

# **Antisocial Behaviour**

**Advice and Information  
for Owner Occupiers or  
Tenants of Private  
Landlords**

**The following advice is for owner occupiers or tenants of private landlords on how to deal with antisocial behaviour.**

**Housing Association and Aberdeenshire Council tenants can seek advice from their housing association or their local Council Housing Officer.**

**This leaflet looks specifically at Antisocial Behaviour Orders “ASBOs” and how these can help to address antisocial behaviour in the community.**

**More information on ASBOs and other powers available under the Antisocial Behaviour etc. (Scotland) Act 2004 can be obtained from [www.antisocialbehaviourscotland.com](http://www.antisocialbehaviourscotland.com)**

**A**ntisocial behaviour can come in many forms and can create misery for those who are subjected to it. Some of the types of behaviour that can be classed as 'antisocial' include vandalism, graffiti, littering, nuisance behaviour, misuse of drugs, verbal abuse and noise nuisance.

The 2004 Act extended existing legislation and introduced number of new powers and measures to deal with antisocial behaviour, including:

- Improved laws on ASBOs so that they are now available for anyone aged 12 or over.
- Interim ASBOs can also now be granted against an individual aged 12 or over.
- New statutory powers of arrest for breach of an ASBO.
- Improved powers for Police Officers and Aberdeenshire Council staff to issue Fixed Penalty Notices for littering and fly-tipping.
- New powers for Councils to issue notices for the removal of graffiti from certain items of street furniture.
- Powers for Police Officers to deal with people who are involved in antisocial behaviour in trouble spots through the use of new dispersal powers.
- Powers for the courts and the police to close premises if a person has been involved in antisocial behaviour on the premises within the last three months.
- Powers for Aberdeenshire Council or the Principal Reporter to apply to the Court for a 'Parenting Order' to address the behaviour of parents who deliberately or recklessly fail their child or children.
- Extension of Restriction of Liberty Orders so that they are now available for people aged 12 and above.
- New ban on the sale of spray paint to under 16's.

## *Antisocial Behaviour Orders*

The 2004 Act enables Aberdeenshire Council to apply for an Antisocial Behaviour Order (ASBO) following consultation with Grampian Police. An ASBO can be used in cases involving both privately owned accommodation and all types of rented accommodation. The Local Authority does not have to apply for an ASBO and will only do so if they consider it appropriate after considering the circumstances and any alternative measures which may or may not have been tried. An ASBO cannot be granted for persons under 12 years of age. If the Council agrees to apply for an ASBO they have to demonstrate to a Sheriff that such an order is necessary. Before the Council will consider an ASBO application, it must be satisfied that other approaches to tackling the antisocial behaviour are thought to be inappropriate or have proven unsuccessful.

Such approaches may include mediation, Acceptable Behaviour Contracts and warning letters, where appropriate.

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We recognise that all Aberdeenshire residents have the right to enjoy life in their own way, provided their lifestyle does not interfere with their neighbour's enjoyment of their own home. A good neighbour will be considerate in their actions, not disturb others and will tolerate and understand the different lifestyles of others. However, If you have a problem with a neighbour you may wish to consider the following:

### *Reflect*

Talk over the situation with a person you trust, giving them the full facts. In some cases you may realise that you have not been realistic in your expectations of your neighbours, or you may have been the initial cause of the problem and you may have inflamed the situation.

## *Communicate*

You may wish to speak to your neighbour to try and resolve your differences. If you feel you cannot speak to your neighbour then write to them explaining how you feel and offer to forget the problem and move on. If you do choose to write to your neighbour, make sure the letter is both friendly and reasonable. Irrespective of how obvious the problem is to you, they may not realise how their actions are affecting you.

## *Correspond*

If the problem does not improve, send your neighbour a letter clearly setting out your concerns in a straightforward way and without making threats. Keep a copy of the letter, which should be dated.

## *Record Everything*

You should keep a written record of all acts of antisocial behaviour, including any actions taken by you. This should be done carefully, so as not to inflame the situation. The record should contain the date, time and nature of the incident and, where known, who committed the antisocial act and details of anyone who may have witnessed the event.

## *Mediation*

If the problem persists you can consider mediation. There are professionals who will act as mediators to try to resolve the issue for you. This service is free to you through Aberdeenshire Council. The Aberdeenshire Community Mediation Service can be contacted through your local housing office.

## *Acceptable Behaviour Contracts*

These contracts have proved extremely effective for getting individuals and families to take responsibility for and ownership of unacceptable behaviour. They are a relatively new concept in this area and details are available through your local housing office. These

contracts focus on the problems and require the perpetrators of antisocial behaviour to sign up to and agree to stop all antisocial activity. An Acceptable Behaviour Contract (“ABC”) is a voluntary written agreement between the person displaying the antisocial behaviour (and in the case of a young person, his or her parent or guardian) and one or more local agencies responsible for preventing such behaviour. Examples of local agencies are the police, education and housing and social work services. Although ABCs cannot be enforced, they can act as a strong deterrent from committing further antisocial behaviour.

## *Legal Options*

Find out what legislation there is in relation to the problem. If it is a noise issue, advice on the options open to you is available from Aberdeenshire Council’s Environmental Health Service. You may wish to contact the Principal Environmental Health Officer for your area (see contact details below).

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If it is a tenancy problem, your landlord should be consulted for help. For traffic or parking issues you should contact Grampian Police.

## *Contact the Authorities*

If the antisocial behaviour persists and if it is a noise complaint, you should contact the Environmental Health Service, as they have officers who can investigate your complaint and have powers to deal with the noise nuisance. For criminal offences you should contact Grampian Police. If you are a tenant, consult your landlord who should have procedures for dealing with any antisocial tenants. If your landlord fails to respond, the Council has powers to act. In these circumstances, you should contact the Environmental Health Service.

## *Police Involvement*

If you find it necessary to call the Police you should keep a record of the date and time of the incident, the name of the officer dealing with your complaint and any reference number assigned to your complaint. You should also record what action they took in relation to your complaint. Criminal offences, such as vandalism, disturbance, assaults, etc., should be reported to the police. For all non-emergency calls contact Grampian Police on **0845 600 5 700**.

## *Landlord*

If you have a landlord you should keep them updated on the problem and they should follow their own procedures for dealing with nuisance. This may include warning letters to the offending neighbour or individual, if the offending neighbour is also a tenant of the landlord. If the landlord fails or refuses to deal with the complaint you should contact the Council's Environmental Health Service for further advice on the Local Authority's powers to deal with such matters. You may also contact the Housing Service's Antisocial Behaviour Support Officers, who may be able to advise you of your options.

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## *Warnings / Interdicts*

When problems persist and it is clear that your neighbour is unlikely to respond to reasonable requests from you to stop their antisocial behaviour, you should consult your solicitor. In the first instance he may write a letter to your neighbour. This may be followed by the raising of an interdict. Interdicts may be obtained from a Sheriff following the presentation of evidence by you or your legal representative.

## *Other Evidence*

Where possible you should gather other evidence of antisocial behaviour. This may include photographic or video evidence. Any evidence must be gathered legally.

## *Witness Statements*

You should record details of witnesses who can back-up or confirm the antisocial behaviour. Such statements should contain the name and address of the witness, date and time of the incident together with details of the antisocial behaviour.

## *Evidence from other Agencies*

When other agencies are involved you should find out the details of the individual who attended and what action they took, for example, a police officer, an Environmental Health Officer, or a Housing Official.

## *Antisocial Behaviour Orders*

If you wish to establish whether the Council may consider pursuing an ASBO against your neighbour or some other person you should write to the Housing Officer (Antisocial Behaviour Support) for your area, providing a summary of the evidence you have.

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The Council would require you to indicate what steps you have taken so far to resolve the issue. An appointment may be made for you to discuss the problem with a member of staff trained to deal with such issues. It may be possible to address the problems you have been experiencing through the use of other measures, such as mediation or an ABC, and these options would need to be considered before the Council would pursue an application for an ASBO.

Before the Council can pursue an ASBO they will have to be satisfied there is sufficient evidence to put before the Sheriff. The Council will respond to you in writing.

Your local Housing Officer (Antisocial Behaviour Support) can be contacted on the following numbers and addresses:

### **Inverurie**

Housing Office, Gordon House,  
Blackhall Road, Inverurie, AB51 3WA  
Tel: 01467 620981

### **Peterhead**

Baltic House, 51 Broad Street,  
Peterhead, AB42 1JL  
Tel: 01779 477363

## ***General Information***

If the Council is to pursue an ASBO they have to first prove to a Sheriff in the Sheriff Court that such an order is required. The Sheriff will need to be satisfied that all other reasonable steps have been taken to resolve the issue.

If the Council agrees to proceed with an ASBO application all the evidence will be passed to the Council's Law and Administration Service, who will pursue legal action through the Sheriff Court, provided that there is sufficient evidence. The time scales from then on are not within the control of the Council and in some cases may be lengthy. Although an ASBO is a civil order made in the Civil Court, breach of the order is a criminal offence. Any breach should be reported to the police. Breach of an order can result in a fine, imprisonment or both.

Aberdeenshire Council's **Housing Service** can be contacted on the following numbers and addresses:

### **Fraserburgh**

Housing Office, 55 Mid Street  
Fraserburgh, AB43 9EP  
Tel: 01343 586300

### **Banff**

Housing Office, 32 Low Street  
Banff, AB45 1AY  
Tel: 01261 813259

### **Peterhead**

Housing Office, 51 Broad Street  
Peterhead, AB42 1JL  
Tel: 01779 483226

### **Inverurie**

Housing Office, Gordon House  
Blackhall Road, Inverurie, AB51 3WA  
Tel: 01467 628352

### **Stonehaven**

Housing Office, 16/22 Allardice Street  
Stonehaven, AB39 2BR  
Tel: 01569 768563

### **Huntly**

Housing Office, 25 Gordon Street  
Huntly, AB54 8EQ  
Tel: 01466 794121

Aberdeenshire Council's **Environmental Health Service** can be contacted on the following numbers and addresses:

## **Marr**

Environmental Health,  
Aboyne Area Office, Bellwood Road  
Aboyne, AB34 5HQ  
Tel: 013398 87373

## **Kincardine & Mearns**

Environmental Health,  
Viewmount, Arduthie Road, Stonehaven  
Tel: 01569 768213

## **Formartine**

Environmental Health,  
Municipal Buildings, High Street, Turriff  
Tel: 01888 563417

## **Garioch**

Environmental Health,  
Gordon House, Blackhall Road  
Inverurie, AB51 3WA  
Tel: 01467 628140

## **Banff & Buchan**

Environmental Health,  
1 Kirk Brae, Fraserburgh  
Tel: 01346 586323

## **Buchan**

Environmental Health  
60 Broad Street, Peterhead  
Tel: 01779 483250

The Antisocial Behaviour  
Support Officers  
can be contacted via  
Aberdeenshire Council  
on 01467 620981.

A large print version of this  
leaflet is available on request.