

Report

Report to:	Housing and Technical Resources Committee
Date of Meeting:	8 December 2021
Report by:	Executive Director (Housing and Technical Resources)

Subject:	South Lanarkshire Council Anti-social Behaviour Policy Review 2021/22
----------	--

1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ seek endorsement from Housing and Technical Resources Committee for the introduction of the revised Anti-social Behaviour Policy with effect from 1 March 2022

2. Recommendations

2.1. The Committee is asked to approve the following recommendations:-

- (1) that the revised South Lanarkshire Council Anti-social Behaviour Policy, attached as Appendix 1, be endorsed;
- (2) that the revised policy be submitted to Executive Committee on 2 February 2022 for approval; and
- (3) that, if approved, the revised policy be implemented with effect from 1 March 2022.

3. Background

- 3.1. The current policy relating to Anti-social Behaviour was introduced by Housing and Technical Resources in September 2013 and was developed in accordance with relevant legislation and regulatory requirements at that time.
- 3.2. The policy aligns with the current and previous South Lanarkshire Anti-social Behaviour Strategy, approved by Executive Committee. As required by the Anti-social Behaviour (Scotland) Act 2004, the strategy sets out how the Council and its community safety partners will tackle key anti-social behaviour issues across South Lanarkshire.
- 3.3. On 17 February 2021, Housing and Technical Resources Committee approved the 2021/2022 Policy Review Schedule, which confirmed that a full review of the Council's Anti-social Behaviour Policy would take place during 2021/2022.
- 3.4. A key focus of the review is to ensure that the policy is fully compliant with updated or new legislative and regulatory requirements. In addition, the review also considers the Council's overall approach to tackling anti-social behaviour and how it is managed across different services.

4. Pre-Consultation Stage

4.1. During the pre-consultation stage, to support the development of a consultative draft, the following actions were taken:-

- ◆ an evaluation of the current policy against a range of criteria derived from the priorities and objectives specified within the policy, and legal and regulatory requirements
- ◆ a review of other Scottish Local Authority anti-social behaviour policies and procedures
- ◆ discussions with services and partners within the Anti-social Partnership Strategy Implementation Group to determine current issues
- ◆ a review of the feedback received from those with lived experience of anti-social behaviour who have used Council and partner services

4.2. The comments received and views expressed during the pre-consultation stage were taken into account and informed the consultative draft policy.

5. Summary of Key Changes from Current Policy

5.1. It is proposed that the revised policy will continue to focus on the prevention and management of anti-social behaviour, with the following key changes:-

- ◆ a clearer explanation of what is and what is not deemed as anti-social behaviour
- ◆ a greater focus on preventing anti-social behaviour and ensuring a person-centred approach when supporting victims of anti-social behaviour
- ◆ reference to the 2014 amendments of the Housing (Scotland) Act 2001, stipulating that the policy applies to tenants, residents, household members and visitors to their home
- ◆ inclusion of the legal power of granting a Short Scottish Secure Tenancy to new or existing tenants who have a history of anti-social behaviour as specified within the 2014 amendments of the Housing (Scotland) Act 2001
- ◆ a continued emphasis on enforcement actions under both the Misuse of Drugs Act 1971 and Psychoactive Substances 2016 legislation
- ◆ a new section added in relation to the streamlined eviction process, outlining the criteria and process involved
- ◆ the specific mention of domestic abuse with reference to the sensitivity and support required to victims and actions against perpetrators

6. Key Features of the Revised Policy

6.1. The revised policy sets out the approach the Council will take in managing anti-social behaviour whilst taking account of both new and updated legislative and regulatory requirements.

6.2. The policy sets out a number of key aims and objectives that are consistent with the Council's vision to:-

- ◆ protect vulnerable children, young people and adults
- ◆ tackle disadvantage and deprivation
- ◆ promote sustainable communities

6.3. The revised policy is closely aligned with the South Lanarkshire Anti-Social Behaviour Strategy and aims to ensure that the work of the Council contributes to the strategic outcomes jointly agreed with our partners and stakeholders.

- 6.4. The approach continues to be based upon ‘problem solving’, founded upon working collaboratively with community safety partners across all areas of South Lanarkshire. There are six key aims and objectives to the Council’s approach as detailed in the table below:-

Prevention	The Council will work with partners to prevent anti-social behaviour from happening, to create strong and sustainable communities.
Intervention	The Council will ensure that early and effective interventions are in place to deal with problems as soon as they happen. All interventions will be fair and consistent.
Enforcement	Where anti-social behaviour is evidenced, the Council will take appropriate and proportionate enforcement actions against those involved
Rehabilitation	The Council will work to ensure that those involved in anti-social behaviour modify their behaviour to stop or reduce incidences occurring and to increase levels of tenancy or accommodation sustainment.
Community Involvement	The Council will ensure community engagement and stakeholder feedback remain central to achieving objectives. The Council will encourage “supportive” communities where individuals take responsibility for their actions and realise the impact they have on others.
Support	Working with partners, the Council will support victims of anti-social behaviour and provide opportunities for those involved in anti-social behaviour to be supported to modify their behaviour.

- 6.5. The revised policy also aims to encourage people experiencing or witnessing anti-social behaviour to report the issue, aiding the Council and its partners to gather important evidence. The policy also aims to further enhance communication during anti-social behaviour investigations between the Council and those affected by anti-social behaviour.
- 6.6. The full revised policy is contained within Appendix 1.

7. Formal Consultation Process

- 7.1. A consultative draft Anti-social Behaviour Policy was issued for formal consultation from Monday 23 August to Friday 22 October 2021. The consultative draft policy was published on the Council’s website, together with an online questionnaire, which was developed to guide responses in relation to the following key aspects of the policy:-
- ◆ the aims and objectives of the policy
 - ◆ the Council’s problem-solving approach to anti-social behaviour
 - ◆ the management of anti-social behaviour, ensuring that appropriate and proportionate action is taken at the right time
- 7.2. The questionnaire also gave respondents the opportunity to provide any additional comments or highlight any areas they felt were missing from the policy.

- 7.3. In addition to the launch of the online questionnaire, a range of consultation events and presentations or discussions with existing interested groups were taken forward by officers, including:-
- ◆ South Lanarkshire Tenant Participation Co-ordination Group
 - ◆ South Lanarkshire Disability Partnership Housing Sub-group
 - ◆ Seniors Together
 - ◆ South Lanarkshire Access Panel
 - ◆ Safer South Lanarkshire Steering Group
 - ◆ Homelessness Strategy Group
 - ◆ Local Problem-Solving Groups
- 7.4. Views were also sought from a number of specialist organisations who offer support and advice to vulnerable individuals and groups across South Lanarkshire, including Victim Support and Women's Aid.
- 7.5. As part of the consultation process, a special Elected Member Awareness Session was held on 4 October 2021. This aimed to provide elected members with an overview of the key changes proposed in the review and the opportunity to ask senior officers questions and comment on the draft.
- 7.6. As part of the consultative process, a peer review process was completed with Fife Council and East Ayrshire Council. Both organisations reviewed the consultative draft and provided comments and recommendations.
- 7.7. In addition to feedback from elected members, through the consultation, 102 responses were received from both individuals and organisations. In summary, from the online questionnaire:-
- ◆ 79% of respondents agreed with the proposed aims and objectives of the policy
 - ◆ 75% of respondents agreed with the problem-solving approach detailed in the policy
 - ◆ 94% of respondents agreed that the Council should intervene as early as possible
 - ◆ 93% of respondents agreed with the proposed enforcement approach detailed within the policy
 - ◆ 79% of respondents agreed with the proposed approach to drug offences detailed within the policy
- 7.8. Views and comments received throughout the consultation were considered and incorporated as appropriate to inform the preparation of the finalised policy.
- 8. Next Steps**
- 8.1. Subject to endorsement by Housing and Technical Resources Committee, the revised Anti-social Behaviour Policy will be presented to Executive Committee for approval on 2 February 2022.
- 8.2. Following Executive Committee approval, the revised policy will be implemented from 1 March 2022.
- 8.3. In preparation for the revised policy being implemented, a review and update of existing procedures and documentation will be completed, ensuring alignment with changes to the policy.
- 9. Employee Implications**
- 9.1. There are no employee implications associated with this report.

10. Financial Implications

10.1. There are no financial implications associated with this report.

11. Climate Change, Sustainability and Environmental Implications

11.1. This report does not introduce a new policy, function or strategy which impacts on the natural environment, climate change or sustainability.

11.2. A Strategic Environmental Assessment (SEA) pre-screening determination was completed as part of the review of the South Lanarkshire Council Anti-social Behaviour Policy. The assessment confirmed that there is no requirement to complete a SEA.

12. Other Implications

12.1. There are no other implications as a result of this report.

12.2. The content of this report will contribute to the evidence to support the requirements of the Annual Assurance Statement.

13. Equality Impact Assessment and Consultation Arrangements

13.1. Consultation on the draft Anti-social Behaviour Policy took place between 23 August and 22 October 2021. During this time a range of key stakeholders, including tenants and other customers, partner agencies and external organisations were given the opportunity to comment on the proposed policy. The views and comments received have significantly contributed to the shape the finalised policy document.

13.2. An equality impact assessment has been carried out on the recommendations contained within this report and where identified, remedial action has been taken. The assessment is that the proposals do not have any adverse impact on any part of the community covered by equalities legislation or on community relations. The results of the assessment will be published on the Council's website.

Daniel Lowe

Executive Director (Housing and Technical Resources)

25 November 2021

Link(s) to Council Values/Objectives

- ◆ Focused on people and their needs
- ◆ Protect vulnerable children, young people and adults
- ◆ Support communities by tackling disadvantage and deprivation and supporting aspiration

Previous References

- ◆ Housing and Technical Resources Policy Review Schedule 2021/22, Housing and Technical Resources Committee, 17 February 2021.

List of Background Papers

- ◆ South Lanarkshire Anti-Social Behaviour Strategy 2019-23
- ◆ South Lanarkshire Council Anti-Social Behaviour Policy

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

Annette Finnan, Head of Housing Services

E-mail: annette.finnan@southlanarkshire.gov.uk

South Lanarkshire Council Anti-social Behaviour Policy

Contents

1. Introduction
2. Aims and objectives
3. The council's approach
4. Anti-social Behaviour Services
5. Management of anti-social behaviour
6. Comments and complaints
7. Monitoring and review
8. Access to information
9. Information Sharing Protocols
10. Equal opportunities

If you or someone you know needs this information in another language or format, please contact us to discuss how we can best meet your needs.

Phone: 0303 123 1015

Email: equalities@southlanarkshire.gov.uk

Website www.southlanarkshire.gov.uk

1. Introduction

- 1.1 The Council's Anti-social Behaviour Policy is based upon the definition of anti-social behaviour, set out in the Anti-social Behaviour etc (Scotland) Act 2004, which defines anti-social behaviour as:-
 1. *"A person ("A") engages in anti-social behaviour if A:-
 - 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 as A; and "anti-social behaviour shall be construed accordingly".*
- 1.2 South Lanarkshire Council as a local authority and the Chief Constable of Police Scotland have a statutory obligation to prepare a strategy for dealing with anti-social behaviour in the authority's area. Within the council, Housing and Technical Resources has lead responsibility for responding to anti-social behaviour.
- 1.3 Anti-social behaviour may include but is not limited to the following: noise disturbance; harassment, verbal abuse, violence, hate crimes, vandalism, graffiti, banned or terrorist flags or banners and being concerned in drug related activity. Where acts of criminality are involved Police Scotland are the lead investigating agency, however the council will work individually and collaboratively with partners to tackle these issues.
- 1.4 Although potentially annoying or inconsiderate, generally the following are not likely to be deemed as anti-social behaviour: children playing, people gathering socially, general banging of doors, DIY, general domestic living noise, staring/facial expressions or parking issues. This is not an exhaustive list.
- 1.5 Anti-social behaviour in the housing context relates to incidents from within a residential property, from communal or shared areas or from within garden areas or structures. In addition, anti-social behaviour "in the locality" of a home will be considered where the location of the behaviour occurs within the wider neighbourhood.
- 1.6 This policy applies in the housing context across all housing tenures including owner occupiers, private tenants, tenants of registered social landlords and council tenants. It also applies to all household members and visitors to their homes.
- 1.7 Any abuse (verbal, physical or otherwise) made against or toward council employees whilst carrying out their duties will be viewed seriously. Action will be taken against those identified as responsible for the abuse through the relevant council policy. Further information on these can be found on the council's website at www.southlanarkshire.gov.uk.
- 1.8 The Anti-social Behaviour Policy sets out the approach South Lanarkshire Council (the council) will take when managing anti-social behaviour. Tenants of registered social landlords (commonly known as Housing Associations) or private landlords affected by anti-social behaviour should contact their landlord in the first instance.
- 1.9 This policy is closely aligned with the South Lanarkshire Anti-social Behaviour Strategy and aims to ensure that the work of the council contributes to the strategic outcomes noted below which were jointly agreed with our partners and stakeholders:-
 - Alcohol related anti-social behaviour and drug misuse
 - Deliberate secondary refuse fires
 - Domestic noise
 - Littering (including household items/waste)
 - Disorder

- 1.10 The policy was developed in accordance with the requirements of a range of relevant legislation, including:-
- the Misuse of Drugs Act 1971
 - Civic Government (Scotland) Act 1982
 - Environmental Protection Act 1990
 - Crime and Disorder Act 1998,
 - The Regulation of Investigatory Powers (Scotland) Act 2000
 - Anti-social Behaviour etc. (Scotland) Act 2004
 - Housing (Scotland) Act 2001 (as amended in 2014)
 - Psychoactive Substances Act 2016.
 - The Adult Support and Protection (Scotland) Act 2007
 - The Children (Scotland) Act 1995
 - Equality Act 2010
- 1.11 The policy is consistent with the council's vision to improve the quality of life of everyone in South Lanarkshire, in particular to support the protection of vulnerable children, young people and adults.
- 1.12 It also aligns with and reflects Community Planning priorities and partnership working to promote safe and sustainable communities where people want to live.
- 1.13 The council's approach is based upon "problem solving". This is founded upon working collaboratively with community safety partners to facilitate an effective multi-agency approach.
- 1.14 Community Safety Hubs provide a regular forum through which partners come together to ensure a joint approach to identifying and monitoring persons responsible and "hotspot areas" for anti-social behaviour; agreeing joint actions to tackle ongoing issues, engaging with those involved and signposting to diversionary activities where appropriate.
- 1.15 The way in which the council tackles anti-social behaviour will be appropriate and proportionate, taking into account the individual needs and circumstances of those involved. The council is clear however that where necessary it will take strong and effective enforcement action to protect the interests of victims and the wider communities, while ensuring that it supports and assists those experiencing anti-social behaviour.

2. Aims and objectives

2.1 The council is committed to providing accessible and responsive anti-social behaviour services based on seven core objectives:-

- Services which are easy to access
- Services which are provided at a high quality
- Services that effectively deal with hate crime and hate incidents
- Services which are informed by community engagement
- Services that effectively and clearly communicate
- Services that work in partnership with other organisations
- Services that are provided equally

2.2 These aims and objectives are to ensure:-

Prevention – The council will work with our partners to prevent anti-social behaviour from happening, to create strong and sustainable communities.

Intervention – The council will ensure that early and effective interventions are in place to deal with problems as soon as they happen. All interventions will be fair and consistent.

Enforcement – Where anti-social behaviour is evidenced, the council will take appropriate and proportionate enforcement actions against those involved.

Rehabilitation – The council will work to ensure that those involved in anti-social behaviour modify their behaviour to stop or reduce incidences occurring and to increase levels of tenancy or accommodation sustainment.

Community Involvement – The council will ensure community engagement and stakeholder feedback remain central to achieving all our objectives. The council will encourage supportive communities where individuals take responsibility for their actions and realise the impact they have on others.

Support – Working with our partners, the council will support victims of anti-social behaviour and provide opportunities for those involved in anti-social behaviour to be supported to modify their behaviour.

3. The Council's Approach

- 3.1 The council and its partners take a “problem solving” approach to tackling anti-social behaviour. This involves bringing a wide range of agencies together (including the council, Police Scotland, Scottish Fire and Rescue Service, the South Lanarkshire Health and Social Care Partnership, Community Justice Partnership, Victim Support and other Third Sector partners) to consider individual cases and trends and to co-ordinate responses to best address the incident or issue.
- 3.2 Operational procedures support the policy and set out a range of processes to ensure that there is consistency in approach, and that all tenants and residents are treated fairly and sensitively.
- 3.3 The council recognises the sensitivities involved for neighbours who report or are subject to complaints of anti-social behaviour and are committed to respecting the privacy of all those involved.
- 3.4 The council will make every effort to ensure that the identities of those involved in anti-social behaviour cases are not disclosed to other members of the community; however, the nature of the complaint or other agency involvement may mean neighbours or other parties will realise who the complainer may be.
- 3.5 Officers will treat all complaints in confidence, however if a complaint escalates, confidentiality may not always be maintained. This action would be explained to and agreed with the complainer.
- 3.6 The “problem solving” approach will utilise all tools available to the council and its partners to take effective and early interventions or enforcement actions to deal with anti-social behaviour.
- 3.7 There are four key aspects of the council's approach:-
 - Prevention
 - Early Intervention
 - Person Centred Support
 - Enforcement
- 3.8 **Prevention**
 - 3.8.1 The council works with partners to deliver educational and diversionary programmes to schools and youth groups which clearly outline potential consequences of involvement in anti-social behaviour and promote positive alternative life choices.
 - 3.8.2 The Community Safety Hubs provide a regular forum through which partners come together to ensure a joint approach to identifying and monitoring areas identified as “hotspots” for anti-social behaviour, engaging with those involved, signposting to diversionary activities or taking other preventative actions.
 - 3.8.3 Where addresses or locations of concern are identified at the regular partnership meetings, a joint multi-agency action plan will be agreed to tackle issues raised taking into account individual circumstances and needs of each case.
 - 3.8.4 The Council's Community Wardens will engage with communities, gather information and intelligence, and provide support to residents. This may include deploying mobile CCTV vehicles to act as a deterrent and provide public reassurance.

3.8.5 For council tenants, Housing Officers and Investigation Officers will ensure tenants and residents are aware of their obligations in relation to anti-social behaviour, in line with their tenancy agreement.

3.8.6 Housing support will be provided to vulnerable tenants and to those with identified support needs to help achieve the best outcomes including tenancy sustainment.

3.9 **Early Intervention**

3.9.1 Where a resident reports anti-social behaviour to the council, the council is committed to intervening at the earliest stage. The purpose of early intervention is to stop behaviours and disputes escalating.

3.9.2 Early personal contact and ongoing effective communication using a range of methods will take place with residents who report anti-social behaviour, to those subject of the complaint, and to residents who may have witnessed incidents.

3.9.3 Instances of low-level anti-social behaviour complaints; primarily complaints relating to 'lifestyle clashes' or 'inconsiderate behaviour', with no enforceable solution; will be referred to the council's Mediation Service to resolve and avoid potential escalations.

Officers will be clear when referring or concluding mediation cases that no formal resolve is available, to encourage residents to commit to the process, accept responsibility and identify and achieve positive outcomes.

Mediation, when used appropriately, can open positive channels of communication between residents, encourage residents to share their perspective of what has been happening, highlight the impact of the behaviours and then facilitate a mutually agreeable way forward for all parties.

Mediation can also equip residents with the skills required to deal with any future disputes to ensure early interventions prevent any further escalations.

3.10 **Person Centred Support**

3.10.1 Residents may face a range of different challenges in relation to anti-social behaviour which will reflect their diverse range of needs and circumstances.

3.10.2 There could be a variety of reasons why residents (both complainers and those responsible for anti-social behaviour) might be regarded as vulnerable; including age, disability, physical and mental health, developmental or addiction issues.

3.10.3 In addition, residents may also be vulnerable due to other life circumstances such as domestic abuse, trauma, being care experienced or other personal experiences.

3.10.4 Officers are unable to discuss life circumstances or vulnerabilities with neighbours or other residents involved but will work with other council services and partner agencies to ensure the most effective personal supports are offered to all parties involved. This includes trauma informed practice.

3.10.5 When working with vulnerable residents, a tailored approach on a case-by-case basis will be taken to suit individual circumstances and needs. This will involve working closely with other council services and partner agencies to ensure that vulnerable residents are provided with or signposted to appropriate support services, advice and guidance.

3.10.6 Where domestic abuse occurs within council tenancies, the council will work within the legislative framework to ensure victims receive appropriate support. The council will provide support services or signpost to support, those subjected to domestic abuse who wish to remain in their own home. Where appropriate, legislative powers and legal remedies will be used to protect the rights of those subjected to domestic abuse. This could include legal remedies that exclude the offending partner from a tenancy.

3.11 **Enforcement**

3.11.1 Where anti-social behaviour has been sufficiently evidenced, the council is committed to take appropriate and proportionate action against those involved.

3.11.2 The council will endeavour to resolve anti-social behaviour quickly and effectively.

3.11.3 For low-level anti-social behaviour or inconsiderate behaviour, enforcement action may not be appropriate. For these cases the council will seek resolution through referral to the Mediation Service, utilising the Community Warden Service or by providing relevant advice and assistance.

3.11.4 The council has a range of measures it can take when anti-social behaviour has been sufficiently evidenced and formal action is required. This can include, (but is not limited to):-

- issue of verbal and written warnings
- issue of Acceptable Behaviour Contracts or Unacceptable Behaviour Notices
- obtaining Anti-social Behaviour Orders (ASBOs) or Interim ASBOs.
- converting the tenancy to a Short Scottish Secure Tenancy (South Lanarkshire Council tenants only)
- obtaining Criminal Anti-social Behaviour Orders (CRASBOs)
- liaising with Police Scotland in relation to criminal acts
- referrals to other council services to take relevant action including Landlord Registration
- issuing fixed penalty notices for dog fouling, littering, fly-tipping or noise
- legal action to recover a tenancy (South Lanarkshire Council tenants only)

3.11.5 The council aims to address the problem of drug related offences committed in or in the locality of council properties. Police Scotland remain the lead agency in all acts of alleged criminality, including drug related offences and the council will not interfere in or predict the outcomes of any police enquiries or legal processes when carrying out its role.

3.11.6 The potential consequences for council tenants or members of their household convicted of offences under the Misuse of Drugs Act 1971 include action to recover possession of a tenancy or impose other council led sanctions.

3.11.7 The council will always consider action following conviction for these offences; however, each case will take into account individual circumstances:-

- Section 5(3) Possession of a controlled drug with intent to supply
- Section 4(3)(a) Supply of a controlled drug
- Section 4 (3) (b) Being concerned in the supply of a controlled drug
- Section 4(2)(a) Production of a controlled drug

Convictions for other offences under the Misuse of Drugs Act 1971, including for example, possession of a controlled drug, and other criminal offences committed at or within the locality of a council tenancy may also lead to punitive action and/or eviction proceedings.

3.11.8 The potential consequences for council tenants or members of their household convicted of offences under the various sections of the Psychoactive Substances Act 2016 detailed below are aligned with the actions noted at 3.11.6 and 3.11.7 above for convictions under the Misuse of Drugs Act 1971:-

- Section 4 – Produce an illegal psychoactive substance
- Section 5 – Supply/offer to supply an illegal psychoactive substance (there is no offence in relation to possession for personal use)
- Section 6 – Aggravate an offence under section 5 (in the vicinity of a school, using a person under 18 years of age or in a custodial institution)
- Section 7 – Possess with intent to supply
- Section 8 – Import or export an illegal psychoactive substance

3.11.9 For other cases of serious or persistent anti-social behaviour involving council tenants, the council will consider taking action to repossess the tenancy.

3.11.10 In addition to existing eviction grounds contained within the Housing (Scotland) Act 2001, the Housing (Scotland) Act 2014 introduced a Streamlined Eviction process, whereby offending by a tenant or resident, anyone else living in or visiting the property, who has been convicted of an offence punishable by imprisonment within the previous 12 months, can result in the tenant being considered for eviction utilising the specific Streamlined Eviction process.

3.11.11 Streamlined Eviction removes the court's discretion to consider whether it is reasonable to grant an eviction order. The court must grant an eviction order where it is satisfied that:-

- (i) there is a ground for recovery of possession set out in paragraph 2 of schedule 2 to the Housing (Scotland) Act 2001; and
- (ii) the council has given regard to the statutory requirements; and
- (iii) the notice of proceedings was served within 12 months of the conviction (or when the appeal was disposed of).

4. Anti-social Behaviour Services

4.1 Joint Problem Solving Unit

A dedicated Joint Problem Solving Unit is responsible for supporting services through statistical analysis, and, for the co-ordination of the overall integrated approach to tackling anti-social behaviour throughout South Lanarkshire. The unit also co-ordinates the council's partnership approach through the Community Safety Hubs and local Problem Solving Groups. The unit consists of:-

- Anti-social Investigation Team
- Mediation Service
- Community Warden Service

4.2 Anti-social Investigation Team

4.2.1 The specialist Anti-social Investigation Team investigates complaints of anti-social behaviour across South Lanarkshire, including those within or relating to council housing, owner occupied properties and private rented properties. Anti-social behaviour issues impacting tenants of other Registered Social Landlords operating within South Lanarkshire will be managed by the relevant Registered Social Landlord.

4.2.2 The team investigates serious and complex cases of anti-social behaviour and works closely with other community safety partners. The Anti-social Investigation Team is predominantly responsible for:-

- Investigating incidents of anti-social behaviour
- Gathering evidence
- Preparing a case for enforcement action
- Providing support to victims and accessing specialist support from Victim Support
- Accessing other support services for individuals as required, including from Housing Support, commissioned services and those within health and social care.
- Seeking effective and sustained resolutions
- Monitoring trend information relating to anti-social behaviour hotspots
- Liaising with relevant services, including Housing Services and Legal Services to progress serious cases for court action
- Installing and monitoring temporary CCTV cameras in areas identified as potential hotspots for anti-social behaviour, supporting the work of the Public Space CCTV Service.

4.3 Mediation Service

4.3.1 The council's dedicated Mediation Service is confidential, impartial and free to all residents within South Lanarkshire.

4.3.2 Specially trained and accredited mediators work with residents to open positive lines of communication, explore any issues that are being experienced and then help both parties understand the impact that their actions may be having. Mediators then assist both parties to identify a mutually agreeable way forward.

4.3.3 The service relies on voluntary participation from two or more parties who have a desire to resolve issues.

- 4.3.4 Mediation is an informal voluntary process and always maintains the principle of confidentiality. Information discussed with mediators or between parties cannot be shared with other services or agencies or used for evidential purposes in a formal investigation. If agreement is reached, a written copy of outcomes agreed will be provided to both parties.
- 4.3.5 Mediation can be offered in different formats. Joint mediation is where parties sit together. Alternatively, shuttle mediation is where both parties are in separate locations and mediators will go between to try to resolve the issues.
- 4.3.7 Agreements made have no legal enforcement standing. However, mediation can be very successful in resolving disputes surrounding domestic living or lifestyle noise such as noise from domestic appliances, children or pets.

4.4 Community Warden Service

4.4.1 The Community Warden Service provides a presence in designated areas which have been identified through partnership information sharing, Community Safety hub discussions and locally identified issues.

4.4.2 Community Wardens complete routine patrols, supported by specialist CCTV equipped vehicles within designated areas in order to:-

- Promote community safety
- Help reduce the fear of crime
- Provide high visibility public reassurance
- Engage with local residents to help promote community relations
- Pro-actively engage with Police Scotland and other partners to address ongoing and emerging issues
- Support anti-social behaviour investigations by gathering effective intelligence and evidence

4.5 Local Housing Teams

4.5.1 Where a complaint is received involving a council tenant, Housing Officers provide the first point of contact by phone, email or in person for residents.

As part of their wider responsibilities, Housing Officers will:-

- receive and acknowledge complaints of anti-social behaviour
- make every effort through written correspondence and personal contact to contact residents to obtain details of the complaint and establish other relevant information such as vulnerabilities or other agencies involved
- undertake initial investigations to evidence a complaint and secure an early resolution
- ensure that council tenants are aware of and adhere to their tenancy obligations
- issue warnings where appropriate and proportionate
- provide support or arrange for specialist support to be provided to victims of anti-social behaviour
- access support services for individuals as required, including Housing Support, and support from commissioned services and health and social care

- ensure appropriate supports are in place for those affected by, or those involved in, anti-social behaviour
- make referrals to the Joint Problem Solving Unit where anti-social behaviour complaints or issues are identified as being complex or serious
- liaise with relevant services, including Legal Services, to progress serious cases for court actions

4.6 Environmental Services

- 4.6.1 Environmental Services provide a range of solutions to tackle incidents that are recognised as anti-social behaviour. This includes domestic noise within or surrounding domestic properties of all tenures across South Lanarkshire.
- 4.6.2 Officers from the Environmental Services Noise Team can act as professional witnesses to ongoing noise disputes.
- 4.6.3 Officers from the Environmental Services Noise Team can utilise Noise Monitoring Equipment for noise related anti-social behaviour, where other means of gathering evidence are not available or appropriate.
- 4.6.4 If noise monitoring equipment is used, the council will operate within legislative frameworks, and this includes notifying the subject of complaints of the proposed use. These frameworks exist within the Environmental Protection Act 1990 (as amended by the Anti-social Behaviour (Scotland) Act 2004) and Regulation of Investigatory Powers (Scotland) Act 2000.
- 4.6.5 Environmental Services enforcement officers conduct targeted patrols throughout South Lanarkshire to investigate allegations of littering, dog fouling, stray dogs, abandoned vehicles and fly-tipping.
- 4.6.6 Environmental Services operate to an approved Enforcement Policy in relation to environmental anti-social behaviour and decisions are primarily informed by this policy. Further details of this policy can be found on the council's website at www.southlanarkshire.gov.uk.

4.7 Private landlords

- 4.7.1 Private landlords are responsible for managing and responding to anti-social behaviour within their properties. Where a landlord does not take any action then the council will remind the landlord of their obligations. If the landlord does not effectively engage to tackle anti-social behaviour from their tenant, a referral will be made to the Council's Landlord Registration Team for further action. This can include removal from the South Lanarkshire Landlord Registration Scheme.

5. Management of anti-social behaviour

- 5.1 It is recognised by the council that to effectively tackle anti-social behaviour it needs to work closely with its community safety partners and residents of South Lanarkshire due to the vast range and complexity of factors involved. The council is therefore committed to working closely with residents and its partners to support communities to take a stance against anti-social behaviour, encouraging co-operation, responsibility and positive relationships.
- 5.2 To effectively tackle anti-social behaviour, the council will ensure any action taken is proportionate to the level of anti-social behaviour occurring and takes account of good practice as well as legislative and regulatory requirements.
- 5.3 An impartial, sensitive and confidential approach will be maintained by council officers throughout the course of managing anti-social behaviour complaints.
- 5.4 The council will respond promptly to complaints of anti-social behaviour or neighbour disputes. In the event of exceptional circumstances, procedures and timescales may be affected and subject to change. If this should happen, the council will promote any service changes required to residents, aiming to provide clear direction and detail on how services can be contacted.
- 5.5 Officers dealing with anti-social behaviour will provide victims and others affected by anti-social behaviour with the highest possible quality of advice, assistance and support. Victims and those affected by anti-social behaviour will be kept informed of progress and action taken throughout the process.
- 5.6 The council will ensure individuals who are victims of anti-social behaviour which is motivated by malice, discrimination or prejudice are provided with services and support which are tailored to their needs.
- 5.7 The council will regularly consult with stakeholders and residents to ensure that the services it provides to tackle anti-social behaviour are appropriate and effective. The council will aim to ensure that communities are aware of the services available within the council and through its community safety partners, utilising feedback and engagement to improve services delivered.
- 5.8 Officers from the Joint Problem Solving Unit will work with the council's community safety partners and local housing teams, facilitating regular Community Safety Hub meetings to ensure holistic multi-agency action plans are agreed for appropriate anti-social behaviour occurrences in each locality. Hub meetings will also identify potential hotspots and act to ensure effective early interventions are put in place to avoid problems escalating.
- 5.9 In line with the council's Housing Allocation Policy, the council will apply a suspension to an application for housing where anti-social behaviour is under investigation or has been established in relation to the applicant or member of their household. Reviews will take place in line with the council's Housing Allocation Policy. The council will consider a history of up to 36 months (suspension timescale subject to nature and severity of the anti-social behaviour) for anti-social behaviour when considering whether a suspension from the housing register is appropriate.
- 5.10 The council will consider granting a Short Scottish Secure Tenancy to a new or existing tenant if there has been established anti-social behaviour within the previous three years.

- 5.11 For thorough and successful investigations to take place, the council is reliant on the co-operation of those involved and will work with all parties involved to establish all the relevant facts.
- 5.12 Officers dealing with anti-social behaviour will liaise with partners if appropriate and proportionate to confirm information relating to an investigation. At all times officers will adhere to the terms of the Information Sharing Protocols in place between the council and its partners, and work within legislative frameworks. When information is required from external services or partners, a time delay may occur in the investigation process.
- 5.13 At the conclusion of an investigation, Officers will consider the range of outcomes available to them. For formal enforcement action to be taken, sufficient impartial evidence must be obtained and corroborated during the investigation process.
- 5.14 The council will ensure outcomes of complaints made are provided to the parties involved where possible, to ensure a full explanation has been given and explain options available. This will be followed up by written correspondence to confirm unless those involved have requested for this not to take place.
- 5.15 Where no or insufficient evidence of anti-social behaviour has been established, or for low-level anti-social behaviour involving potential lifestyle clashes or inconsiderate behaviours, consideration will be given to offering a referral to the Mediation Service.
- 5.16 More serious or complex cases of anti-social behaviour from within or surrounding council properties, and from owner occupied properties or privately rented properties will be referred to the Anti-social Investigation Team. This team will work closely with landlords, owners and other relevant internal and external agencies to resolve anti-social behaviour issues reported.
- 5.17 Where a complainer or subject of a complaint disagrees with the actions taken at the outcome of an investigation, either party has the right to submit an appeal. Appeals should be submitted within 10 working days of the outcome being notified. Details of the process will be contained within the outcome letters sent to all parties.

6. Comments and complaints

- 6.1 The council is committed to providing high quality services to customers. Any customer dissatisfied with any aspect of the service has the right to make a complaint through the council's comments and complaints scheme.

Further information on the comments and complaints scheme can be found on the council's website at www.southlanarkshire.gov.uk.

- 6.2 If, after making a complaint, a customer continues to be dissatisfied with the service that they have received, a further complaint can be made to the Scottish Public Services Ombudsman. The Ombudsman will only consider complaints of injustice or hardship as a result of maladministration or service failure.

- 6.3 The address of the Scottish Public Services Ombudsman is:-

Bridgeside House
99 McDonald Road
Edinburgh
EH7 4NS (Freepost SPSO).

Further information on how to contact the SPSO can be found at www.spsso.org.uk.

7. Monitoring and review

- 7.1 In relation to monitoring anti-social behaviour, the council will continue to prepare regular monitoring reports in order to benchmark performance against its peers and provide performance information through statutory returns.
- 7.3 The reports on performance will be provided to a range of forums, including:-
- Housing and Technical Resources Committee,
 - Resource Management Team
 - South Lanarkshire Community Safety Partnership groups
 - Tenants and Residents groups
- 7.4 The council will also submit reports on performance to the Scottish Housing Regulator (SHR) in order to comply with the regulatory requirements set out by the Scottish Housing Regulator Framework.
- 7.5 This policy will be reviewed in line with the Housing and Technical Resources Policy Review Schedule or when significant changes to any relevant legislation or national or local policies occur.

8. Access to information

8.1 Any information that is held regarding an individual must be treated lawfully and correctly in line with the safeguards outlined in the General Data Protection Regulation 2016 (GDPR) which requires data to be:-

- Lawfully, fairly and transparently processed
- Processed for limited purposes
- Adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed
- Accurate and kept up to date
- Kept no longer than the period necessary
- Kept securely against unauthorised or unlawful processing and protected against accidental loss, destruction or damage.

8.2 The processing shall be carried out in a way that ensures compliance with the rights of data subjects, including:-

- The right to be informed
- The right of access
- The right to rectification
- The right to erasure (so far as applicable)
- The right to restrict processing
- The right to data portability (so far as possible)
- The right to object to processing (including profiling); and
- The right not to be subject to fully automated decision making including profiling

8.3 When customers contact the council or any partner agency to make a report of anti-social behaviour, they do so in reasonable expectation of privacy and it would be unreasonable to release that third party's personal data. This means that the council cannot provide data relating to another person to other customers. This is because the right of access has been restricted (Paragraph 16 of Schedule 2 of the Data Protection Act 2018).

8.4 Further information is available by viewing the following council publications:-

- Privacy Policy
- Data Sharing Policy
- Information Security Policy
- Information Compliance Policy

These publications are available on the council's website at www.southlanarkshire.gov.uk.

9. Information Sharing Protocol

- 9.1 Section 139 of the Anti-social Behaviour etc. (Scotland) Act 2004 grants the power to release information to a relevant authority where that is necessary for the purposes of any measure in the 2004 Act or any piece of legislation which relates to tackling anti-social behaviour.
- 9.2 The council will always adhere to the principles of the Data Protection Act 2018 and information provided in relation to an anti-social behaviour case will always remain confidential – except where failure to share details with our partners could endanger any person, or where the council is required to do so by law.
- 9.3 The council has robust Information Sharing Protocols between partners to tackle anti-social behaviour. To share, information needs to be necessary and relevant. Information Sharing Protocols are managed and signed by appropriate senior level authorised signatories in accordance with Data Protection laws.
- 9.4 The protocols clarify the information that can be shared; proactive information sharing, what information the council can share with police and other services and methods that the information can be shared.

10. Equal opportunities

- 10.1 South Lanarkshire Council has an Equality and Diversity Policy which is committed to the principle that everyone has the right to be treated with dignity and respect. The Anti-social Behaviour Policy is consistent with the requirement of the Equality and Diversity Policy and ensures that the council acts fairly and lawfully in all that it does. The council does not discriminate against residents in any way on the grounds of age, disability, gender, gender identity (reassignment), marriage and civil partnership, pregnancy and maternity, race, religion or belief or sexual orientation.
- 10.2 To support this and as part of the development of the policy, an equality impact assessment has been completed to ensure that the policy is inclusive and does not unfairly disadvantage any of the particular groups detailed above. A copy of the impact assessment relating to this policy is available on the council's website at www.southlanarkshire.gov.uk. The council will continue to monitor the policy to ensure that it achieves all equalities objectives set.
- 10.3 If a customer feels that they have been treated unfairly in terms of the policy they have the right to make a complaint. Section 6 provides further details on how a customer can do this.