator) and/or the community and where we have exhausted all known options, refer cases to the Escalating Concerns Group where a risk management plan will be developed and carried out. Members of the group include representation from Social Work, Police, Fire Service, Community Safety, Health, in particular Mental Health services such as GP's and other key individuals, including the individual service user.

**24 Measuring Customer Satisfaction**

- 24.1 We will send out customer satisfaction surveys to every customer when a case has been closed. This enables the Council to measure the views and opinions of customers using the service, the value of the service provided and used to make further improvements to the service.

## **25 Appeals and Complaints**

- 25.1 If you feel that you have been treated unfairly or are unhappy with the level of service that you have received, you can complain using the Customer Care and Complaints procedure.
- 25.2 We will always try to resolve issues without them becoming complaints and record details of the contact for management information.
- 25.3 If this fails or we can immediately identify the issue as a complaint, then we will use the new complaints procedure, which has two stages.

### **Stage 1. Frontline resolution**

- 25.4 We will respond to complaints within 5 working days and aim to resolve the issues raised within this timescale.
- 25.5 When we respond we will advise you of what to do next if you are not satisfied.
- 25.6 If there are valid business reasons why we can't respond within 5 working days, the person dealing with the complaint can request an extension of up to 5 working days to be authorised by their manager. We will also have to advise you of the new timescale and why this has been extended.

### **Stage 2. Investigation Stage**

- 25.7 Complaints will be considered at the Investigation Stage where:
  - we have failed to resolve the complaint at Frontline Resolution,
  - if the customer refuses to engage with Frontline Resolution and insists on it being considered at Investigation
  - we feel the complaint is sufficiently complex or sensitive that it should be dealt with at Investigation Stage.
- 25.8 At this stage, we will identify a senior officer to investigate the complaint and tell you who this is. We will respond within 20 working days and aim to resolve the complaint within this timescale.
- 25.9 If there are valid business reasons why we can't respond within 20 working days, we can request an extension of up to 20 working days to be authorised by the manager. They will also advise you of the new timescale and why this has been extended.
- 25.10 If you are not satisfied at the end of the investigation stage you have the right to take your complaint to the [Scottish Public Services Ombudsman](#).

### **Appendix 1 Investigation Timescales**

Complaints will be acknowledged on the same working day of receipt or next working day if received on a public holiday or at the weekends. It may not be possible to provide a detailed response but acknowledgment will be given with an indication of when a full investigation will be carried out.

Below are the categories of antisocial behaviour with an indication as to when you can expect an investigation to begin:

**Category A** - very serious i.e. harassment, racially motivated ASB, drug dealing, threat to life possibility. Investigation will be initiated within 24 hours.

**Category B** – serious i.e. frequent serious disturbance, intimidation, damage to property. Investigation will be initiated within 48 hours.

**Category C** – nuisance complaints i.e. lower level neighbour disputes, noise complaints, behaviour of children, pet control, and misuse of communal areas. Investigation will be initiated within five working days.

Behaviour examples are given as a guide only, CSO will use their judgement based on complainant information submitted, providing appropriate support; keeping the complainant central to what we do.

## **Appendix 2**

### **Glossary of Terms**

#### **Antisocial Behaviour Orders & Interim ASBO's**

An Antisocial Behaviour Order (ASBO) is a civil order made by a court which sets out specific terms and conditions that prohibit an individual from engaging in further incidents of ASB or undertaking specific activities in their local areas.

An interim ASBO (ASBO) with or without notice can also be obtained, pending a full hearing, to determine whether a full ASBO should be granted.

A full hearing will be fixed for a later date.

An ASBO (either full or interim) starts from the date of service. A full ASBO lasts for a minimum period of two years, during which time the order cannot be discharged without the consent of both parties. However, an order can be made for an indefinite period pending a further order. Breaching an interim or full ASBO is a criminal offence and may lead to eviction.

#### **Notice of Proceedings**

A notice of proceedings is a legal document which starts the eviction process.

This action is the Council's official notice of intention to enroll the case in court for recovery of a property form a Council tenant if there is sufficient evidence of ASB.

The notice expires at the end of six months can another notice can be applied for and served.

#### **Scottish Short Secured Tenancy Agreements (SSST)**

A SSST enables the Council to end the tenancy more easily, as a court will not question the reason for eviction.

The Council will consider converting the tenancy form a Secure to a Short Secured Tenancy if a tenant or member of their household has had a full ASBO served on them.

A SSST will last for am minimum of 6 months and a maximum of 12 months. We will monitor the case throughout the duration of the SSST ensuring that no further issues arise. If they do we will consider evicting the tenant.

## **Antisocial Behaviour Notice**

An antisocial behavior notice (ASBN) is different from an antisocial behavior order (ASBO). An ASBN applies only to private landlords whereas an ASBO applies to the person who is behaving antisocially.

The notice focuses on the responsibilities of the landlord rather than that of the particular tenant/s or occupier/s. The notice is served on the landlord of the offending property and would describe the ASB already taken place and the landlord requirements to deal with anticipated future ASB.

## **Warnings**

The Council can give up to three official written warnings before looking to serve an ASBO. However for Council tenants it is not necessary to issue any warnings prior to a final warning where the behaviour is serious.

Written warnings can be very effective in stopping people behaving antisocially. By challenging all unacceptable behaviour immediately, they establish clear standards of behaviour and reinforce the message that ASB will not be tolerated. It is also an opportunity to review the needs of both the perpetrator and victim ensuring support is offered where necessary.

## **Acceptable Behaviour Contracts (ABC's)**

ABC's are effective at addressing low level ASB, at an early stage. ABC's are often used where complaints about ASB have been received, but the behaviour is not serious enough to warrant an ASBO. An ABC is a voluntary contract which requires the signature of the perpetrator or in the case of a minor a responsible parent.

If an ABC is breached further action can be taken to remedy the situation such as an application for an ASBO.

## **Fixed Penalty Notices**

We have the power to investigate complaints of excessive noise, give warning notices in respect of such noise and, where the noise remains excessive after the service of a warning notice, issue a Fixed Penalty Notice for £100 in respect of it. We also have the powers to enter a dwelling and remove any noise equipment.

## **Seizure of Equipment**

Environmental Health Officers (EHOs) have powers to enter residential premises to seize noise-making equipment under the Noise Act 1996.

## **Mediation**

Mediation is a process in which an impartial third party – the mediator-helps people in dispute work out an agreement. The people in dispute work out the agreement, **not** the mediator. The meetings are attended on a voluntary basis by both parties concerned.

## **Person of Interest Form (POI)**

The Person of Interest form is used in the absence of corroboration it enables the Community Safety Officer to inform the person who may be causing the ASB that there have been complaints made against them and requests that they change their behaviour. However without any evidence that suggests the POI has carried out the ASB we would be unable to issue an official warning.

### **Appendix 3 Contacts**

If you wish to make a complaint about antisocial behaviour you can:

- Contact your local Community Safety Team

City Centre and Leith Neighbourhood Office

1 Cockburn Street

Edinburgh

EH1 1BJ

Tel 0131 529 7061

E-mail: [citycentreteam@edinburgh.gov.uk](mailto:citycentreteam@edinburgh.gov.uk)

East Neighbourhood Office

101 Niddrie Mains Road

Edinburgh

EH16 4DS

Tel: 0131 529 3111

E-mail: [easteam@edinburgh.gov.uk](mailto:easteam@edinburgh.gov.uk)

North Neighbourhood Office

8 West Pilton Gardens

Edinburgh

EH4 4DP

Tel: 0131 529 5050

E-mail: [northteam@edinburgh.gov.uk](mailto:northteam@edinburgh.gov.uk)

South Neighbourhood Office

40 Captains Road

Edinburgh

EH17 8QF

Tel: 0131 529 5151

E-mail: [southteam@edinburgh.gov.uk](mailto:southteam@edinburgh.gov.uk)

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South West Neighbourhood Office  
10 Westside Plaza  
Edinburgh  
EH14 2ST  
Tel: 0131 527 3800  
E-mail: [southwestteam@edinburgh.gov.uk](mailto:southwestteam@edinburgh.gov.uk)

West Neighbourhood Office  
81 Drumbrae Drive  
Edinburgh  
EH4 7FE  
Tel: 0131 529 7440  
E-mail: [westteam@edinburgh.gov.uk](mailto:westteam@edinburgh.gov.uk)

**Email the Council at:**  
[antisocialbehaviour@edinburgh.gov.uk](mailto:antisocialbehaviour@edinburgh.gov.uk)

**Online at:**  
[www.edinburgh.gov.uk/asb](http://www.edinburgh.gov.uk/asb) and click on the 'report antisocial behaviour' box to complete our online reporting form.

**Antisocial noise response:**

In conjunction with Police Scotland we provide a 24 hour, 7 day a week response service, to take action against noisy neighbours. Contact us via 101 when the noise is happening.

**Dog Fouling:** (our environmental wardens deal with this)  
0131 529 3030

**Persistent or deliberate littering:** 0131 529 3030

**Police Scotland:**

101 Non – emergency or 999 ONLY in an emergency when someone is in immediate danger

**Crimestoppers:**  
0800 555 1111