

**ANGUS COUNCIL**

**NEIGHBOURHOOD SERVICES COMMITTEE - 15 JANUARY 2009**

**REPORT BY THE DIRECTOR OF NEIGHBOURHOOD SERVICES**

**SERIOUS AND PERSISTENT ANTI-SOCIAL BEHAVIOUR – HILLVIEW, BRECHIN**

**Abstract:**

**This report outlines the action carried out jointly by the Community Safety Team, Housing Division and Tayside Police to tackle complaints of serious and persistent anti-social behaviour in a housing development in Brechin**

**1. RECOMMENDATION**

- 1.1 It is recommended that the Committee note the content of this report.

**2. BACKGROUND**

- 2.1 The Antisocial Behaviour etc. (Scotland) Act 2004 came into effect on 28th October 2004. This legislation required each local authority and relevant chief constable to jointly prepare, publish and implement a strategy to tackle anti-social behaviour within their local authority area.

The Angus Anti-Social Behaviour Strategy was published and implemented in February 2005. It outlines the commitment by Angus Council and Tayside Police to protect the community from the effects of antisocial behaviour and to protect the rights of everyone to feel safe and secure in their home.

**3. PROBLEM / ACTION TAKEN**

- 3.1 In June 2008 an emerging significant anti-social behaviour problem was identified in a local authority housing development in, Brechin, where a group of individuals were alleged to be intimidating, harassing and threatening residents; subjecting persons to racist abuse; housebreaking; stealing property; vandalising property and holding frequent parties with excessive noise where alcohol and illegal drugs were being abused.

Community intelligence indicated that residents were scared to report incidences for fear of reprisal. Several of the households believed to be suffering from significant anti-social behaviour are of non British nationality, and the majority have difficulty in communicating in the English language.

Housing Division information showed that five households, the majority of whom were of non British nationality, had made application for accommodation on the grounds of homelessness from their council tenancy in the development in question due to allegedly suffering from threats and serious anti-social behaviour committed by this group of individuals.

- 3.2 A multi-agency meeting was held with relevant partners where a plan of joint positive action was agreed.
- 3.3 Throughout the three months following the meeting, Angus Council Community Safety Team, Angus Council Community Housing Team and Police carried out extensive work in the area in order to gain the confidence of the community and victims of the ongoing anti-social behaviour. This included positive action by police where evidence was available, dedicated foot patrols by Community Wardens, investigative work by the Community Safety Team Anti-Social Behaviour Investigations Unit and Housing Officers, and deployment of an overt public space CCTV camera.
- 3.4 This work encouraged victims to come forward and report incidences of anti-social and criminal behaviour. These reports enabled the identity of the main perpetrators to be

obtained, however difficulty still continued to be encountered on most occasions in gaining corroborative evidence to allow positive action to be taken.

- 3.5 As all normal methods to gain evidence had been exhausted, and lack of corroborative proof still existed, permission by the Community Safety Team was sought and granted under the Regulation of Investigatory Powers (Scotland) Act 2000 to install covert camera equipment at two key locations within the housing development.
- 3.6 Over a period of two months this equipment recorded excellent quality footage of serious and persistent anti-social and criminal behaviour, involving disorder; fireraising to the endangerment of persons residing within tenement block of housing; housebreaking; vandalism and persistent excessively loud music and noise. From the images recorded four individuals were identified, two of whom are council tenants. One of the tenants was already subject to an Anti-Social Behaviour Order for a period of five years, as a result of committing serious conduct at another location in Angus where acts of intimidation, harassment and vandalism were carried out against a household.
- 3.7 All relevant evidence of criminal acts was handed over to Police to determine whether criminal proceedings should be raised. This resulted in three of the individuals being arrested. Two of them are currently subject to solemn criminal proceedings (serious crime tried before a Sheriff or High Court Judge together with a jury) for fireraising with potential endangerment to life; one these two has been imprisoned for housebreaking and the third individual has received a non-custodial sentence for housebreaking.
- 3.8 The fourth individual, the person subject to the anti-social behaviour order, was arrested for disorder committed against another household within the housing development and other offences. He was sentenced to five months in prison.
- 3.9 Police also gained evidence against one of the individuals for racial abuse, of a number of residents within the housing development. This matter is the subject of outstanding criminal proceedings. The person subject to these proceedings is a council tenant and also one of the individuals who has outstanding criminal proceedings against them for fireraising.
- 3.10 Interim Anti-Social Behaviour Orders have been obtained against two of the individuals. Both are council tenants. The orders prohibit a wide range of behaviour by both individuals. The individual subject to the anti-social behaviour is prevented from entering the housing development, and the other tenant, who is currently subject to specific criminal court bail conditions is prevented from entering two blocks of housing within the housing development, including where his own tenanted property is located. These actions were all taken to protect individuals and households within this community.

In the two cases where Interim orders were granted, civil court proceedings are continuing with a view to obtaining full anti-social behaviour orders against these individuals for a minimum period of three years with conditions covering desisting from a wide range of behaviour and to cover the local authority area of Angus, to protect residents against any future conduct by these persons.

Discussions have been ongoing with the Community Safety Team legal representative and evidence is still being gathered against the other two individuals with a view to obtaining anti-social behaviour orders against them to prevent any repetition of their behaviour.

- 3.11 Proceedings to obtain decree for recovery of possession of the properties occupied by both individuals who are council tenants have been instigated.
- 3.12 Since the co-ordinated actions were taken against the identified individuals, reports of anti-social and criminal behaviour in the housing development has considerably decreased. Feedback from the community has been very positive. Work will carry on to ensure that this continues.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 There are no financial implications for the Council arising directly from the information contained within this report.

## **5. HUMAN RIGHTS IMPLICATIONS**

- 5.1 All implications, particularly with regard to Article 1 of the First Protocol, protection of property and Article 8, the right to respect for private and family life, have been considered in preparation of this report.

## **6. SINGLE OUTCOME AGREEMENT**

- 6.1 This report contributes to the following local outcome contained within the Single Outcome Agreement for Angus.

Outcome 9:- We live our lives from crime, disorder and danger:-

- Communities in Angus are safe, secure and vibrant.

## **7. EQUALITIES IMPLICATIONS**

- 7.1 The issues dealt within this report have been the subject of consideration from an equalities perspective. No impact assessment is required.

## **8. CONSULTATION**

- 8.1 The Chief Executive, Directors of Corporate Services and Infrastructure Services, Head of Finance and the Head of Law and Administration have been consulted in the preparation of this report.

## **9. CONCLUSION**

- 9.1 Anti-Social behaviour blights communities and creates a destabilising effect which if not addressed can seriously affect the quality of life of individuals as well as the reputation of communities. Angus Council has made it clear that where behaviour is not modified the full scope of the law will be used to tackle unacceptable behaviour. In the circumstances outlined within this report, repeated efforts were made to get the persons responsible to modify their behaviour without success. This resulted in legal action being sought to protect the community and the rights of everyone to feel safe and secure in their home.

**RON ASHTON  
DIRECTOR OF NEIGHBOURHOOD SERVICES**

**NOTE:** No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to a material extent in preparing the above Report.

**Hsg/NS/AMcK/KJ**