

Information for people affected by antisocial behaviour in the Highlands

Antisocial Behaviour has a negative effect on many people's lives, and The Highland Council, Northern Constabulary and other partners are committed to tackling it by working together to make the Highlands a safer place.

The Highland Council will provide a service to deal with designated antisocial behaviour during office hours of 9am – 5pm, Monday – Friday (excluding office holidays). Tel : 01463 702000

Northern Constabulary will respond on a 24 hour, year round basis in investigating reports of criminal activity within communities.

Tel : Northern Constabulary : 0845 6005703

Crimestoppers : 0800 555 111

What is antisocial behaviour?

The term antisocial behaviour covers a wide range of persistent selfish and unacceptable activity that can blight the quality of community life.

Antisocial behaviour can mean many different things to different people but the legal definition is behaviour which *"causes or is likely to cause alarm or distress"*.

There are wide ranging types of antisocial behaviour, from street problems to nuisance neighbours and environmental issues. Examples of these are listed in the table provided in this leaflet.

What isn't antisocial behaviour?

There are a number of key considerations when determining what doesn't count as antisocial behaviour:

Behaviour regarded as acceptable by some can be seen as antisocial and completely unacceptable to others

Expectations of standards of behaviour can vary between communities, groups within communities, and individuals including the cultural difference of age.

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

The Partner Agencies in the Highlands, who are involved in investigating issues of antisocial behaviour, recognise that in some cases differing lifestyles may cause clashes and conflict between neighbours. In these instances it is not the role of the agencies to address behaviour that is merely different and will not be party to promoting the harassment of individuals or groups for behaviour that results from being of a different race or origin.

What you should do

If possible, you should try and sort out the problem in a friendly way. It may be that the person causing the problems isn't even aware of it. You may find the separate leaflet about "Speaking to your neighbours" helpful.

If you would like to try and resolve the difficulties informally and through discussion and feel you need the help of an impartial third party, mediation may be the solution. Many people find it useful to talk things through with an independent mediator and then decide on their options.

If you rent your home and feel that the difficulties require a formal approach you should contact the relevant landlord (this may be the Council, a housing association or a private landlord) and ask how they can help. If you are a homeowner, you may wish to consult the Citizens Advice Bureau or your solicitor for advice.

What we will do when you report issues of antisocial behaviour

Incidents will be managed by the Lead Agency/Service depending on the nature of the incident and will be managed in accordance with approved policies and existing powers and duties.

Frontline staff in each of our Partner Agencies are trained to direct you to the most appropriate Lead Agency/Service depending on the information provided by you.

The Lead Service/Agency will take steps to follow up on your complaint through their policies and practices as follows ;

Criminal activity

Northern Constabulary will respond and investigate all reports of criminal activity and work with The Highland Council in managing cases that require joint working arrangements.

In a number of communities CCTV has proved to be a highly effective tool in discouraging antisocial behaviour and providing evidence of crimes.

Misuse of drugs

Where antisocial behaviour is the product of suspected drug dealing, the only Agency with the power to investigate is the Police. It is important that any information involving such incidents is passed to them to allow investigation and enable criminal proceedings. All reports will be taken seriously even if they are made anonymously.

Problems with youths

Where there are issues of problems being reported with youths causing persistent antisocial behaviour, Northern Constabulary investigate these reports and respond within their powers in relation to criminal investigations and work with The Highland Council, Social Work Service, Area Service Managers in terms of the procedures for 'Getting it right for every child' and child protection.

Joint working between agencies also identifies communities where suitable diversionary activities are considered and implemented as an alternative for young people who may otherwise be engaging in incidents of antisocial behaviour. For example, street football has proved to be effective in some areas. Other tried and tested methods in some areas include street mediation between young people and residents.

Noise nuisance

If the noise is shown to be normal use of someone's home i.e; doors banging, football against properties, children playing, walking on laminate flooring - no formal or legal action can be taken under the Environmental Protection Act. Mediation can help neighbours to find ways of reducing the impact of noise on each other.

Northern Constabulary can respond on a 24 hour, year round basis and have the most effective legislation to deal with late night noise and can use where required, powers such as those contained in the Civic Government (Scotland) Act 1982.

Northern Constabulary, will inform the The Highland Council TEC Services Environmental Health when they have been called to a late night noise incident. Environmental Health will in turn write to the person causing the noise, advising them that action may be taken against them under the Environmental Protection Act. Environmental Health will also notify Housing Services and Registered Social landlords of this for their records.

The Police will work jointly with the Council and Registered Social Landlords and where necessary will undertake joint visits to their tenants where there are ongoing issues of noise nuisance.

In some cases the installation of noise monitoring equipment by Environmental Health can establish if a problem exists and appropriate action can be taken in terms of the Environmental Protection Act 1990, this may also result in action being taken to recover the tenancy.

Commercial or non domestic noise such as music from pubs, clubs, building and industrial noise such as extract ventilation and refrigeration system noise is investigated by The Highland Council, TEC Services Environmental Health in terms of the Environmental Protection Act 1990.

Environmental issues - Fly Tipping, littering, dog fouling, abandoned cars

The Highland Council's Transport, Environmental & Community Services (TECS) have the power to issue fixed penalty notices in instances where there is evidence of this behaviour. It is not possible to issue fixed penalty notices without supporting evidence confirming the perpetrator.

Problems with neighbours who are tenants of a landlord

When a tenancy agreement has been signed, tenants are agreeing not to cause a nuisance or harassment to their neighbours.

When complaints are received about neighbours, most landlords will usually visit the tenant who is being complained about to let them know that there is a problem. Landlords will not give out details of who made the complaint but this may be obvious to the tenant.

If there is evidence that the tenant has breached the conditions of their lease, the Landlord will decide what action can and should be taken.

Some cases may be best resolved through mediation and discussion rather than more formal action. This service is free and confidential and is very successful in resolving neighbourhood disputes. The Landlord will offer to make a referral to this service in the early stages of you reporting issues with your neighbour. Unless it can be proven that noise is deliberate mediation may be the best and only way to resolve your case.

In more serious cases of deliberate, preventable and persistent noise, where legal action is most appropriate, we may only be able to progress this route, if you help by providing evidence. In these cases, you will be asked to keep a record of what happens, e.g. what type of problem, dates and times. We will give you a record sheet to help you do this. We may also contact other people and the Police for additional information. It is not possible to succeed in legal action without supporting evidence of persistent antisocial behaviour towards a neighbour or community.

This route is not a quick fix and may take several months to obtain the supporting evidence. During this time, you will be kept informed of what is happening and will be encouraged to continue to record and report further incidents.

Problems with neighbours (non tenants)

If you are experiencing problems with your neighbours and neither party is a tenant of a landlord you may contact the Highland Council for some advice or direction. It may be that mediation will help you to find your own solutions to the difficulties.

Other options available to you are the Citizens Advice Bureau or a Solicitor of your choice as this can often involve an independent civil matter and can include individuals taking out interdicts for example.

Serious and persistent antisocial behaviour

Where the Lead Service/Agency identify that a case requires further or multi agency action, it will be discussed at the local Antisocial Behaviour Partnership Group (ASBPG) meetings and an action plan will be agreed by the agencies involved. You will be kept informed of the proposed actions and outcomes. It is important to note that in some cases the outcome will be as a result of criminal proceedings in which case the decision will be made by the Sheriff.

The action plan may propose one or more of the following solutions ;

- Referral for mediation

- Referral to the Antisocial Behaviour Investigator for further investigation

- Issue of a warning letter

- The perpetrator being asked to agree an Acceptable Behaviour Contract (ABC)

- Application for an Antisocial behaviour orders (ASBO)

- Action against Private Landlord for non compliance with Local Authority

- Eviction from Council or Housing Association tenancy

The following information is provided to assist you in making your complaint to the appropriate Agency/Service for investigation in the first instance.

Nature of problem	Lead Agency/Service
Neighbour disputes e.g. noise, children's behaviour, parking, pets, lifestyle clashes	<p>Anyone living in the Highland Council area can self refer to Highland Community Mediation to discuss issues and look at options available.</p> <p>If tenant of a Registered Social Landlord or the Council is involved and you feel formal action may be required– complaint should be made to the respective Landlord</p> <p>If not tenant of above – consult with Citizens Advice Bureau or a Solicitor of choice as an independent civil matter</p>
Boundary disputes	<p>Anyone living in the Highland Council area can self refer to Highland Community Mediation to discuss issues and look at options available.</p> <p>If tenant of a Registered Social Landlord or the Council is involved and you feel formal action may be required– complaint should be made to the respective Landlord</p> <p>If not tenant of above or the dispute does not involve land owned by either the Council or other landlords – consult with Citizens Advice Bureau or a Solicitor of choice as an independent civil matter</p>
Untidy or unsafe property	<p>Landlord/owner Private Rented Housing Panel http://www.prhpscotland.gov.uk/prhp/1.html</p>
Houses of Multiple Occupancy licensing	<p>Chief Executive's Service, Licensing Section - Administration of licenses</p> <p>TECS Environmental Health Officer – Enforcement & Inspection of HMO Licenses</p>
Registration of Private Landlords	<p>Chief Executive's Service, Licensing Section – Administration of registration applications</p> <p>Registration Panel - Consideration of applications where there is doubt if the applicants is a 'fit and proper person' to act as a landlord</p> <p>Registration Review Panel – Consider appeal cases and cases where action is required regarding persistent issues of ASB by tenants of a registered landlord</p>
Any form of harassment and or intimidating behaviour	<p>Northern Constabulary</p>
Behaviour that causes alarm	<p>Northern Constabulary</p> <p>If the behaviour is as a result of alcohol or drug misuse, referral may be made to the NHS and or the Community Mental Health Service</p>
Vandalism and graffiti	<p>Northern Constabulary TECS Education & Enforcement Officer</p>
Littering and fly-tipping	<p>TECS Education & Enforcement Officer</p>
Abandoned vehicles	<p>TECS Education & Enforcement Officer</p>
Dog fouling	<p>TECS Education & Enforcement Officer</p>
Animal Welfare	<p>TECS Animal Health & Welfare Officer</p>
Noise nuisance	<p>Northern Constabulary, TECS Environmental Health Officer, landlord/owner</p>
Fire setting/raising hoax fire calls	<p>Northern Constabulary/Fire Service</p>
Antisocial use of vehicles	<p>Northern Constabulary</p>