

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL COMMITTEE - 26 OCTOBER 2006

ANTISOCIAL BEHAVIOUR

Report by Executive Director of Neighbourhood Services

1. PURPOSE OF REPORT

- 1.1** The purpose of the report is to respond to a request for information regarding the re-housing of families with known antisocial behaviour issues.

2. BACKGROUND

- 2.1** At a meeting of the Committee on 24 August 2006, the Committee agreed to request that a report be submitted to a future meeting on Antisocial Behaviour. In particular, concerns were raised about re-housing families with known antisocial behaviour issues into communities, and how these families are monitored by the local authority, and if the community into which the families are housed are provided with any advice as to how to deal with them.

3. ALLOCATIONS POLICY

- 3.1** In accordance with the Housing (Scotland) Act 2001, everyone applying for housing has to be accepted onto the Housing list. There may be grounds to defer or suspend an application, but the guideline is that there has to be good reason to do so.
- 3.2** In general, where a household has been evicted for antisocial behaviour, they will not be considered for re-housing for a period of time thereafter. The notional period is 5 years, however, Communities Scotland guidance on this matter indicates that fixed periods of exclusion may be inappropriate as the recent behaviour and contextual situation of the applicant(s) needs to be taken into account.
- 3.3** Where there have merely been reports of antisocial behaviour and no action has previously been taken to terminate the tenancy, there would be limited grounds to suspend an applicant for an extended period. Where an individual member of a household was guilty of, or deemed to be responsible for antisocial behaviour, it would be considered to be unreasonable to exclude an entire household from re-housing.
- 3.4** If a family presents as Homeless, and they have previously been evicted for antisocial behaviour, they will be considered to be Intentionally Homeless. The local authority will have a duty to provide temporary accommodation, but will not have a duty to provide permanent accommodation. It is possible that

this will change by 2012 when it is proposed that all Homeless applicants will be entitled to permanent re-housing.

- 3.5** If a family presents as Homeless and they have previously been evicted for antisocial behaviour, and there are children in the family, then there is a duty on the local authority to ensure that the accommodation needs of the children are being provided for, in accordance with the Children's Act 1995. The need to ensure the welfare of the child may over-ride other concerns regarding the behaviour of the family. Each case would have to be considered on an individual basis.
- 3.6** It is standard procedure for previous tenancy details to be checked, and for references to be taken up for non-Council tenants or from tenants applying from outwith the district. It is, however, not guaranteed that all relevant information will be provided, albeit there is a question which specifically addresses the conduct of the applicant.

4. TENANCY SUPPORT

- 4.1** In the event that it was deemed to be appropriate, or necessary, to re-house a family where there was a known history of antisocial behaviour, there may be an option to restrict the tenant to a Short Scottish Secure Tenancy (SSST) which could be terminated after 6 months if the tenancy was not being conducted in an appropriate manner.
- 4.2** Where an SSST was agreed there would, automatically, be Tenancy Support arranged, to closely monitor the conduct of the tenancy and provide the support required to guide the tenant towards a pattern of appropriate behaviour. The consequences of failing to adhere to the tenancy conditions, which included being a good neighbour, would be made clear and reiterated to the tenant for the duration of the support.

5. NOTIFICATION OF CONDUCT ISSUES TO THE WIDER COMMUNITY

- 5.1** It would not be considered appropriate to notify the wider community about the previous conduct of a tenant. The tenant could, quite reasonably, argue that such an approach would be prejudicial to their prospects of sustaining a tenancy and may be in breach of both Data Protection and Human Rights legislation.
- 5.2** The Scottish Executive and the Council have promoted the availability of the Antisocial Behaviour Service to respond to issues arising in the community. There are a range of options available to deal with antisocial behaviour, ranging from Antisocial Behaviour Orders (ASBOs) to Closure Orders and eviction. All suitable remedies are considered to bring about the earliest and most appropriate resolution to the problem.

6. RECOMMENDATIONS

6.1 The Committee are recommended to:-

- (i) note the content of the report

William Stafford
Executive Director of Neighbourhood Services

October 2006

LIST OF BACKGROUND PAPERS

East Ayrshire Council House Allocations Policy
East Ayrshire Council Homelessness Policy
East Ayrshire Antisocial Behaviour Strategy

Any person wishing to inspect the background papers listed above should telephone 01563 554873 and ask for Gerry Darroch or contact gerry.darroch@east-ayrshire.gov.uk