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## Housing and Community Safety Committee

Tuesday, 25 June 2024

**NOTICE IS HEREBY GIVEN** that a Meeting of the **Housing and Community Safety Committee** is to be held at **Council Chambers, Council Office, High Street, Elgin, IV30 1BX** on **Tuesday, 25 June 2024** at **09:30**.

### BUSINESS

1 **Sederunt**

2 **Declaration of Group Decisions and Members Interests \***

3 **Resolution**

Consider, and if so decide, adopt the following resolution:  
"That under Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting for Item 12 of business on the grounds that it involves the likely disclosure of exempt information of the class described in the relevant Paragraphs of Part 1 of Schedule 7A of the Act."

4 **Minute of meeting dated 7 May 2024**

7 - 12

5 **Written Questions \*\***

6 **Moray Affordable Housing Investment Programme**

13 - 20

Report by Depute Chief Executive (Economy, Environment and Finance)

7 **Antisocial Behaviour Policy**

21 - 82

Report by Depute Chief Executive (Economy, Environment and Finance)

8	<b>Allocations Policy Annual Performance Report 2023-24</b> Report by Depute Chief Executive (Economy, Environment and Finance)	83 - 92
9	<b>Performance Report (Housing and Property Services) - Period to March 2024</b> Report by Depute Chief Executive (Economy, Environment and Finance)	93 - 100
10	<b>Housing and Property and Economic Growth and Development Services - Service Plans 2024-25</b> Report by Depute Chief Executive (Economy, Environment and Finance)	101 - 114
11	<b>Housing and Property Services - Unaudited Outturn as at 31 March 2024</b> Report by Depute Chief Executive (Economy, Environment and Finance)	115 - 124

**Item(s) which the Committee may wish to consider with the Press and Public excluded**

- |    |  |
|----|--|
| 12 | <b>Building Services Trading Operation Budget 2023-24 - Budget Monitoring [Para 9]</b> |
|----|--|
- 9. Information on terms proposed or to be proposed by or to the Authority;

**Information Reports - Not for Discussion at this Meeting**

Any member wishing to call in a noting or information report from one meeting shall give notice to Committee Services at least 48 hours before the meeting for which the report is published. The Notice shall be countersigned by one other elected member and shall explain the reason for call in including any action sought.

## **Summary of the Housing and Community Safety**

### **Committee functions:**

To deal with matters relating to Housing/HMOs, Housing Regeneration, Homelessness, Social Inclusion, Equalities, Community Safety, Anti-Social Behaviour (including road accidents) and Community Liaison.

### **Watching the Meeting**

You can watch the webcast live by going to:

[http://www.moray.gov.uk/moray\\_standard/page\\_43661.html](http://www.moray.gov.uk/moray_standard/page_43661.html)

Webcasts are available to view for 1 year following the meeting.

You can also attend the meeting in person, if you wish to do so, please come to the High Street entrance door and a member of staff will be let into the building.

## GUIDANCE NOTES

- \* **Declaration of Group Decisions and Members Interests** - The Chair of the meeting shall seek declarations from any individual or political group at the beginning of a meeting whether any prior decision has been reached on how the individual or members of the group will vote on any item(s) of business on the Agenda, and if so on which item(s). A prior decision shall be one that the individual or the group deems to be mandatory on the individual or the group members such that the individual or the group members will be subject to sanctions should they not vote in accordance with the prior decision. Any such prior decisions will be recorded in the Minute of the meeting.
  
- \*\* **Written Questions** - Any Member can put one written question about any relevant and competent business within the specified remits not already on the agenda, to the Chair provided it is received by the Proper Officer or Committee Services by 12 noon two working days prior to the day of the meeting. A copy of any written answer provided by the Chair will be tabled at the start of the relevant section of the meeting. The Member who has put the question may, after the answer has been given, ask one supplementary question directly related to the subject matter, but no discussion will be allowed.

No supplementary question can be put or answered more than 10 minutes after the Council has started on the relevant item of business, except with the consent of the Chair. If a Member does not have the opportunity to put a supplementary question because no time remains, then he or she can submit it in writing to the Proper Officer who will arrange for a written answer to be provided within 7 working days.

# MORAY COUNCIL

## Housing and Community Safety Committee

### SEDERUNT

Councillor Amber Dunbar (Chair)  
Councillor Donald Gatt (Depute Chair)

Councillor James Allan (Member)  
Councillor Neil Cameron (Member)  
Councillor John Divers (Member)  
Councillor Jérémie Fernandes (Member)  
Councillor David Gordon (Member)  
Councillor Juli Harris (Member)  
Councillor Sandy Keith (Member)  
Councillor Marc Macrae (Member)  
Councillor Paul McBain (Member)  
Councillor Shona Morrison (Member)  
Councillor Derek Ross (Member)  
Councillor John Stuart (Member)  
Councillor Sonya Warren (Member)

Ms Alison Angus (Non-Voting Member)  
Ms Jane Bartecki (Non-Voting Member)  
Ms Elizabeth McKnockiter (Non-Voting Member)

Clerk Name:	Lissa Rowan
Clerk Telephone:	07765 741754
Clerk Email:	committee.services@moray.gov.uk



**Minute of Meeting of the Housing and Community Safety Committee**

**Tuesday, 07 May 2024**

**Council Chambers, Council Office, High Street, Elgin, IV30 1BX**

**PRESENT**

Councillor James Allan, Ms Alison Angus, Ms Jane Bartecki, Councillor Neil Cameron, Councillor John Divers, Councillor Amber Dunbar, Councillor Jérémie Fernandes, Councillor Donald Gatt, Councillor David Gordon, Councillor Sandy Keith, Councillor Scott Lawrence, Councillor Marc Macrae, Councillor Paul McBain, Ms Elizabeth McKnockiter, Councillor Shona Morrison, Councillor Derek Ross, Councillor John Stuart

**IN ATTENDANCE**

Depute Chief Executive (Economy, Environment and Finance), Head of Housing and Property Services, Acting Head of Economic Growth and Development, Environmental Health and Trading Standards Manager, Property Services Manager, Housing Services Manager, Housing Strategy and Development Manager, Housing Needs Manager, Building Services Manager, Ms D Murray, Senior Housing Officer, Mrs G Anderson, Senior Solicitor and Mrs L Rowan, Committee Services Officer as Clerk to the Committee.

**1 Chair**

Councillor Dunbar, being Chair of the Housing and Community Safety Committee, chaired the meeting.

**2 Declaration of Group Decisions and Members Interests**

In terms of Standing Order 21 and 23 and the Councillors' Code of Conduct, there were no declarations from Group Leaders or Spokespersons regarding any prior decisions taken on how Members will vote on any item on the agenda.

Councillor Dunbar declared an interest in Item 10 "Moray Affordable Housing Investment Programme" stating that she could potentially have a future interest in the Acquisitions Programme and stated that she would leave the Chamber during consideration of this item and that Councillor Gatt would assume the role of Chair.

There were no further declarations of Member's interests in respect of any item on the agenda.

**3 Resolution**

The Committee resolved that under Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting for the items of business detailed below, on the grounds that it involves the likely disclosure of exempt information of the class described in the relevant Paragraphs of Part 1 of Schedule 7A of the Act.

Paragraph Number of Minute	Paragraph Number of Schedule 7a and Reason
10	9 - Information on terms proposed or to be proposed by or to the Authority.

#### **4 Minute of meeting dated 13 February 2024**

The Minute of the meeting of the Housing and Community Safety Committee held on 13 February 2024 was submitted and approved.

#### **5 Written Questions**

The Committee noted that no written questions had been submitted.

#### **6 Community Safety Strategy Annual Report 2023**

The Committee had before it a report by the Depute Chief Executive (Economy, Environment and Finance) providing information on the Community Safety Annual Report 2022/23.

During discussion surrounding the identified hotspots of antisocial behaviour in Elgin, it was noted that the Annual Report listed these as the Town Centre, Cooper Park, and Alexandra Road. It was presumed that Alexandra Road referred to the Bus Depot, and there was a request for this to be clearly stated in the report to reassure the public about the targeted efforts of the Anti-Social Behaviour (ASB) Task and Finish Group in these areas.

In response, the Environmental Health and Trading Standards Manager agreed to this request.

During further discussion, it was noted that the root of antisocial behaviour often stems from poverty, and it was queried whether a representative from the Income Maximisation Team or the Benefits Team could be included in the Moray Community Safety Strategic Group (CSSG).

In response, the Environmental Health and Trading Standards Manager advised that she would extend an invitation to both the Income Maximisation Team and the Benefits Team to join the CSSG.

Following consideration, the Committee unanimously agreed to:



- i) note the findings of the annual report subject to references to Alexandra Road being changed to the Bus Depot;
- ii) approve the recommendations within the report as set out in paragraph 3.7; and
- iii) that a representative from the Income Maximisation Team and the Benefits Team be invited to join the Moray Community Safety Strategic Group.

## **7 Evaluation of Tenancy Sustainment Fund**

The Committee had before it a report by the Depute Chief Executive (Economy, Environment and Finance) detailing the review and evaluation of the Tenancy Sustainment Fund (TSF), which was active during the rent campaign in March 2024, and is now seeking approval to establish it on a recurring basis.

During discussion, Councillor Gatt raised concern that 1 in 6 tenants appeared to be in rent arrears and encouraged further engagement with tenants to establish any underlying reasons. Councillor Gatt supported the use of the Tenant Sustainment Fund as a positive way to reduce rent arrears however moved that recommendation 2.1 iii) be amended to "approve the establishment of a TSF for financial year 2024/25 with a review in the next financial year, in line with the principles set out in paragraphs 4.5 and 4.9". This was unanimously agreed.

Thereafter, the Committee unanimously agreed to:

- i) note the review and evaluation of the Tenancy Sustainment Fund (TSF) as detailed in Section 4 of the report;
- ii) note the reduction in rent arrears achieved in March 2024 as detailed in paragraph 4.7 of the report;
- iii) approve the establishment of a TSF for financial year 2024/25 with a review in the next financial year, in line with the principles set out in paragraphs 4.5 and 4.9 of the report; and
- iv) delegate authority to the Head of Housing and Property to extend protections under the rent harmonisation approach for adversely impacted tenants and for discretion in applying a further rent-free period in 'week 53', as set out in paragraph 4.10 of the report.

## **8 Tenant Participation Strategy 2024-2029**

The Committee had before it a report by the Depute Chief Executive (Economy, Environment and Finance) presenting the revised draft Tenant Participation Strategy (2024-2029) for approval, following a recent consultation with tenants.

Following consideration, the Committee unanimously agreed to:

- i) note the feedback received during the consultation period;

- ii) approve the revised draft Tenant Participation Strategy 2024-2029 for implementation as set out in Appendix I of the report; and
- iii) note that there were no changes made to the Integrated Impact Assessment (IIA) at Appendix II of the report, following the consultation.

## **9 Housing Investment 2024-25**

Under reference to paragraph 8 of the Minute of the meeting of Moray Council dated 28 February 2024, a report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of the planned investment work included within the Housing Investment Programme 2024-25, for which budget had been approved.

Following consideration, the Committee unanimously agreed to:

- i) note the planned works which will improve the Council's Housing stock;
- ii) approve the improvement actions detailed in Appendix II of the report; and
- iii) delegate authority to the Head of Housing and Property, in consultation with the Chief Financial Officer and Chair of this Committee, to bring forward budgetary provision from future years in line with capacity to deliver per paragraph 4.2 of the report.

## **10 Moray Affordable Housing Investment Programme**

Councillor Dunbar, having declared an interest in this item, left the meeting at this juncture and Councillor Gatt, being Depute Chair of the Committee, assumed the role of Chair.

Under reference to paragraph 9 of the Minute of the meeting of this Committee dated 13 February 2024, a report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of progress on the Affordable Housing Investment Programme in Moray.

During discussion surrounding the new phases of the Banff Road Development in Keith, it was queried whether the Elected Members could visit the site near completion to better understand modern technologies being used in homes such as air source heating.

In response, the Housing Strategy and Development Manager agreed to arrange for Elected Members to attend a site visit to the Banff Road Development in Keith near completion of the development.

Following consideration, the Committee unanimously agreed:

- i) to note the resource planning assumption received from the Scottish Government and its implications for the development programme;
- ii) to note progress on the Moray Affordable Housing Investment Programme;

- iii) to note progress on delivery of housing at Bilbohall, Elgin;
- iv) to note progress on the delivery of the Council's new build and acquisition programme; and
- v) that arrangements be made for Elected Members to attend a site visit to the Banff Road Development in Keith near completion of the development.

Councillor Dunbar re-joined the meeting at this juncture.

## **11 Building Services Trading and Operation Budget 2024-25 - Annual Budget [Para 9]**

Under reference to paragraph 9 of the Minute of the meeting of this Committee dated 9 May 2023, a report by the Depute Chief Executive (Economy, Environment and Finance) presented the Building and Services Trading Operation Budget for 2024/25.

Following consideration, the Committee unanimously agreed to:

- i) approve the proposed Building Services Trading Operation Budget for 2024/25, as detailed in section 5 and Appendix I of the report;
- ii) approve the service development proposals at a cost of £235k as detailed in section 6 of the report;
- iii) note the 2024/25 Building Services business priorities highlighted in section 7 of the report; and
- iv) note the Building Services anticipated key performance outputs for 2024/25, as set out in section 8 of the report.






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**REPORT TO: HOUSING AND COMMUNITY SAFETY COMMITTEE ON 25  
JUNE 2024**

**SUBJECT: MORAY AFFORDABLE HOUSING INVESTMENT PROGRAMME**

**BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND  
FINANCE)**

**1. REASON FOR REPORT**

- 1.1 To inform the Committee of progress on the Affordable Housing Investment Programme in Moray.
- 1.2 This report is submitted to Committee in terms of Section III G (10) of the Council's Scheme of Administration relating to the preparation and implementation of strategic housing plans.

**2. RECOMMENDATION**

**2.1 It is recommended that the Committee:-**

- i) notes the resource planning assumption received from the Scottish Government and its implications for the development programme; and**
- ii) notes the outcomes from the engagement with partners and stakeholders detailed in paragraphs 4.5 & 4.6 and approves the proposed prioritisation of the Housing Investment Programme set out in Appendix I.**

**3. BACKGROUND**

- 3.1 The Council receives an annual resource planning assumption (RPA) from the Scottish Government's More Homes Division to fund the supply of new affordable housing in Moray. The Council's Strategic Housing Investment Plan (SHIP) determines how this funding will be used to plan and deliver the affordable housing priorities of the Local Housing Strategy. The investment and project priorities set out in the SHIP form the basis of an annual Strategic Local Programme Agreement (SLP) between the Council and the Scottish Government. The SLP details the projects that will be funded during the year, the affordable housing developers who will deliver them, the targets for grant expenditure and the milestones by which progress on delivery will

be measured. The Council and Registered Social Landlords (RSLs) are the principal developers of affordable housing in Moray.

- 3.2 On 21 November 2023, this Committee approved the Council's SHIP (para 9 of the Minute refers).
- 3.3 On 13 February 2024, this Committee was advised of the likelihood that the previously advised RPA would be reduced for 2024/25 (para 9 of the Minute refers) and agreed a rationale for reprioritisation and reprofiling of projects anticipated to start during 2024/25/26. The agreed priorities are:
- corporate and strategically important projects, i.e. Bilbohall; Speyview, Aberlour;
  - supported housing for people with learning disabilities i.e. Woodview2, Lhanbryde; Western Village, Elgin South;
  - Growth Deal and Levelling Up Fund Housing Mix Project developments i.e. South Street/High Street, Elgin; Dallas Dhu, Forres;
  - NHS key worker housing, to be agreed following the publication of NHS Housing Need Assessment currently in development; and
  - Open market acquisition of long-term empty homes.
- 3.4 On 7 May 2024, this Committee was advised that, as anticipated, the RPA for 2024/25 had been substantially reduced to £6.556m (para 10 of the draft Minute refers).

#### **4. MORAY STRATEGIC LOCAL PROGRAMME (SLP)**

##### **Resource Planning Assumption 2024/25 (RPA)**

- 4.1 On 28 March 2024, Moray Council received notification of the RPA for 2024/25, i.e. £6.556m. This RPA is reduced from that expected and detailed in Para 3.2 above but is consistent with reductions in RPA across Scotland following the Scottish Government budget announcement on 19 December 2023.
- 4.2 On 22 May 2024 the Scottish Government advised that the RPA had been increased slightly to £6.758m for 2024/25. There is no indication of RPA for 2025/26 or beyond.
- 4.3 At the time of writing, the distribution of the funds announced by the First Minister on 26 April 2024, i.e. additional £80m over two years, has not yet been finalised by the Scottish Government. It is understood that these additional funds are to be used for open market purchases only, not new build development.
- 4.4 The following tables illustrate the affordable housing programme where construction has already commenced, or where the project fits with the prioritisation previously agreed, and where the 2024/25 RPA has not been exceeded:

Currently under construction

Site	Town	No of units	Landlord	Completion date (est)
Banff Road Phase 2	Keith	26	Moray Council	Jan 2025
Kinneddar Meadows	Lossiemouth	10	Osprey Housing	Jul 2024
Speyview Phase 1	Aberlour	39	Moray Council	Jun 2025
Findrassie Ph2b	Elgin	16	Grampian HA	Sept 2024
Western Village, Elgin South	Elgin	44	Grampian HA	TBC
<b>Total</b>		<b>135</b>		

Site start expected during 2024/25

Site	Town	No of units	Landlord	Site start (est)
High St/ South St redevelopment	Elgin	38	Places for People	Nov 2024
Bilbohall Phase 1 (R2)	Elgin	TBC	Moray Council	Jan 2025
<b>Total</b>		<b>TBC</b>		

- 4.5 Officers completed programme of engagement with partners and stakeholders key to the delivery of the affordable housing programme, to discuss the implications for them of the reduced RPA and uncertainty regarding future years.
- 4.6 In summary, through this engagement programme, it has become clear that there are some conflicting priorities competing for a finite amount of funding, but where potential solutions could be a combination of:
- determining organisations' capacity to front fund development, i.e. consider the increased borrowing costs until Scottish Government grant can be accessed;
  - phasing/rephasing of development; and
  - considering alternative sources of funding.
- 4.7 The detail of how each development previously planned to start during 2024/25 and 2025/26 are potentially impacted along with the outcomes from those engagement discussions are set out in **APPENDIX I**.
- 4.8 Officers will continue to maintain a substantial shadow programme of developments. Should additional grant funding become available, officers will be able to bring a project(s) forward from the shadow programme, in accordance with the priorities agreed by this Committee in May 2024 (para 10 of the draft Minute refers) and set out in Para 3.3 above.
- 4.9 Progress on programme delivery will be reported to this Committee on a biannual basis.

## **5. BILBOHALL**

- 5.1 The R7 site which forms part of the Bilbohall Masterplan (formerly The Firs), is not part of the planning application currently under consideration. However, the existing buildings at The Firs continue to attract antisocial behaviour and vandalism. The site has been secured with Heras fencing, but occasional antisocial behaviour has caused nuisance to the neighbouring homeowners at Fairfield Avenue.
- 5.2 Officers have instructed the Bilbohall design team to develop a feasibility study providing options for development. This feasibility study has provided 5 options which include a combination of retention/demolition of some/all of the existing buildings, and retention of the existing road/development of the consented new road through the site.
- 5.3 In December 2023, officers included redevelopment of The Firs in options presented to NHS Grampian to meet their key worker housing need.
- 5.4 Officers intend to survey the existing buildings in more detail, complete a value for money assessment of these options, and reach a decision on the future of the existing buildings by the end of 2024.

## **6. SUMMARY OF IMPLICATIONS**

### **(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**

Addressing the shortage of affordable housing in Moray is a key priority of the Corporate Plan and 10 Year Plan, the Council's Local Housing Strategy and Strategic Housing Investment Plan (SHIP) and the Housing and Property Service Plan. The Strategic Local Programme reflects priorities for investment in the provision of new affordable housing to meet need identified in the Local Housing Strategy.

The affordable housing programme supports the aims of the 10 Year Plan by providing new affordable housing for an increasing population and a growing and diversifying economy. The target of 50 Council house completions per annum will be delivered within the investment planning and funding framework provided by the programme.

### **(b) Policy and Legal**

The affordable housing supply programme contributes to meeting the Council's statutory duties to address homelessness and meet housing need in Moray.

### **(c) Financial implications**

The report provides details of the resources being made available by the Scottish Government to part-fund affordable housing in Moray. The Council has agreed that 50 new council houses will be built per annum. The current HRA Business Plan has made provision for the level of borrowing required to part-fund the Council's housebuilding



programme. The Housing Service intends to complete a further review of the HRA Business Plan by Dec 2024.

**(d) Risk Implications**

The lack of RPA beyond 2024/25 is a significant risk to larger developments where construction costs may extend beyond one financial year. Moray Council and RSL Boards may be unable to commit to a project if the Scottish Government funding commitment is unconfirmed.

There is a risk that slippage or reduction in the programme will result in loss of Scottish Government More Homes Division grant funding to Moray, with the funds diverted to other LAs.

The programme may be impacted by economic and market conditions and site-specific issues as developments proceed. In particular, interest rates and potential front funding will impact on the cost of development. There are processes in place to manage these risks and mitigations considered.

**(e) Staffing Implications**

There are no staffing implications arising from this report.

**(f) Property**

The report details the ongoing programme for development of additional affordable housing in Moray in response to strategic needs and specifically the Council new build programme to increase the Council's own supply of affordable housing.

**(g) Equalities/Socio Economic Impact**

The housing needs of equalities groups are identified in the Local Housing Strategy (LHS). The Moray Affordable Housing Programme seeks to deliver the housing priorities identified in the LHS.

**(h) Climate Change and Biodiversity Impacts**

The aims of the affordable housing programme are closely aligned to the Council's Climate Change Strategy, and Local Heat and Energy Efficiency Strategy (LHEES).

**(i) Consultations**

This report has been subject to consultation with the Depute Chief Executive (Economy, Environment and Finance), the Head of Housing and Property Services, Legal Services Senior Solicitor, Georgina Anderson, the Property Asset Manager, the Head of Economic Growth and Development, the Strategic Planning and Development Manager, the Chief Financial Officer and Lissa Rowan, Committee Services Officer.

**7. CONCLUSIONS**

**7.1 The report provides details of an update on the current and future affordable housing investment programme, including the recently revised Resource Planning Assumption for 2024/25. The report**

**provides a summary of a series of stakeholder engagement discussions with details of the implications for individual developments presented in APPENDIX I.**

Author of Report: Fiona Geddes, Housing Strategy and Development  
Manager  
Background Papers: with author  
Ref: SPMAN-1285234812-1572

**Moray Affordable Housing Programme**

**APPENDIX I**

**Revised Delivery programme 2024/25–2025/26**

<b>Development</b>	<b>Priority category</b>	<b>No of units</b>	<b>Social Landlord</b>	<b>Existing SHIP site start</b>	<b>Revised funding availability</b>	<b>Issues</b>
Banff Road, Keith Phase 2	On site	26	Moray Council	2023/24	On site	Construction underway therefore SG funding is committed. Completion anticipated February 2025.
Kinneddar Meadows, Lossiemouth	On site	10	Osprey Housing	2024/25	2024/25	Construction underway therefore SG funding is committed.
Speyview Phase 1	Growth Deal/ Location/ Deliverability	39/ 31	Moray Council	2024/25	2024/25	SG funding already formalised prior to amended RPA notification. SG funding commitment will extend across 2024/25 and 2025/26. SG funding has already been formalised for Phase 2 land acquisition. Economies could be achieved through construction of both phases running consecutively, but this may require HRA front funding if SG funding is not available in 2025/26.
Western Village, Elgin South	LD supported housing/ Deliverability	44	Grampian HA	2024/25	2024/25	SG funding commitment given via agreed Strategic Local Programme dated July 2023. Planning application determination pending. Site start anticipated in June 2024. SG funding commitment will extend across 2024/25 and 2025/26. GHA will provide some front funding during 2024/25 until 2025/26 SG grant allocation becomes available.
High Street/ South Street, Elgin redevelopment	Growth Deal/Levelling Up Fund/ deliverability	38	Places for People	2024/25	2026/27	The Levelling Up Fund must be spent by March 2026. Potential for site start during 2024/25 remains as GD funds can be accessed initially, with an element of RSL front funding thereafter, until SG grant becomes available in 2026/27. This development was one option presented

Development	Priority category	No of units	Social Landlord	Existing SHIP site start	Revised funding availability	Issues
						to NHS Grampian in December 2023 to meet their key worker need.
Bilbohall, Elgin	Corporate priority	106	Moray Council	2024/25	2025/26	Planning application determination pending. Forthcoming HRA Business Plan review due by November 2024 will assess the potential for HRA to front fund construction, pending draw down of grant, possibly over 4+ years. To draw down grant over a shorter term could compromise ability to fund other projects, i.e. High Street/South Street, Elgin.
Garmouth Rd, Lhanbryde (Woodview2)	LD supported housing	30	Grampian HA	2024/25	2026/27 at the earliest	Provision for LD Supported Housing is a key action in the LHS and SHIP. LD housing has recently been reassessed through the HNDA 2023. GHA have recently completed a tender exercise to procure a contractor. To provide grant funding sooner than 2026/27 could compromise funding available other projects i.e. High Street/South Street, Elgin and Bilbohall. Phasing delivery options and alternative means of providing subsidy to GHA could be explored to allow earlier site start.
Speyview Phase 2	Growth Deal/ Location/ Deliverability	31	Moray Council	2025/26	2027/28	Economies could be achieved through construction of both phases running consecutively. Potential to bring site start forward to 2025/26, but this may require HRA front funding if SG funding is not available. Committing SG funding to this project could compromise ability to fund other projects.



**REPORT TO: HOUSING AND COMMUNITY SAFETY COMMITTEE 25 JUNE 2024**

**SUBJECT: ANTISOCIAL BEHAVIOUR POLICY**

**BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND FINANCE)**

**1. REASON FOR REPORT**

- 1.1 To inform the Committee of the revised Antisocial Behaviour Policy, Housing Service Neighbour Nuisance and Antisocial Behaviour Policy and to seek approval for staffing changes within the teams.
- 1.2 This report is submitted to Committee in terms of Section III (G) (12) of the Council's Scheme of Administration relating to Community Safety and Anti-Social behaviour (including road accidents) in partnership with other public sector partners, voluntary sector and private sectors as appropriate.

**2. RECOMMENDATION**

**2.1 It is recommended that the Committee:**

- (i) approve the reviewed and updated Antisocial Behaviour Policy (Appendix 1);**
- (ii) notes that two Community Wardens are being recruited in line with recent budget allocation;**
- (iii) approves the revised Housing Service Neighbour Nuisance and Antisocial Behaviour Policy for Moray Council tenants (Appendix 2); and**
- (iv) approves the proposed staffing adjustments within housing detailed within paragraphs 3.6 and 3.7.**

**3. BACKGROUND**

- 3.1 Under the Antisocial Behaviour etc (Scotland) Act 2004 each local authority and the chief constable shall, acting jointly, prepare a strategy for dealing with antisocial behaviour within the authority's area. For Moray this is included within the Community Safety Strategy 2022-2026 as endorsed by the Community Planning Board on the 21 September 2022 Item 6.

- 3.2 The Antisocial Behaviour (ASB) Policy and Procedure as approved by the Communities Committee 23 April 2013 (para 14 of the minute refers) has been reviewed and updated (**APPENDIX 3**). This policy removes all procedural elements which are now contained in a separate operational document. This ensures the Policy is clearly identified.
- 3.3 The ASB policy sits within a range of policies and procedures to tackle ASB across all ages, services and organisations. It clearly identifies which policy or procedure applies depending on age or behaviour being exhibited.
- 3.4 The updated ASB Policy defines what is meant by Antisocial Behaviour and the hierarchy of actions/interventions taken by Moray Council and partners to tackle behaviour identified as antisocial. The escalation and ultimate consequences are clearly identified for those exhibiting the ASB and those being affected by it.
- 3.5 This policy works alongside the Housing Service's Neighbour Disputes and Antisocial Behaviour policy in relation to Council tenants which has also been revised for approval.
- 3.6 It is proposed that the Housing Service will augment the corporately resourced enhancement of the Community Warden service by funding one additional Community Warden post and thereby ensuring that the overall provision incorporates HRA landlord objectives alongside the wider community priorities which were previously delivered by the existing housing Liaison Officer post
- 3.7 The existing Housing Liaison Officer post, which has been funded by the HRA but operationally situated within the Community Safety team, is presently vacant and following a review of both structures and processes it has been determined that it would make operational sense to delete this post and replace it with a Housing Officer. This post would be situated within the wider housing team but undertake specialist functions in relation to landlord responsibilities for anti-social behaviour, neighbour nuisance and criminality and provide a consistent point of contact for colleagues in Community Safety and partner organisations including Police Scotland.
- 3.8 There is budgetary provision available within the HRA budget for 2024/25 to facilitate these service enhancements on an ongoing basis.

#### **4. SUMMARY OF IMPLICATIONS**

**(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**

Assists in meeting the priorities of developing a diverse, inclusive and sustainable economy; building a better future for our children and young people of Moray and improving wellbeing of our population.

**(b) Policy and Legal**

Statutory requirement in terms of Antisocial Behaviour Etc (Scotland) Act 2004.

**(c) Financial implications**

Additional recurring budget for two additional Community Wardens has been allocated as a corporate priority within the general services budget for 2024/25. The HRA will augment this with funding for a third post to ensure that capacity to incorporate landlord requirements is available within the team. The cost difference between the previous Housing Liaison Officer post and the additional Housing Officer post will also be met by the HRA, with both components being derived from the Service Development budget of £200k.

**(d) Risk Implications**

If policy is not delivered then there is an increased risk of increasing antisocial behaviour across all ages and tenures but particularly in youths. Increased antisocial behaviour or perceived antisocial behaviour reduces social interaction and economy which increases the risks of antisocial behaviour.

**(e) Staffing Implications**

In total three additional Community Warden posts (Grade 6) will be created to incorporate corporate priorities and landlord responsibilities within the overall service. The existing Housing Liaison Officer (Grade 6) which is currently vacant will be deleted and replaced by an additional Housing Officer (Grade 7/8) post, whose remit will be focussed on undertaking landlord functions associated with anti-social behaviour, nuisance and criminality and to align with the corporate and community approaches.

**(f) Property**

N/A.

**(g) Equalities/Socio Economic Impact**

This policy is intended to provide protection to individuals and groups whose quality of life is undermined by the antisocial behaviour of others. Individuals who experience prejudice, for example on the grounds of race, religion, gender, age, disability, or sexual orientation may also be more likely to be the victims of antisocial behaviour. The measures outlined are not intended to tackle behaviour that is merely different, or behaviour that is the result of a medical or developmental condition or mental health issue.

**(h) Climate Change and Biodiversity Impacts**

None identified.

**(i) Consultations**

Consultation on this report has taken place with the Depute Chief Executive (Economy, Environment and Finance), Head of Housing and Property, Acting Head of Economic Growth & Development, Chief Financial Officer, Head of HR, ICT & ORG, Legal Services Manager, the Equal Opportunities Officer and Lissa Rowan (Committee Services Officer) and any comments have been incorporated into the report.

**5. CONCLUSION**

- 5.1 The ASB policy clearly defines what is meant by Antisocial Behaviour and actions that Moray Council will undertake when this has been identified.**
- 5.2 The aims, principles and where this policy sits with other relevant policies has been brought up to date.**
- 5.3 Removal of the procedural elements now provides a simpler document that is easier to read and understand.**
- 5.4 The revised Housing Service Neighbour Nuisance and Antisocial Behaviour Policy for Moray Council tenants ensures they are advised of actions that can be taken in relation to their tenancy if tenancy conditions are breached.**

Author of Report: Karen Sievewright, Environmental Health and Trading Standards Manager

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# MORAY COUNCIL ANTISOCIAL BEHAVIOUR POLICY

<b>Document Owner</b>	Karen Sievewright – ES&TS Manager
<b>Reviewer</b>	Chrissy Stower – Lead Public Health Officer
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## **Part I – General**

### **1. Introduction**

1.1 On 7 November 2023 the Scottish Government published its report on Scotland’s Approach to Antisocial Behaviour- Review Findings. This report made two recommendations;

1. that The Scottish Ministers, and statutory, non-statutory and voluntary sector service providers and communities themselves recognise that our approach to preventing and tackling antisocial behaviour needs to be a long-term approach (that recognises societal changes and evolves) and that we need to make a commitment to a programme of activity which will provide a framework that will guide us in taking forward this agenda in alignment with other linked national policies.

2. An independently chaired group of experts, potentially including statutory, non-statutory and voluntary service providers, community representatives and other key interests should be brought together to develop a long-term framework for addressing antisocial behaviour..

This demonstrates the Scottish Government’s ongoing commitment to tackle antisocial behaviour.

1.2 Moray’s Community Planning Partnership has strategic responsibility for implementing the drive against antisocial behaviour, and this is achieved and monitored under the direction of the Moray Community Safety Partnership. Moray Council also employs a Lead Public Health Officer who sits on the Community Safety Partnership and manages the development and delivery of services and initiatives associated with antisocial behaviour in Moray.

### **2. Antisocial Behaviour – A Definition**

2.1 Antisocial behaviour is not necessarily behaviour that is merely different, for example, by reason of a medical or developmental condition or mental health issue or because of a different lifestyle, culture or religion. In determining whether a person has engaged in antisocial behaviour, any behaviour which is shown to be reasonable under the circumstances will be disregarded.

2.2 Surveys of people resident in Moray have revealed that a wide range of antisocial behaviour ranging from alcohol and drug induced behaviour to vandalism and dog fouling are areas of particular concern to them. In a narrower context, disputes between neighbours are often also a cause for concern. The Council is committed to tackling and reducing antisocial behaviour by responding firmly and effectively to complaints. This policy will provide a framework for action relating to complaints of antisocial behaviour. This policy also links with the Council’s Community Safety Strategy, Antisocial Behaviour Procedure and Housing Service Neighbour Disputes and Antisocial Behaviour Policy (which deals with complaints involving Council tenants).

## **Part II - Antisocial Behaviour Policy**

### **3.1 Antisocial Behaviour Policy Statement**

3.1.1 Moray Council and its partners are committed to improving the quality of life for everyone in Moray, and providing a safe and secure environment to enable communities to live harmoniously and free from the negative impact of antisocial behaviour.

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3.1.2 Reports of antisocial behaviour will be investigated, where appropriate in co-operation with relevant outside agencies. Action taken against those responsible will be proportionate to the seriousness of the activity in which they are engaged and appropriate given their personal circumstances. In very serious or persistent cases of antisocial behaviour, rapid enforcement action will be taken to resolve the problem. This may include court action where appropriate.

3.1.3 All instances of antisocial behaviour which are considered to be criminal will be reported to Police Scotland which may undertake criminal investigations.

3.1.4 Appropriate support will be provided to victims and witnesses of antisocial behaviour. This support may come from a number of sources including Victim Support Moray, Moray Locality Networks, or the Moray Community Safety Team.

### 3.2 **Aims of Policy**

3.2.1 The principal aims of this Policy are to prevent antisocial behaviour by:-

- working with children, families and adults from the earliest possible point
- promoting the responsibility of all community members to respect themselves, their immediate neighbours and the community generally
- supporting communities, including the general majority of people who want to live harmoniously with others in a safe and secure environment while confronting the small minority of people whose behaviour undermines this
- preventing antisocial behaviour arising and escalating through early detection and proactive management

3.2.2 These aims compliment those stated in the Community Safety Strategy framed by Moray Council and its partners in this area.

### 3.3 **Principles of the Policy**

3.3.1 The principles underpinning this Policy are:-

- To work co-operatively with relevant agencies in order to manage and reduce antisocial behaviour
- To support victims and witnesses of antisocial behaviour
- To meet the support needs of individuals responsible for antisocial behaviour
- To work with children and young people, families and adults from the earliest possible point in order to address the cause of antisocial behaviour.
- To promote consideration of voluntary remedies including mediation and Acceptable Behaviour Contracts prior to applying for an ASBO.
- To promote consistency by ensuring that all applications for ASBOs are considered by one body in Moray – the Antisocial Behaviour Order Panel
- To apply for Court orders including ASBOs when appropriate and when sufficient evidence is held.

### 3.4 **Equal Opportunities and Human Rights**

3.4.1 The measures described in this policy are intended to provide protection to individuals and groups whose quality of life is undermined by the antisocial behaviour of others. Individuals

## Appendix 1

who experience prejudice, for example on the grounds of race, religion, gender, age, disability or sexual orientation may also be more likely to be the victims of antisocial behaviour. The measures outlined are not intended to tackle behaviour that is merely different, or behaviour that is the result of a medical or developmental condition or mental health issue. In tackling antisocial behaviour, Moray Council will pay due regard to its obligations under the Local Government in Scotland Act 2003 to discharge its functions in a way which encourages equal opportunities. In addition, the Human Rights Act 1998 makes it unlawful for public authorities to act or to fail to act in a way which is incompatible with the European Convention on Human Rights (ECHR). Moray Council and all partners, services and agencies will comply with ECHR at all stages when dealing with antisocial behaviour. ASBOs and other restrictive measures such as ABCs will be utilised and retained for only as long as is considered necessary to protect against the prohibited antisocial behaviour by the individual concerned.

### 3.5. **Joint Working with Local Partners**

- 3.5.1 The Community Safety Partnership leads the development of strategy in Moray. At an operational level, decisions to pursue ASBOs are taken by the Antisocial Behaviour Order Panel on which all agencies relevant to a complaint will be represented. Details of the remit of the Panel is contained in **Appendix 1**.
- 3.5.2 The sharing of information between agencies is essential to successfully tackling antisocial behaviour and is a crucial element in the consultation process. The Community Safety Information Sharing Protocol provides a framework for such information sharing.
- 3.5.3 The Moray Community Safety Hub meets regularly to share information effectively and identify priority cases of antisocial behaviour and criminal conduct within Moray. The remit of this group is provided in **Appendix 2**.

## **Part III - Early Action to Deal with Antisocial Behaviour**

### 4.1 **Which Policy/Procedure will Apply?**

- 4.1.1 It is one of the aims of this policy to address the causes as well as the effects of antisocial behaviour by working at the earliest possible point with children, families and perpetrators. In the context of this policy document, "early action" comprises all action taken relative to a complaint of antisocial behaviour prior to referral of the case to the Antisocial Behaviour Order Panel for consideration of an ASBO in terms of Part IV of this policy.
- 4.1.2 Although the steps likely to be taken to address antisocial behaviour at an early stage will be similar, the procedure to be followed will be determined by the housing tenure of the person alleged to be perpetrating the antisocial behaviour ("the perpetrator"). The procedures involved when dealing with a complaint of antisocial behaviour in Moray are as follows:
- Complaint against Council Tenant - follow Housing Service Neighbour Disputes and Antisocial Behaviour Policy and relative Procedure.
  - Complaint against Tenant of Registered Social Landlord (RSL) - follow appropriate policy/procedure of RSL.
  - Complaint against a child or young person (person of under 16 years of age) - follow Moray Council's Young Persons' Process.
  - All other complaints - follow Antisocial Behaviour Policy and relative Procedure.

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4.1.3 Steps likely to be common to these procedures are as detailed in the following paragraphs.

### 4.2 **Review and Investigation of Complaint**

4.2.1 Following receipt of a complaint, the nature of the complaint will generally be reviewed in order to determine its seriousness and where necessary, an investigation will then be undertaken on a time scale appropriate to the seriousness of the case. In the case of complaints against council tenants, the investigation process will be undertaken by the appropriate Housing Officer or Community Warden. In the case of complaints by or against RSL tenants, officers of the RSL will investigate. In other cases the investigation will be undertaken by Community Wardens acting in liaison with the Lead Public Health Officer. In the course of the investigation, all relevant evidence will be gathered to enable an assessment to be made of appropriate early action in response to the complaint. Where appropriate this may also include referral of the case to the police for a criminal investigation. In reviewing and investigating complaints due regard will be paid to the support needs, if any, of the victim, any witnesses and also the alleged perpetrator. Relevant information will be shared with appropriate agencies.

### 4.3 **Formal Warning**

4.3.1 Following investigation it may become apparent that a warning formally in writing is the appropriate manner in which to deal with the behaviour.

### 4.4 **Mediation**

4.4.1 During investigation it may appear that mediation would offer an opportunity for parties to reach a mutually agreed settlement of the complaint. Informal mediation will be conducted either by the Housing Officer or Community Wardens as appropriate. All officers involved in mediation will have undergone appropriate training in this respect.

### 4.5 **Acceptable Behaviour Contracts (ABCs)**

4.5.1 An Acceptable Behaviour Contract (ABC) is a voluntary written agreement between an individual (a child or an adult) involved in antisocial behaviour and relevant agencies working to prevent antisocial behaviour. The ABC defines the behaviour which is unacceptable, records agreement that the behaviour will stop and also any agreement reached regarding the support needs of the perpetrator. An ABC will only be used where the consequences of persisting in the antisocial behaviour have been clearly explained to the perpetrator who must fully understand and agree its terms. ABCs have proven successful in a wider community context. A more comprehensive description of the aims and objectives of acceptable behaviour contracts is provided as **Appendix 3** of this policy.

### 4.6 **Early Action Relative to Young People (12-15)**

4.6.1 For complaints of antisocial behaviour concerning persons under 16, a separate Young Persons Process has been devised. This process should be followed for all complaints pertaining to persons under 16 years of age. In essence, the Moray Antisocial Behaviour Young Persons Process details the means by which youths involved in antisocial behaviour may be managed through the existing Local Assessment and Planning (LAP) process. Techniques used in the context of this process include restorative justice contracts, intensive support and monitoring services (ISMS), parenting orders and ABC's.

## **Part IV - Antisocial Behaviour Order Policy**

### **5.1 What is an Antisocial Behaviour Order (ASBO)?**

5.1.1 ASBOs are preventative orders that are designed to protect people in the community who are affected by antisocial behaviour from further acts or conduct that would cause them alarm or distress. An ASBO is a civil order not a criminal sanction. An ASBO can be used to prohibit a person from doing anything specified in the order, either indefinitely or for a set period of time. Although the order is civil in nature, breaching an ASBO is a criminal offence. The minimum age at which a person may be subject to an ASBO in Scotland is 12.

### **5.2 ASBO Policy Statement**

5.2.1 Moray Council will ensure that action taken against those responsible for antisocial behaviour is proportionate to the seriousness of the activity in which they are engaged. In very serious, persistent, complex or protracted cases of antisocial behaviour, an antisocial behaviour order may be the only appropriate means of resolving the problem. ASBOs will generally only be used where other measures have failed to remedy the problem, although an ASBO may be used at an earlier stage if this is otherwise considered to be appropriate, for example, because of the seriousness of the behaviour.

### **5.3 Aims of the ASBO Policy**

5.3.1 The principal aims of the policy in respect of ASBOs are as follows:

- To apply for ASBOs only where appropriate early action has failed and there is sufficient evidence to obtain the order
- To respond firmly and effectively to serious issues of antisocial behaviour
- To ensure that the terms of ASBOs are relevant and address the antisocial behaviour in question

### **5.4 Application for an ASBO**

5.4.1 Moray Council may make applications for ASBOs within Moray:-

- Relating to Council tenants
- At the request of Police Scotland
- Where this is considered appropriate, on behalf of others in the Moray area including owner/occupiers and businesses.

5.4.2 Moray Council's Litigation and Licensing Section will undertake or instruct legal work in relation to Council ASBO applications.

5.4.3 It is important to bear in mind that whilst the Council *may* apply for an ASBO, it is *not required* to do so. The decision to apply for an ASBO is wholly in the discretion of the potential applicant, although the decision will be taken at a meeting of the Antisocial Behaviour Order Panel in liaison with the relevant partners in the process. Legal issues commonly raised in the context of ASBOs are detailed in **Appendix 5** of this policy.



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5.4.4 RSLs have the authority to apply for ASBOs to protect a person residing in or likely to be in premises provided or managed by that Landlord, or a person in or likely to be in the vicinity of such premises. In the Moray Area, the major RSLs comprise:-

- Grampian Housing Association
- Hanover (Scotland) Housing Association Ltd
- Langstane Housing Association
- Osprey Housing
- Blackwood Homes and Care

5.4.5 RSLs will submit ASBO applications through their own legal advisors rather than through the Council, although where the antisocial behaviour has only an indirect connection to RSL premises or tenants, RSLs may approach the Council with a view to the Council pursuing an ASBO rather than the RSL.

5.4.6 The authority for RSLs to apply for ASBOs is without prejudice to the right of Moray Council to seek an ASBO in respect of Registered Social Landlord premises.

5.4.7 To promote consistency of approach, RSLs intending to apply for an ASBO will provide all details of the background to the application to the Antisocial Behaviour Order Panel before the application is submitted. The Panel will perform a purely consultative role in this process. The decision as to whether to proceed with the ASBO application will remain with the RSL.

### 5.5 **Decision to Apply for an ASBO**

5.5.1 In Moray, all cases in which an ASBO is considered to be appropriate will be referred to the Antisocial Behaviour Order Panel. Representatives from all relevant departments/sections within the Council and partner agencies are invited to participate in Panel meetings.

5.5.2 When determining whether an application for an ASBO will be made the following factors will be taken into account:-

- The nature, frequency and duration of the antisocial behaviour
- The nature of the evidence held, including the reliability of witnesses
- The effect that the antisocial behaviour exhibited is having on any other person or the community
- Voluntary solutions and other remedies tried or which may appropriately be tried with a view to securing cessation of that conduct
- The views expressed by Partner Services and Agencies
- The underlying causes of the behaviour and treatment of any such cause
- Any related tenure type
- Rehabilitative processes undertaken since the last known complaint

5.5.3 The above list of factors is not exhaustive. There may be other relevant factors in the individual circumstances of each case.

### 5.6 **Consultation**

5.6.1 Consultation prior to the application for an ASBO will always involve a representative of each of the following:-

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- The Chief Constable for Police Scotland
- The Chief Constable for each Police Force Area where there is an affected person
- Each Local Authority in whose area there is an affected person
- If the person in respect of whom the order is sought to be made is aged 12-15 (or 16-17 if subject to a Supervision Order), the Children's Reporter

### 5.7 **Procedure Before the Antisocial Behaviour Order Panel**

- 5.7.1 There are detailed rules as to procedure before the Panel are contained in the Antisocial Behaviour Procedure prepared relative to this policy.
- 5.7.2 Minutes for each meeting of the Antisocial Behaviour Order Panel are kept detailing the reasons for all decisions taken.

### 5.8 **ASBOs to Address Criminal Conduct**

- 5.8.1 ASBOs for persons aged 16 and over will often be used to tackle patterns of criminal and noncriminal antisocial behaviour. ASBOs may however be used to address patterns of criminal behaviour where the criminal behaviour has caused alarm or distress and it is considered that an ASBO will prevent further incidents.
- 5.8.2 In such cases Police Scotland will take the lead in preparing the case in consultation with its Partner Agencies.
- 5.8.3 The case will be referred directly to the Antisocial Behaviour Order Panel although full consideration will be given at the Panel to use of alternative solutions and remedies including mediation, ABCs, etc.

### 5.9 **Terms of the ASBO**

- 5.9.1 The terms of the ASBO will be agreed in consultation with partner Agencies and must:-
- Be reasonable, clear and unambiguous
  - Be the least necessary to restrict the behaviour complained of
  - Relate to the area where the antisocial behaviour occurred and where it is reasonable to expect that it could happen in the future
- 5.9.2 The duration of the ASBO will be determined in consultation with Partner Agencies, taking into consideration the seriousness, persistence, age and maturity of the person subject to the application.

### 5.10 **Getting the Case Into Court**

- 5.10.1 In cases considered to be the most serious, notably where threatening behaviour or actual harm has occurred, the applicant will ask for the perpetrator to be given a reduced period of notice in order to have the ASBO application called in court in the shortest possible timescale.

### 5.11 **Interim ASBOs**

- 5.11.1 A Sheriff may grant an Interim ASBO at an initial court hearing in advance of a full hearing for an ASBO. An Interim ASBO will take the same form as a full ASBO but will last only until the

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application for the full ASBO is determined or the interim ASBO is otherwise earlier recalled. Prior to making an Interim ASBO application the applicant will satisfy itself that victims, witnesses or members of the wider community require immediate protection from antisocial behaviour. When a full ASBO cannot be obtained at the initial court hearing, a request for an Interim ASBO will usually be made at the earliest opportunity. The decision whether to grant

### 5.12 **ASBOs for 12-15 year olds**

5.12.1 The Moray Antisocial Behaviour Young Persons Process details the appropriate procedure where complaints of antisocial behaviour involving a person under 16 years of age are received. This involves dealing with young people through the Local Assessment and Planning Process. Applications for ASBOs will normally only be considered by the Antisocial Behaviour Order Panel for persons under 16 years of age where the provisions of the Young Persons Process have been complied with and an appropriate instruction received from an extended LAP meeting following consultation with the Children's Reporter and the Chief Constable of Police Scotland, or where the Children's Reporter and the Chief Constable are satisfied that the case may otherwise be referred directly to the Panel without completion of the LAP process. However, if an agency or service becomes aware of a young person whose behaviour has escalated greatly over a short period of time, then that agency or service may refer the individual direct to the Antisocial Behaviour Order Panel. The Panel will look at the pattern of the behaviour, based on the evidence and decide on the correct interventions required to address the behaviour. The interventions considered may include an ASBO if such a measure is required to protect the community.

### 5.13 **Review of ASBOs**

5.13.1 The Antisocial Behaviour Order Panel will review ASBOs at least every six months, where possible there being representation on the Review Panel by all Agencies involved in approving the original application.

5.13.2 The purpose of the review is to consider if the terms of the ASBO are adequate and if the ASBO still requires to be in force.

5.13.3 The factors considered in determining the decision to apply for an ASBO will form the basis of the review of the ASBO. In most cases ASBOs will be revoked if no complaints have been received in the previous two year period.

5.13.4 Applications may be made to the Court to revoke the ASBO or vary the terms of the ASBO.

5.13.5 Appropriate consultation with Partner Services and Agencies and the community will take place prior to making such applications all in accordance with the Panel's Procedural Rules (produced in the Antisocial Behaviour Procedure).

### 5.14 **Appeals**

5.14.1 Either the applicant or the defender can appeal the Sheriff's decision. In terms of Sections 27 and 28 of the Sheriff Court (Scotland) Act 1907, the person appealing can choose whether to appeal to the Sheriff Principal or Court of Session.

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5.14.2 Under Section 6 of the Antisocial Behaviour Etc (Scotland) Act 2004, the Order remains in force pending the outcome of the Appeal. It is however possible to apply for an order to be varied or revoked while an Appeal is pending.

### 5.15 **Variation or Revocation of ASBOs**

5.15.1 The decision whether to apply for a variation or revocation of an ASBO will be taken in accordance with the Rules of Procedure of the Antisocial Behaviour Order Panel.

5.15.2 In cases involving persons under 16 years of age, the matter should first have been considered through the Local Authority Planning Process and due consultation with the Children's Reporter must have been carried out.

5.15.3 Where a defendant applies for an order to be varied or revoked, the Sheriff must obtain the views of the original applicant and, in cases involving 12-15 year olds, the Children's Reporter  
5.15.17.4 ASBOs cannot be transferred between Local Authorities. If an individual moves to another Authority area a fresh ASBO would be required if their behaviour justifies it. If there is no continuing need for the original order, the applicant should consider applying to the Sheriff to have it revoked. However, the order may be kept in place once the individual has left the Authority area if it is reasonably suspected that the individual may return and engage in the prohibited antisocial behaviour.

### 5.16 **Breach of an ASBO**

5.16.1 Breaching the terms of an ASBO (including an interim ASBO) is a criminal offence which should be reported immediately to Police Scotland.

5.16.2 Police Scotland will investigate all such allegations and where there is sufficient evidence, report the person for breach of an ASBO. Section 11 of the Antisocial Behaviour Etc (Scotland) Act 2004 provides the Police with a statutory power of arrest for breach of an ASBO or interim ASBO. This ensures that where a Constable reasonably believes that a person is committing or has committed an offence under Section 9(1) of the Act, that the Constable may arrest the individual without warrant.

5.16.3 Persons aged 16 or over will appear in court either on a Written Undertaking or from custody to ensure that the alleged offender appears in court soon after the incident.

5.16.4 Persons aged under 16 will be released into the care of their parent or guardian or Local Authority. In certain cases Police Scotland may detain the child under Section 43 of the Criminal Procedure (Scotland) Act 1995.

5.16.5 Police Scotland will inform all relevant Services and Agencies of the reported breach of an ASBO and the action taken at the earliest opportunity and no later than the next working day.

5.16.6 Moray Council will consider any necessary follow up action in consultation with Partner Services and Agencies. It is the policy of the Crown Office Procurator Fiscal Service (COPFS) to prosecute cases for breached ASBOs for persons aged 16 or over subject always to the Procurator Fiscal's overriding discretion to deal with cases which are appropriate for prosecution. Police Scotland will notify the relevant Services and Agencies of the court dates for cases and the outcome of cases referred for prosecution.

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5.16.7 In cases involving persons under 16 years of age, COPFS will refer cases to the Children's Reporter unless the breach of the ASBO is considered to be a serious offence. It is expected that most breaches of ASBOs by those under 16 will be dealt with through the Children's Hearing System, although again, the decision whether to do so remains at the discretion of the Children's Reporter.

### 5.17 **Record of ASBOs**

5.17.1 The Lead Public Health Officer will maintain a register of all ASBOs and Interim ASBOs relevant to Moray Council whether originally applied for by the Council or by a RSL. Legal Services will be provided with an updated copy of the Register following each amendment. This register is not available for public inspection and details from the register will only be disclosed in accordance with relevant Data Protection and Freedom of Information legislation

5.17.2 When Moray Council is advised that a person subject to an ASBO plans to move or has moved from Moray, the Lead Public Health Officer will inform the "receiving Council". They will record this and inform relevant Services and Agencies and the ASBO will be reviewed.

5.17.3 The Lead Public Health Officer will hold a record of all revoked ASBOs. Details will be removed from this record once an ASBO has been revoked for 2 years.

### 5.18 **Notification and Publicity**

5.18.1 Following the grant of an ASBO, Moray Council will advise all persons who have been or who are likely to be affected by antisocial behaviour by the person subject to the ASBO. The information provided will confirm:-

- The identity of the person subject to the ASBO
- The terms of the ASBO
- What should be done if further antisocial behaviour occurs

5.18.2 Generally the media will not be used to publicise individual ASBOs but may be used where the antisocial behaviour involved has either caused significant concern in the community or is such that publication may be expected to deter similar instances of antisocial behaviour.

5.18.3 The identity of the person subject to the ASBO will not generally be disclosed by the Council to the media but may be in the circumstances outlined in para 9.20.2 above.

5.18.4 It is recognised that convictions for breached ASBOs are more likely to attract media publicity and Moray Council will seek to ensure reasonable and factual media reporting in such situations.

5.18.5 Where appropriate the use of ASBOs will be publicised to demonstrate actions being taken to address antisocial behaviour. This may include reference to individual ASBOs in accordance with para. 9.20.2 above, but will more commonly include only general information.

5.18.6 Press Releases for media publicity will be co-ordinated and approved by the relevant PR Officer of Moray Council in liaison with the Lead Public Health Officer and the Service which referred the matter to the Panel.

**Part IV – Policy Audit**

6. **Monitoring and Evaluation**

6.1 The use of ASBOs and other powers under the Antisocial Behaviour etc (Scotland) Act 2004 will be monitored and evaluated by the Community Safety Partnership as part of the overall monitoring and evaluation elements to Moray’s Antisocial Behaviour Strategy.

6.2 **Review**

6.2.1 The Community Safety Partnership will institute a review of the efficiency of this policy after it is approved by the Council and the Policy will be reviewed regularly thereafter.

**ANTISOCIAL BEHAVIOUR ORDER PANEL**



**Antisocial Behaviour Order Panel**

**Terms of Reference**

**Purpose**

- To consider and advise upon appropriate measures to address persistent or serious antisocial behaviour including whether to promote ABCs, to pursue an interdict or ASBO, whether to promote use of police powers of dispersal or closure or any other appropriate measure to combat the antisocial behaviour
- In so far as is possible, to promote consistency of practice in dealing with serious/protracted/complex antisocial behaviour, and to ensure that discriminatory practices are not applied
- To consult with the Chief Constable of Police Scotland; the Chief Constable of any area where there is an affected person; each local authority area where there is an affected person; and in the case of those aged 12 – 16 years, the Children’s Reporter.
- To liaise with the Community Safety Hub and other groups and organisations
- For all referrals other than those from RSLs, to instruct an ASBO
- For all referrals other than those from Housing/Registered Social Landlords, to instruct other appropriate measures
- To consider any unmet support needs, which, if met, might obviate the antisocial behaviour
- To review existing ASBOs and consider any amendments or revoking of existing terms

**Membership**

**Core Membership**

Environmental Health & Trading Standards Manager (MC)  
Lead Public Health Officer (MC)  
Legal Services (MC)  
Police Scotland  
Social Work (MC)  
Representative Housing (MC)  
Grampian NHS

**Ad-hoc Membership**

Representative of the Referring Agency

**Accountability**

Reports to: Community Safety Strategic Group

## Local Assessment and Planning Process

### **Review**

The TOR to be reviewed every 3 years

### **Frequency of Meetings**

At least 6 monthly



## THE MORAY COMMUNITY SAFETY HUB

### Terms of Reference

#### 1. PURPOSE

- 1.1 Moray Community Safety Hub (The Hub) is a local partnership meeting that supports the Scottish government's policy aim "*to enable everyone in Scotland to live in communities where they feel secure and are safe from harm*". The Hub uses a trauma-informed, person-centred approach that prevents, reduces and responds to risk taking behaviour and crime, and the impact of related harm, in relation to local vulnerable individuals and communities.
- 1.2 It is a forum for operational staff to consider the appropriate multi-agency response to individual complex cases to be discussed and problem solved and where appropriate, appropriate resources allocated or escalation processes invoked.
- 1.3 Under the direction of the Community Safety Strategic Group (CSSG), the Hub will undertake annual reviews of case outcomes to ensure learning.

#### 2. GOVERNANCE

- 2.1 The Hub will report to the Moray CSSG. The governance and reporting arrangements for the CSSG sit with the Moray Community Planning Partnership (CPP) structure.

#### 3. MEETINGS

- 3.1 The Hub meeting will be held weekly, currently Tuesday at 10am, via MS Teams.
- 3.2 An agenda for the meeting and details of cases to be discussed will be circulated no later than 1 working day before the meeting to enable each agency to research those to be discussed.
- 3.3 Attendees will be advised of the confidentiality statement at the start of each meeting and any papers circulated should be classed as confidential. Notes from the meeting and actions will be recorded during the meeting and circulated within 24 hours.
- 3.4 The reasons for adding a case for discussion and removing it from the Hub will be recorded.
- 3.5 A record of attendance will be kept and attendees will be advised of the confidentiality statement at the start of each meeting.

## 4. MEMBERSHIP

4.1 Membership of the Hub shall be open to voluntary and statutory organisations active in Moray Community Safety Partnership and with an operational role to play in improving community safety and **who are signatories** to the Moray Information Sharing Protocol.

### 4.2 **Role of the Chair**

The Chair shall be responsible for ensuring that meetings are run in accordance with the following standards:

- Firmly but fairly chaired, permitting everyone to contribute in a wide-ranging debate, where individuals are treated with respect and without discrimination.
- Focused on the key issues, with a summary following each discussion and clarification of allocated actions for the action plan.
- Having time to receive a presentation on an item of importance or interest.

### 4.3 **Roles and responsibilities of attendees**

Attendees at the Hub meetings should:-

- Attend regularly and punctually and nominate a suitably qualified replacement if unable to attend.
- Pre-read the agenda for the Hub and undertake research in respect of their agency knowledge/involvement of those to be discussed.
- Where possible, have access to live systems at the Hub meeting to give up to date, accurate information.
- Ensure that actions agreed at the Hub are completed on time and to take responsibility for completion of these actions.
- Offer constructive, professional advice on all relevant cases and if necessary challenge single agency decision making and thresholds.
- Work together to find solutions to the cases/issues raised at the Hub (albeit this could be part of the meeting similar to the daily meetings in other areas).

## 5. CO-ORDINATION AND SCHEDULING

5.1 The coordination of any activities, related to cases discussed, lies with the members of the Hub. Any tasks allocated to individuals, by the members, will be recorded in the Hub Tasking Document, which will be circulated to the members within 24 hours of the Hub meeting. All allocated tasks will be completed within an agreed timeframe.

5.2 Any professional that agrees to be tasked by the Hub with undertaking activities, will be responsible for ensuring that the task is completed within the agreed timescale. They will also be responsible for reporting back to the Hub meeting on the outcome of the tasks, unless agreed otherwise by the Chair.

## 6. REFERRAL PROCESS

6.1 New referrals for the meeting should be sent to [CommunitySafety@moray.gov.uk](mailto:CommunitySafety@moray.gov.uk) no later than 2 days before the meeting and include as much information as it is possible

to supply, for example, full name, address and date of birth, along with (if known) details of any children or vulnerable adults at the property.

An urgent case may be raised 'on the day' but this should be by exception.

- 6.2 Any cases that the Hub feels it cannot resolve should be escalated appropriately, either to individual agency management or formal risk management groups.

## **7. WHICH CASES (INDIVIDUALS) SHOULD BE DISCUSSED AT THE HUB**

7.1 The decision to discuss a case at hub rests with the members of the hub. The primary focus though is in the following areas:

- Complex cases where there has not been a satisfactory outcome to date.
- Cases where discussion at the Hub may engage other agencies not currently involved in the case, or professionals from other backgrounds who may be able to suggest an alternative approach.
- Cases where there is significant or disproportionate harm to an individual or the wider community that does not reach a single agency threshold for positive intervention and/or where the overall risk/harm may challenge that single agency threshold decision.
- Cases where vulnerable individuals are at risk and the vulnerability faced has not been reduced.
- Cases where in the view of the professionals in attendance, it is necessary to have a multi-agency discussion to reduce risk or to agree to invoke the escalation process to a more appropriate multi-agency group.
- Coordination, scheduling and planning of significant multi-agency operations.
- Individuals whose demand on one or more agency is causing a significant and disproportionate drain on that agencies resources (repeat offenders).

7.2 A case should not be discussed at the Hub for the sole purpose of obtaining information from one of the partner agencies at the meeting.

## **8. INFORMATION SHARING**

8.1 The requirements for sharing information are:

- All organisations shall be signatories to the Moray Information Sharing Protocol or a recognised agency under statutory information sharing protocols.
- Any information will be treated as restricted. It will be kept and ultimately disposed of in a secure manner and in accordance with the General Data Protection Regulation (the GDPR) which came into force on 25 May 2018 and the Data Protection Act 2018 (the DPA).
- All agencies should ensure that the minutes are retained in a confidential and appropriately restricted manner. These minutes will aim to reflect that all individuals who are discussed at these meetings should be treated fairly, with respect and without improper discrimination.
- All work undertaken at the meetings will be informed by a commitment to equal opportunities and effective practice issues in relation to race, gender, sexuality and disability.

- Staff will only share information that is proportionate, relevant and appropriate. This is a professional judgement which staff must make in line with the principles of the Moray Information Sharing Protocol. The information disclosed can assist other agencies to make appropriate decision and interventions, but may not be disclosed, copied or divulged to any other agency and that information only used in relation to the context for which it was disclosed.



## MORAY COUNCIL HOUSING AND PROPERTY SERVICE

### Neighbour Nuisance And Antisocial Behaviour Policy

<b>Author</b>	Housing and Property Services
<b>Date approved</b>	Housing and Community Safety Committee on 7 May 2024 for implementation. TBC
<b>Date of next review</b>	2027 or earlier if required by changes to legislation or guidance

#### 1. Scope of the policy

- 1.1 The scope of this policy is to provide a clear and transparent framework for the Council Housing Service to deal effectively with complaints and incidents of neighbour nuisance and antisocial behaviour throughout Moray. The Council recognises that neighbour nuisance and antisocial behaviour can occur in any housing tenure and that issues may arise between Council tenants and neighbouring owners or private tenants.

#### 2. Strategic Context

- 2.1 The Neighbour Nuisance and Antisocial Behaviour Policy will contribute towards the [Moray Local Housing Strategy \(LHS\) 2019-24](#) which focuses on promoting sustainable communities while promoting social inclusion, [Moray Council's Corporate Plan 2024](#) as well as priorities within [Moray 2027- Local Outcome Improvement Plan](#).
- 2.2 Whilst recognising that Moray is a safe place to live, the Council and its partner agencies commit to protecting our neighbourhoods, particularly those who feel most vulnerable and at risk, in an attempt to ensure that its communities feel safe. Through the [Community Safety Strategy for Moray 2022-2026](#), the Moray Council Community Planning Partnership (CPP) and Community Safety Strategic Group (CSSG) provides the strategic direction that is required. The

CPP will co-ordinate and oversee the activities of the partnership that relates to ensuring community safety, reducing crime and tackling antisocial behaviour. As a result the Housing Service will operate this policy in conjunction with the Moray Council's:

- Corporate Antisocial Behaviour Policy – which covers non-Moray Council Housing tenures
- Corporate Antisocial Behaviour and Acceptable Behaviour Contract (ABC) Procedures

### **3. Principles and objectives of the policy**

3.1 The principles underpinning the Council's Housing Neighbour Nuisance and Antisocial Behaviour policy are:

- Legality - the Council will seek to ensure that the policy reflects the legal framework and is consistent with associated professional good practice guidance;
- Early prevention - the Council will take early action to address initial behaviour(s) and prevent issues escalating where possible and appropriate;
- Action - the Council recognises that neighbour nuisance and antisocial behaviour can cause distress to individuals and communities and will work to try and lessen the stress and impact caused within neighbourhoods and communities;
- Multi-agency approach – the Council will, wherever possible and necessary, seek to work in partnership with relevant agencies in an attempt to achieve more effective, collaborative and sustainable outcomes;
- Equality - the Council will make sure that it does not act in a discriminatory manner when dealing with neighbour nuisance or antisocial behaviour complaints.

3.2 The specific objectives of this policy are to:

- prevent, where possible, and alleviate neighbour nuisance and antisocial behaviour by responding to complaints in a timely, effective and efficient manner;

- address complaints at the source and as early as possible, objectively and proportionately;
- encourage acceptable behaviours within our local neighbourhoods and communities; and
- find acceptable resolution(s) to complaints within the parameters of the legislation and guidance to ensure sustainable outcomes.

#### **4. Legal framework, guidance and the Scottish Housing Charter**

4.1 The primary legislation that governs the Council's statutory duties and powers in relation to antisocial behaviour is contained within the [Antisocial Behaviour \(Scotland\) Act 2004](#) and accompanying [Guide to the Antisocial Behaviour etc. \(Scotland\) Act 2004](#), the [Housing \(Scotland\) Act 2001](#), as amended by the [Housing \(Scotland\) Act 2010](#) and the [Housing \(Scotland\) Act 2014, Part 2](#).

4.2 Other associated legislation includes [Part 3 of the Housing \(Scotland\) Act 2010](#) which governs the performance of social landlords in relation to the prevention of harassment and antisocial behaviour through Outcome 6 of the [Scottish Social Housing Charter](#) – Estate management, anti-social behaviour, neighbour nuisance and tenancy disputes. This sets out the standards and actions tenants can expect from social landlords, through fundamental partnership working, to help ensure as far as reasonably possible that 'tenants and other customers live in well-maintained neighbourhoods where they feel safe.' It covers action to enforce tenancy conditions on estate management and neighbour nuisance, to assist in resolving neighbour disputes, and to ensure tenancy support is arranged or provided where needed.

4.3 The Scottish secure tenancy agreement (SST) is a legally binding contractual agreement between social landlords and social housing tenants derived from the above housing legislation. It protects both the tenants' and the Council's interests as well as setting out the responsibilities of both parties. [Sections 2 and 3 of the SST](#) sets out the tenants' responsibilities in relation to the use of their home, estate management and respect for others. This means tenants, those living with them, and their visitors, must not harass or act in an

antisocial manner to, or pursue a course of antisocial conduct against, any person in the neighbourhood. Such people include residents, visitors, our employees, agents, contractors and those in your house. More detailed information is provided in the link to the tenancy agreement above.

4.4 Other relevant legislative provisions include but are not restricted to the following:

- [Hate Crime and Public Order \(Scotland\) Act 2021](#)
- [Local Government in Scotland Act 2003](#);
- [Dog Fouling \(Scotland\) Act 2003](#);
- [The Regulation of Investigatory Powers \(Scotland\) Act 2000](#);
- [Dangerous Dogs Act 1991](#) as amended by the [Control of Dogs \(Scotland\) Act 2010](#);
- [Protection from Harassment Act 1997, Sections 8-11](#);
- [Environmental protection act 1990, Part III, Sections 80-81](#);
- [Public Order Act 1986, Section 18](#); and
- [Civic Government \(Scotland\) Act 1982](#).

## **5. Equality and diversity**

5.1 The Council is committed to preventing discrimination and promoting equality for everyone who makes a complaint for neighbour nuisance and antisocial behaviour. In accordance with the [Equality Act 2010](#), Moray Council seeks to ensure that this policy does not discriminate between, or promote the harassment of individuals with one or more of the following protected characteristics: age, disability, gender reassignment, marital status/civil partnership, pregnancy and maternity, race, religion or belief and sexual orientation.

5.2 In delivering the policy, full consideration will be given to the Council's Public Sector Equality Duty (PSED). This requires public authorities to eliminate discrimination, harassment and victimisation; advance equality of opportunity; and to foster good relations between persons who share a relevant protected characteristic and those who do not.



5.3 The [Human Rights Act 1998](#) incorporates the European Convention on Human Rights (ECHR) and associated guidance [Human Rights at Home: Guidance for Housing Providers](#). The Equality and Human Rights Commission (EHRC) placed a duty on local authorities for all front line staff to be involved in identifying vulnerable persons, particularly in relation to incidences of antisocial behaviour. The Council is committed to Equalities Incidents Monitoring, which aims to eliminate discrimination and promote equality. Where incidents occur, they must be reported using the [Equalities Incidents Monitoring Form](#).

5.4 The Council will develop information and advice upon request in a variety of formats such as large print, tape and braille.

## **6. Confidentiality, data protection and information sharing**

6.1 The Council will ensure that any information given as part of the neighbour noise nuisance and antisocial behaviour complaints process will be stored, used and disposed of in accordance with the [General Data Protection Regulations \(GDPR\)](#) and [the Data Protection Act 2018](#). The 2018 Act regulates the handling of lawfully obtained personal data. This data can be legitimately shared with Police Scotland so long as the Council is satisfied it is necessary and proportionate and is disclosed for the prevention, investigation, detection or prosecution of criminal penalties including the safeguarding against and the prevention of threats to public security. Any information will be treated as 'confidential and restricted'

6.2 Liaison with other agencies is critical to the effective management of antisocial behaviour complaints. The Council has a Moray Community Safety Information Sharing Protocol, in line with [Section 139 of the Antisocial Behaviour etc. \(Scotland\) Act 2004](#), with relevant partners. This allows relevant and appropriate information to be shared to assist with identifying the most suitable course of action or intervention required to address the behaviours. Data Sharing requests can be made to Police Scotland for relevant information needed to inform the investigation and any allegations made, particularly where there is criminal activity in relation to the property, where there are concerns

that may affect the safety of occupants and/or any neighbours or the Officer decides that the Police should be made aware of the incident.

- 6.3 Additional vulnerabilities, social issues and /or needs can be prevalent in cases of antisocial behaviour. These issues may include drugs, alcohol or other substance misuse / addiction, mental health issues, domestic violence and any other vulnerabilities. Community Safety Hub meetings provide a forum for operational staff to share information and consider the multi-agency response to cases using a trauma-informed, person-centred approach to ensure the most appropriate service / case worker is integral for relevant specialist support and / or accommodation prior to considering any legal remedies.
- 6.4 The Council is committed to encouraging households to report incidents of neighbour nuisance or antisocial behaviour. Complainants, alleged perpetrators and any witnesses will be treated fairly, in an unprejudiced and non-accusatory manner with sensitivity and in complete confidence where possible but where the complainant wishes to remain anonymous, this may limit the action that the Council is able to take and they will be informed of this. Depending on the type of complaint it may not always be possible to prevent the perpetrator from deducing the origin of the complaint.

## **7. Definitions of neighbour nuisance and antisocial behaviour?**

- 7.1 The spectrum of neighbour nuisance and antisocial behaviour is wide. Neighbour nuisance might refer to a dispute between two neighbours whilst antisocial behaviour might threaten the physical or mental health, safety or security of other households, individuals, disrupt neighbourhoods and communities. Where people live within close proximity to each other there is always scope for clashes and conflict caused by differing lifestyles. People from different age groups, cultural backgrounds or with different working or sleeping patterns can easily give rise to friction and/or disagreements. This policy is not intended to address behaviour that is merely different.

## Legal definition

7.2 [Section 143 of the Antisocial Behaviour \(Scotland\) Act 2004](#) sets out the legal definition of antisocial behaviour as:

'a person is involved in antisocial behaviour if they:

- act in a manner that causes or is likely to cause alarm or distress to anyone who is not in the same household; or
- pursue a code of conduct that causes or is likely to cause alarm and distress to at least one person not of the same household as them.'

In this definition 'conduct' includes speech and a course of conduct must involve conduct on at least two occasions.

## 8. Categorisation

8.1 To provide a framework for prioritisation and to indicate clearly what types of behaviour the Council will act upon, the following categories exist corporately for dealing with of neighbour nuisance and antisocial behaviour complaints across all tenures:

**Category A** – Very serious antisocial behaviour, which normally includes criminal activity, causing danger and putting others at risk.

**Category B** – Situations where the behaviour may stop short of criminal activity but could be a deliberate attempt to cause disturbance or annoyance to a neighbour. It is likely to be more than a clash of lifestyles and has disregard for others where behaviours are recurring, becoming more frequent or persistent and early intervention attempts to change behaviour is not working.

**Category C** – Minor issues between two neighbours and minor breaches of tenancy agreements. This includes the use of common areas, maintenance, boundaries and low level domestic noise which will be dealt with by the relevant area housing team.

8.2 Certain behaviours and / or crimes may vary in severity and this will be taken into consideration when categorising the complaint. Where any antisocial behaviour is recurring, persistent and/or escalates, becoming more serious in nature, the Council will re-categorise the complaint to more accurately reflect the situation.

8.3 Operational staff procedures will provide a more detailed reference guide and for staff to ensure robust categorisation, allocation within relevant timescales and subsequent action.

**9. Complaint timescales and responsibility**

9.1 Complaints will be dealt with as soon as possible within agreed service timescales by the most appropriate person for that category of complaint. The category of the complaint will determine the responsibility for dealing with the initial investigation. Anonymous complaints will be recorded, but it may not be possible to take action unless a Council Officer can verify the complaint. Initial response target time scales are outlined below.

<b>Categorisation</b>	<b>Initial Acknowledgement</b>	<b>Initial Investigation within</b>	<b>Responsibility</b>
<b>A</b>	24-48 hours	2 working days	Police Scotland Community Safety Team where applicable. Lead Public Health Officer will monitor all Cat A cases. Housing Management to be consulted.
<b>B</b>	48 hours	2 working days	Community Safety Team
<b>C</b>	48 hours	5 working days	Area Housing Team

**10. Dealing with complaints and actions**

10.1 Moray Council will ensure that all complaints will be investigated and dealt with proportionately. Where a complaint is received from an owner or private tenant against a Council tenant, the complaint will be investigated and dealt with as outlined in this policy. The Council will assess the complaint with the most relevant partners, depending on the circumstances of the complaint, and taking action at the most appropriate level. Housing staff will follow robust operational escalation procedures to evidence and ensure that where legal and / or enforcement action is considered or taken there is a robust audit trail of communication, actions, support (where appropriate), transparency and justification.

10.2 Housing staff will take every reasonable opportunity to remind tenants of their responsibilities under their Scottish secure tenancy agreement, as appropriate for the type of complaint. In some cases the Officer may conclude that no further action is required or only a verbal warning is proportionate and appropriate. Officers can then escalate to a written warning and final written warning or legal action as set out in Section 12 below.

10.3 Complainants will be kept informed on the progress of the complaint and reasons for action taken or for closing of case.

## **11. Resolution and timescales**

11.1 The locally agreed corporate target timescales for investigating and resolving all complaints, regardless of tenure, **are from the date the initial acknowledgement is sent:**

**Category A** - 20 working days

**Category B** - 35 working days

**Category C** - 40 working days

11.2 While all efforts will be made to resolve the complaints as soon as possible within these timescales, these are a maximum timescale for reporting purposes and have been set to ensure adequate time for any necessary multi-agency working to resolve the complaints.

11.3 In exceptional cases, it may not be possible to investigate and resolve complaints within these timescales, for example, in complex cases where further information is needed to respond or input from other agencies is required. In these cases, the responsible Officer will contact the complainant to confirm a revised response date and the reason(s) for the delay, record in detail any further investigation / steps taken and make sure that the complainant is kept informed.

11.4 If the complaint is resolved, or the complaint is not found to be actionable,

the case will be closed and the complainant advised of this. The definition of 'resolved' is drawn from the Scottish Housing Regulator Technical Guidance, 'where the landlord has taken appropriate measures, as set out in its ASB policies, to address the cause of the antisocial behaviour complaint and has advised the complainant of the outcome; or where the landlord does not have the authority or powers to resolve, it has provided a full explanation of the landlord's position.'

- 11.5 If the complaint is not resolved, the Officer will draw up an action plan including details of possible further action, target timescales and details of contacts to be made with the complainant and the complainant. Where further evidence may be required from the complainant in order to pursue the complaint, a standard recording form will be provided to the complainant together with a guidance note on how to complete it.
- 11.6 It is envisaged that the majority of complaints will be resolved without recourse to legal action. However where a complaint is assessed and/or escalated to the point it is justified, and cannot be resolved without legal action, all forms of legal action available to the Council will be considered.

## **12. Legal remedies – Housing**

### Antisocial Behaviour within previous three years – no court order

- 12.1 Where a prospective or existing Council tenant, joint tenant, a member of their household, or any visitors to their tenancy have conducted a course of antisocial behaviour within the previous three years, a short Scottish Secure tenancy (SSST) can be considered by the Council as per [Schedule 6 of the Housing \(Scotland\) Act 2001](#), as amended by [Section 7 \(4\) of the Housing \(Scotland\) Act 2014](#). This will reduce the person's rights under their tenancy agreement to allow a period of time to monitor and address the behaviour, using the relevant support where necessary. This can also be used as an attempt to try and provide respite or alleviate some of the issues with neighbours and/or the surrounding community.

12.2 There are many considerations and factors to be taken into account before an SSST can be considered. Fundamentally the behaviour must meet with the following criteria:

- meet the legal definition of antisocial behaviour as outlined in para 7.2 above;
- have happened on a minimum of two or separate occasions; and
- be substantiated with robust and corroborated evidence.

12.3 The Area Housing Officer will discuss the individual circumstances of the case with the relevant Area Housing Manager. All relevant factors must be considered as detailed in the Council's [Short Scottish Secure Tenancy \(SSST\) Policy](#). Where the decision is made to use an SSST the associated procedures will be followed and a robust audit trail will be maintained.

12.4 Where a complaint cannot be resolved, formal legal action will be considered, where appropriate. In such cases the evidence gathered will be passed to Legal Services for advice. All possible legal remedies will be considered, subject to the level of evidence available. A list of legal remedies is provided within the Scottish Government's publication '[Guide to the Antisocial Behaviour \(Scotland\) Act 2004](#)'. The Council will actively seek to use these remedies where appropriate in order to ensure that all types of antisocial behaviour are kept to an absolute minimum. The use of Antisocial Behaviour Orders (ASBOs) and eviction will only be considered as a last resort where other appropriate forms of action have been tried and have failed.

Antisocial Behaviour within previous three years – ASBO or Eviction Order

12.5 Where a prospective or existing Council tenant already has an ASBO or an eviction order due to antisocial behaviour, an SSST can be considered under [Schedule 6 of the Housing \(Scotland\) Act 2001](#). The Council's [Short Scottish Secure Tenancy \(SSST\) Policy](#) and associated procedures will be followed.

### Convicted of a crime punishable by imprisonment

- 12.6 Where a perpetrator is a Council tenant, joint tenant, household member or regular visitor to a Council tenancy and has been found guilty of an offence punishable by imprisonment and convicted by a Court, the Council may consider eviction action using a streamlined eviction action introduced by [Section 14 of the Housing \(Scotland\) Act 2014](#). Although the crime is punishable by imprisonment, whether they have served an actual prison sentence will be irrelevant. All the individual circumstances of the case will be taken into account prior to any action being taken. The Area Housing Officer will discuss this possibility with the relevant Area Housing Manager and the Council's [Evictions Policy](#) and associated procedures will be followed.

## **13. Training**

- 13.1 The Council will ensure that all Housing staff dealing with complaints of neighbour nuisance and antisocial behaviour receive the appropriate training. This may include training in various areas such as interview skills, statement taking, noise monitoring, the use of both early prevention work, antisocial behaviour contracts and legal remedies as well as low level mediation skills (where appropriate) which the Council will arrange.
- 13.2 The Council will seek to raise awareness of its policy on neighbour nuisance and antisocial behaviour across Council services and among other relevant partner agencies.

## **14. Complaints**

- 14.1 Any complainant who is not satisfied with the manner in which the Council has dealt with any aspect of their noise nuisance or antisocial behaviour complaint should contact the Housing Services Manager in the first instance who will investigate and respond within 14 days.
- 14.2 Where the tenant is still not satisfied, the Council also has a corporate [Complaints Policy](#) and explanatory information which is available on the Council website.



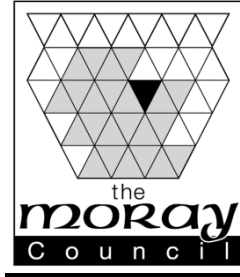
## **15. Record keeping and performance monitoring**

- 15.1 Robust recording of all complaints and action is necessary to ensure a robust audit trail to justify legal enforcement action. This assists in monitoring cases and helps the Council to identify the nature, type, frequency and locations of particular incidents and any problem areas within communities.
- 15.2 The Council also has a statutory duty to complete the Annual Return on the Scottish Social Housing Charter (ARC) to the Scottish Housing Regulator (SHR). This provides key information on our performance throughout the financial year in relation to resolving antisocial behaviour complaints that relate particularly to Council housing stock. Indicator 15 includes:
- i) Number of antisocial behaviour cases reported within the year; of those
  - ii) Number of cases resolved within the year (as per SHR definition of resolved in Section 11.4 above); and
  - iii) Percentage of antisocial behaviour cases reported in the last year which were resolved.
- 15.3 Further internal monitoring in relation to noise nuisance and antisocial behaviour complaints include -
- i) Number of cases by category and acknowledged / resolved within timescales;
  - ii) Number of cases referred for antisocial behaviour contracts (ABCs) or antisocial behaviour orders (ASBOs);
  - iii) Number of evictions for antisocial behaviour;
  - iv) Number of domestic noise complaints and the average time in hours between the complaint and attendance on site;
  - v) Number of incidents reported using the Equalities Incidents Monitoring Form.

## **16. Policy Review**

- 16.1 This policy will be reviewed in 2027 or earlier if required by changes to legislation and/or statutory guidance.





# **THE MORAY COUNCIL ANTISOCIAL BEHAVIOUR POLICY & PROCEDURE**

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## **Policy**

### **1. Background**

- 1.1 The Scottish Executive has made tackling antisocial behaviour one of its main priorities. Moray's Community Planning Partnership has strategic responsibility for implementing the drive against antisocial behaviour, and this is achieved and monitored under the direction of the Moray Community Safety Partnership. The Moray Council also employs an Antisocial Behaviour Co-ordinator who sits on the Community Safety Partnership and manages the development of services and initiatives associated with antisocial behaviour in Moray.
- 1.2 Surveys of people resident in Moray have revealed that a wide range of antisocial behaviour ranging from alcohol and drug induced behaviour to vandalism and dog fouling are areas of particular concern to them. The Council is committed to reducing and tackling antisocial behaviour by responding firmly and effectively to complaints. This policy and procedure will provide a framework for action relating to complaints of antisocial behaviour. This policy and procedure also links with and complements the Council's Community Safety Strategy, the Information Sharing Protocol, The Adult Support and Protection (Scotland) Act 2007 and its associated Code of Practice and the Council's policy for dealing with Neighbourhood Disputes.
- 1.3 Where people live close together there is always the scope for friction and disputes. Clashes of lifestyles where people are from different age groups, come from different cultural backgrounds, or have different working or sleeping patterns can easily give rise to arguments. The spectrum of antisocial behaviour is wide: it might threaten the physical or mental health, safety or security of other households or individuals.
- 1.4 This policy and procedure is not intended to address behaviour that is merely different and will not be used to promote the harassment of individuals, groups or vulnerable persons for behaviour that results in being of a different race, origin or belief system.
- 1.5 The Council is committed to encouraging tenants to report incidents of antisocial behaviour and to dealing with complaints of neighbour disputes or antisocial behaviour in a consistent and sensitive manner.

### **2. Principles behind the policy and procedure**

- 2.1 The principles underpinning the Council's antisocial behaviour policy are:-
  - The incidence of severe cases of antisocial behaviour is low, but where it does occur, it can cause severe stress. The Council recognises the stress that extreme instances may cause.
  - Any response to antisocial behaviour complaints often requires a multi-agency approach. The Council will therefore seek to work co-operatively with relevant agencies in dealing with cases.

- Where appropriate, the Council will take early action to prevent disputes escalating.
- The Council will seek to act in a manner that is consistent with accepted good professional practice.
- The Council will ensure that it does not act in a discriminatory manner when dealing with antisocial behaviour complaints.

### 3. Definitions of antisocial behaviour

#### 3.1 Antisocial behaviour – a legal definition:

Section 143 of the Antisocial Behaviour Etc (Scotland) Act 2004 provides that a person engages in antisocial behaviour if they:-

“... act in a manner that causes or is likely to cause alarm or distress; or pursue a course of conduct that causes or is likely to cause alarm or distress,

to a least one person who is not of the same household.”.

“conduct” includes speech and “a course of conduct” must involve conduct on at least two occasions. From this it can be seen that behaviour is defined as antisocial by the effect, or perceived effect which it has on individuals or the wider community.

#### 3.2 Antisocial behaviour – a working definition:

The expression “antisocial behaviour” carries the implication that the behaviour in question is blameworthy. The terms “antisocial behaviour”, “neighbour nuisance”, and “neighbour disputes” are often considered to be interchangeable. However, neighbour nuisance does not carry such strong negative connotations as antisocial behaviour but does imply that neighbours might reasonably be annoyed by the behaviour in question. Where the reasonable response of neighbours is or is likely to be alarm or distress, such behaviour may however, more appropriately be classed as antisocial behaviour. Neighbour disputes focus on the existence of conflict without necessarily implying that it is appropriate to attribute blame. One example is noise travelling between adjacent properties. The purpose of this policy and procedure is to set out processes which will be operated where a complaint of antisocial behaviour as defined above is received by the Moray Council.

### 4. Scope

- #### 4.1
- This policy and procedure applies to all complaints of antisocial behaviour not made against a council tenant, for which see the related Moray Council Neighbour Disputes and Antisocial Behaviour Policy and relative procedure, or against a person under 16 years of age, for which see the Moray Council Antisocial Behaviour Young Persons Process. Similarly complaints made relative to premises owned by a Registered Social Landlord (RSL) should be referred, in the first instance, to the RSL. All complaints will be evaluated by the Antisocial Behaviour Co-ordinator and allocated appropriately for action.

## Procedure

### **5. Making a complaint**

5.1 In this procedure the person making the complaint will be referred to as the “complainant” and the subject of the complaint will be referred to as the “alleged perpetrator”.

5.2 The Council will accept complaints in a number of ways:-

- By letter
- In person
- By telephone
- In the course of an interview
- By e-mail
- Via an elected member/MSP/MP

### **6. Confidentiality**

6.1 All complaints will be treated in confidence if the person making the complaint asks for this. However it will be made clear that they may be able to be identified from the details of the complaint. In addition, where total confidentiality is requested, this may limit the action we are able to take. Anyone making a complaint will be offered a choice of suitable venues to discuss their complaint(s).

6.2 It will not normally be possible to act on anonymous complaints unless simple and independent verification of the complaint is possible, for example through visual inspection of a public area. In the event that an anonymous complaint is received that may involve other departments, the Antisocial Behaviour Co-ordinator will forward the complaint on to the relevant department.

6.3 The terms of data protection legislation will be adhered to within this policy.

### **7. Categorising a complaint**

7.1 The Council is committed to responding to complaints of antisocial behaviour as quickly as possible. However, it is important to ensure that the most serious complaints are investigated without delay. Accordingly progression of complaints must be prioritised.

**Category A:** Severe antisocial behaviour, where the involvement of the police is necessary.

For example:

- violence towards another tenant
- threatening behaviour
- drug dealing

- harassment (including racial harassment)

**Category B:** Antisocial behaviour, where the behaviour is of a serious and/or persistent nature.

For example:

- threats
- vandalism/damage to common areas
- serious disturbance
- noise nuisance (more serious, persistent or recurring)

**Category C:** Disputes solely between two neighbours.

For example:

- use of common areas
- maintenance/use of boundaries
- noise (due to lifestyle differences and or general domestic noise)

**Category D:** Ordinary breach of tenancy conditions.

For example:

- not keeping garden tidy
- parking in unauthorised areas on housing property
- failing to control pets

## **8. Acknowledging a complaint**

8.1 Target times for an initial response, from the investigating person, to the different categories of complaint are outlined below:-

- **Category A:** visit/interview complainant and contact police within 1 working day.
- **Category B:** carry out initial investigation and assess appropriate action. Contact complainant by phone/letter/visit within 2 working days to advise of assessment.
- **Category C:** investigate complaint and contact complainant by phone/letter/visit within 5 working days.
- **Category D:** investigate complaint and contact complainant by phone/letter/visit within 5 working days.

8.2 Customers' preferred means of communication will be used if possible. If a customer prefers to communicate by email, response letters will be emailed as PDF attachments.

## **9. Resolution timescale**

9.1 The target timescale for investigating and resolving a complaint is 20 working days from the date the initial acknowledgement letter is sent. In exceptional cases, it may not be possible to investigate and resolve complaints within this



timescale, for example, if further information is needed to respond. In these cases the Antisocial Behaviour Co-ordinator will contact the customer to confirm a revised response date and a reason for the delay

## 10. Dealing with a complaint

10.1 It is vital that all evidence is documented. This may include:-

- the initial report containing preliminary details of the complaint.
- witness statements.
- diary evidence.
- photographic evidence.
- interview statements.
- all communications including details of all telephone calls, visits/interviews, letters and other contact.

10.2 In cases involving harassment of any of the groups protected by the 2010 Equality Act (i.e. race, religion/belief, gender, age, disability, pregnancy/maternity, gender reassignment, and sexual orientation), a victim-orientated approach should be taken, on the basis that if the victim or any other person believes that the behaviour is motivated in relation to their protected characteristic, then this will be acted upon. The Antisocial Behaviour Co-ordinator will help the complainant to complete an Equalities Incident Monitoring Form and will offer relevant information and advice and sources of support. Procedures will be put in place to identify repeat victims and appropriate support and assistance will be offered.

10.3 In the event that the complainant does not want the complaint to be investigated or action taken, the Antisocial Behaviour Co-ordinator must explain to the complainant that unless independent evidence can be collated to substantiate the complaint, it may be impossible to take action against the alleged perpetrator. The Antisocial Behaviour Co-ordinator will offer information and advice regarding possible sources of support.

10.4 The Antisocial Behaviour Co-ordinator will advise the complainant that in the event of a serious dispute, his/her evidence or testimony may be required in order to secure legally enforceable remedies, for example Antisocial Behaviour Orders or interdicts. The Antisocial Behaviour Co-ordinator will request the complainant's consent, respect his/her views and advise of the implications.

10.5 The Antisocial Behaviour Co-ordinator will ensure that the complainant is aware of the need to liaise with other services, for example environmental health or the Police in certain circumstances. This may involve sharing personal information including the complainant's personal details. The Antisocial Behaviour Co-ordinator will comply with the terms of the Information Sharing Protocol and will either secure completion of a consent form or service of a fair processing notice as appropriate.

10.6 Following receipt of a complaint, the Antisocial Behaviour Co-ordinator will determine the nature and extent of the initial investigation which will include, as appropriate, the following:-

- initial response to the complaint.
- interview of complainant.
- interview of alleged perpetrator.
- re-assessment of situation.
- course of action decided upon.
- relevant further steps taken.
- closure of the case.

10.7 The Antisocial Behaviour Co-ordinator or other officer handling the relevant stage of the complaint will keep in contact with those involved in the dispute. It is vital that the complainant is kept updated with progress of the complaint. All contact and attempted contact must be documented on the relevant file.

## **11. Investigating a complaint**

11.1 The Antisocial Behaviour Co-ordinator will instruct the appropriate Community Warden/partner agency to investigate the complaint. The investigation will be completed within a timescale that reflects the seriousness of the case. The level of investigation and the methodology used will be determined by the categorisation of the complaint. Certain complaints may be referred for expert investigation, for example, by environmental health or Grampian Police. It may not be necessary for the Community Warden to interview the complainant in every instance in order to verify the facts. Complaints of a more serious nature will require more in-depth investigation. The Antisocial Behaviour Co-ordinator will take a view as to appropriate action following the complaint only after initial investigation has taken place and a clear assessment can be made on the strength of the evidence. The Community Warden and Antisocial Behaviour Co-ordinator will remain impartial throughout the investigation process.

## **12. Initial investigation**

12.1 On receipt of a complaint the Antisocial Behaviour Co-ordinator will establish if there have been any complaints in the previous months relative to the alleged perpetrator, in order to ascertain whether there is a pattern of behaviour.

12.2 It may be appropriate for the Antisocial Behaviour Co-ordinator to encourage the complainant to speak to the alleged perpetrator, if he or she has not already done so. If the complainant refuses to do so, this does not mean action will not be taken using mediation principles, the Antisocial Behaviour Co-ordinator may recommend specific action to de-escalate the dispute and negotiate a compromise.

### **13. Gathering evidence**

13.1 Dealing successfully with complaints depends primarily on the strength of the evidence gathered by the Community Wardens. In gathering evidence the Community Warden must ensure that:-

- he/she does not make judgements about who is at fault until a full investigation is completed.
- details are taken in full, are accurate, and where possible in chronological order.
- full names and addresses of witnesses are recorded, together with their relationship with the complainant e.g. friend, sister etc.
- details such as the time of day, weather conditions, visibility and witnesses to an incident which may be important are recorded.
- if the complaint is of a serious nature, as soon as possible after the complaint is made, the Community Warden will collect evidence with a view to preserving that evidence for a possible future court case. If this is not done at a very early stage, it may be impossible to pursue legal action later.
- all records of any interviews, phone calls, etc are signed by the community warden, dated and documented.
- information is recorded in a non-judgemental way, recording the facts of the case as they have been related to the Community Warden.
- where appropriate, the case against an alleged perpetrator is made stronger by evidence gathered from a number of witnesses. The Antisocial Behaviour Co-ordinator will ensure that Community Wardens are advised if more than one complaint has been made relative to the same alleged perpetrator.
- photographic evidence is taken where appropriate. Where photographic evidence is taken by the Community Warden, he/she will write his or her name, the date and time the photos were taken on the reverse and will sign the photo as soon as the print is available, recording also the name and address of the complainant.

13.2 In order to substantiate the facts, it may be necessary for Community Wardens to visit surrounding neighbours and ascertain the neighbours' views and comments. Detailed notes of neighbours' statements must be recorded. Care must be taken at all times to maintain the confidentiality of the complainant.

### **14. Liaison with other services and agencies**

14.1 The Equality and Human Rights Commission (EHRC) in 2011 placed a duty on local authorities for all front line members of staff to be involved in identifying vulnerable persons, particularly in relation to incidences of anti-social behaviour. The Council is committed to Equalities Incidents Monitoring under the Equality Act 2010, which aims to eliminate discrimination and promote equality. Where incidents occur, they must be reported using the Equalities Incidents Monitoring Form.

- 14.2 The measures described in this policy are intended to provide protection to individuals and groups whose quality of life is undermined by the antisocial behaviour of others. Individuals who experience prejudice, for example on the grounds of race, religion or belief, gender, age, disability, pregnancy/maternity, gender reassignment or sexual orientation may also be more likely to be the victims of antisocial behaviour. The measures outlined are not intended to tackle behaviour that is merely different, or behaviour that is the result of a medical or mental health issue. In tackling antisocial behaviour, The Moray Council will pay due regard to its obligations under the Local Government in Scotland Act 2003.
- 14.3 Where antisocial behaviour appears to arise as a result of an individual's addiction to drugs, alcohol or other substance the Council will seek to involve appropriate agencies and every effort will be made to resolve the issue before legal remedies are considered.
- 14.4 Where an individual's antisocial behaviour relates to mental health issues the Council will liaise closely with health and social work services. If the behaviour is not addressed the Council will work with others to identify other options, such as more appropriate accommodation, before legal remedies are considered.
- 14.5 Where an individual appears to be vulnerable for any other reason the Council will liaise with any appropriate body in order to highlight this and in an attempt to resolve the issue before legal remedies are considered. For example, if a noise complaint is due to young children being left unsupervised for extended periods of time, the Antisocial Behaviour Co-ordinator will inform social work.
- 14.6 If the alleged perpetrator has a recognised "case worker" or is known to social work or community care, they must be advised of the situation. As always, liaison with these services should take place in accordance with the terms of the Antisocial Behaviour Information Sharing Protocol (see paragraph 15).
- 14.7 If the alleged perpetrator is not known to social work or community care, the Antisocial Behaviour Co-ordinator will complete a single shared assessment relative to the alleged perpetrator, or will obtain their permission to refer him/her to the relevant service. The single shared assessment is a tool to assist practitioners to assess the needs of individuals and facilitate information sharing between relevant services. Thereafter the relevant contact in social work/community care, etc must be kept informed by the Antisocial Behaviour Co-ordinator of any action and all such contact must be recorded in the file. Every effort should be made to resolve the problem through appropriate provision in a care package or through similar action, e.g. mediation, and any action planned relative to the alleged perpetrator should be suspended until there has been an opportunity to assess the success of the care package or similar action in this respect. Every effort must be made to resolve the situation via joint working with other agencies prior to considering referral to the Antisocial Behaviour Panel for further action.

- 14.8 The Moray Council will be unable to tackle nuisance and antisocial behaviour effectively without referral to other services and agencies. The terms of the Antisocial Behaviour Information Sharing Protocol will be observed when liaising with relevant outside services and agencies (see paragraph 15).

## **15. Information sharing**

- 15.1 Liaison with other agencies can be critical to the effective management of antisocial behaviour. The Council has an Information Sharing Protocol in line with Section 139 of the Antisocial Behaviour etc (Scotland) Act 2004 with Registered Social Landlords, Police, the Procurator Fiscal, Children's Reporter, Grampian Police, Grampian Fire and Rescue Service and NHS Grampian. The protocol allows information to be shared in connection with tackling antisocial behaviour. Joint working will continue to be promoted to achieve to ensure multi-agency approaches to addressing problems.
- 15.2 The protocol addresses the identification and appointment of designated officers, the grounds for and extent of disclosure, confidentiality agreements and records of disclosure. Designated officers can decide on a case by case basis why the disclosure of information is necessary under the 1998 and 2004 Acts. Designated officers are able to request information in respect of individuals and are responsible for ensuring that the processing of personal data is in keeping with the principles of the Data Protection Act 1998. The sharing of information ensures that a proposed course of action is appropriate and relevant and also serves as protection for officers dealing with alleged perpetrators or those affected by antisocial behaviour.
- 15.3 Upon receipt of a request, the partnership organisations will acknowledge requests within 5 working days. An assessment will then be undertaken to consider the nature of the request and respond within 10 working days. If this timescale is insufficient, organisations involved will reach a mutually agreeable timescale.
- 15.4 Where the information requested is urgent, verbal requests for sharing information will be confirmed in writing within 5 working days.

## **16. Interviewing the complainant**

- 16.1 Having completed an initial investigation of the complaint, the Antisocial Behaviour Co-ordinator will assess if a full interview with the complainant is necessary to collate more details. This will depend on the nature of the complaint and the categorisation awarded to it. It will not be necessary to interview the complainant in every instance.
- 16.2 The interview with the complainant can be vital to the investigatory process, especially as regards serious complaints. The interview must take place as soon as possible after receipt of the complaint. Timescales will vary in accordance with the categorisation given to the complaint. The Antisocial Behaviour Co-ordinator will contact the complainant by letter, phone or in person and invite him/her to attend an interview at a mutually agreeable time

or arrange for a Community Warden to conduct the interview. If requested, the Antisocial Behaviour Co-ordinator/Community Warden will interview the complainant in his or her home. If more than one person in the household has been affected, all relevant occupants will be interviewed in order to verify and substantiate the complaint. If the witness being interviewed is under 16 years of age, the person conducting the interview will ensure that a person over 16 years of age attends the interview (preferably the parent or guardian of the witness). If the alleged perpetrator is under 16 years of age, the Antisocial Behaviour Co-ordinator will refer the case under the young person's process.

16.3 The person conducting the interview must allocate enough time and ensure that confidentiality is maintained. The purpose of the initial interview is to:-

- establish the facts surrounding the complaint, as described by the complainant.
- establish what action (if any) the complainant has already taken.
- discuss with the complainant possible solutions, for example mediation, an interview with the alleged perpetrator, legal action etc.
- advise, where appropriate, of the significance of incident diaries and how they should be kept.
- discuss, where appropriate, the need for further evidence gathering, for example from other witnesses, diary sheets, photographs etc.
- provide the complainant with information about other agencies that can help, advise and support them.

16.4 The person conducting the interview will ask the interviewee to sign and date the statement taken during the interview. Before doing so the witness will be advised of the possible need for testimony to be given in court and will also comply with the provisions of the Antisocial Behaviour Information Sharing Protocol.

16.5 If the complaint concerns behaviour which recurs on a regular basis, the complainant and any others who may witness events must be advised to keep a diary. The complainants and any other witnesses keeping a diary must be advised that, if the situation continues and court action is deemed to be necessary, he/she may be called as a witness and the diary lodged and referred to in court. The purpose of lodging the diary is to ensure that there is a clear record of incidents as soon as possible after the event. This can make it easier to refresh the person's memory whilst giving evidence, if necessary.

## **17. Interviewing the alleged perpetrator**

17.1 Having completed an initial investigation, the Antisocial Behaviour Co-ordinator will, if appropriate, arrange for a Community Warden to interview the alleged perpetrator in order to verify the complaint and substantiate the facts. The interview must take place as soon as possible after receipt of the complaint. Timescales will vary in accordance with the categorisation given to the complaint.

- 17.2 The Community Warden will, where appropriate, make initial contact with the alleged perpetrator and discuss the complaint, where appropriate, in the alleged perpetrator's home. Any contact made must not be accusatory nor infer prejudice, and should be done in a manner that will encourage a positive response.
- 17.3 If the alleged perpetrator does not respond to the contact made or does not cooperate with attempts made to discuss the complaint, the Antisocial Behaviour Co-ordinator will contact the alleged perpetrator and arrange an interview whilst continuing with other methods of investigation.
- 17.4 In the event that the alleged perpetrator continues to ignore the contact made or fails to attend interviews, the Antisocial Behaviour Co-ordinator may, if there is enough evidence to substantiate the complaint, nonetheless proceed with appropriate action.
- 17.5 If the alleged perpetrator engages in discussion regarding the complaint, the Community Warden must explain the purpose of the interview to the alleged perpetrator and in particular explain the nature of the complaint in a clear and succinct manner.
- 17.6 The Community Warden will complete an interview checklist during the course of the interview.
- 17.7 During the interview, the Community Warden must ensure that confidentiality is maintained, e.g. the Community Warden must not take to the interview any documentation containing the complainant's personal details.
- 17.8 The alleged perpetrator must be given the opportunity to respond to the complaint made. The Community Warden will record the responses given by the alleged perpetrator and will provide the alleged perpetrator with details of the Antisocial Behaviour Policy and Procedure and where this can be accessed. A copy of the notes taken at the interview must be kept on file and may be used as evidence if any further action is required. The Community Warden will ask the perpetrator to sign and date the statement taken to verify that the statement is accurate. Before doing so, the person conducting the interview will comply with the relevant provisions of the Antisocial Behaviour Information Sharing Protocol (see paragraph 15).
- 17.9 If the alleged perpetrator accepts that he/she or his/her family has/have acted as described by the complainant, the Community Warden will determine further action to take by reference to the nature of the complaint. The Community Warden will make it clear to the perpetrator that he/she is responsible for the behaviour of all household members and visitors and that the behaviour must stop. The Community Warden must advise the perpetrator that if the behaviour continues, further action will be taken which may include an Antisocial Behaviour Contract (ABC) or an application for an ASBO.

- 17.10 If the alleged perpetrator makes counter allegations, the Antisocial Behaviour Co-ordinator will record a new complaint and follow the appropriate procedure for that complaint.
- 17.11 If the alleged perpetrator denies the allegations made, the Community Warden will continue the investigation and if substantiated will liaise with the Antisocial Behaviour Co-ordinator regarding action (if required) appropriate to the categorisation awarded to the complaint.
- 17.12 Where it is inappropriate to attribute blame relative to the subject matter of the complaint, the Antisocial Behaviour Co-ordinator will consider specific action in an attempt to de-escalate the dispute. Again the nature of the complaint will determine the appropriate action.
- 17.13 The investigation will establish if the initial categorisation given to the complaint is correct. In that event the categorisation will be reviewed by the Antisocial Behaviour Co-ordinator and the file marked appropriately.

## **18. Mediation**

- 18.1 During the course of the investigation the Antisocial Behaviour Co-ordinator will establish if either party has made any contact with the other in order to discuss and rectify the situation. If contact has not been made or if the Antisocial Behaviour Co-ordinator considers that the situation has arisen due to a lack of awareness or a difference in lifestyle, the Antisocial Behaviour Co-ordinator may consider that the first course of action is to arrange a meeting of both parties. Any such informal mediation will be conducted by the relevant Community Warden, in accordance with mediation principles. If this proves unsuccessful, the Antisocial Behaviour Co-ordinator may formally refer to the case to the Community Mediation on an individual cost basis.
- 18.2 Prior to a referral, the Antisocial Behaviour Co-ordinator will establish if the case is suitable for mediation by reference to the guidelines developed by the Community Mediation Service. These provide filtering criteria to identify suitable cases for mediation. Referrals may be accepted if at least one party agrees to mediation. Referral is unlikely to be approved: -
- if both parties are subject to legal action because of their antisocial behaviour.
  - if both parties have a history of violence towards staff or neighbours.
  - where allegations of racism or harassment have been made and are being investigated by the police.

## **19. Review of the complaint**

- 19.1 Both during and on completion of the investigation process, the Antisocial Behaviour Co-ordinator must assess the current action taken and determine appropriate action in line with unfolding events. Following conclusion of the investigation process, the Antisocial Behaviour Co-ordinator must form a final



opinion on the scale and severity of the complaint, if the complaint can be substantiated and what action is required.

19.2 Options available to the Antisocial Behaviour Co-ordinator include:-

- Take no further action and formally close the file as initial action has resolved the problem. This applies to category C complaints if after a period of 21 days from the date of acknowledgement of the complaint, no further complaints are received.
- Continue with the investigation to obtain more evidence.
- Monitor the effectiveness of the action taken to date (if any).
- Improved evidence prior to taking legal action if satisfied that this is warranted.
- Consult with other agencies.

19.3 The course of action taken will depend on the severity of the case, with each case being assessed in its own merit. If at any point during the procedure, the Antisocial Behaviour Co-ordinator decides that the complaint may require the involvement of the Police, he will immediately refer the case to the Police. If on the assessment of the complaint, the Antisocial Behaviour Co-ordinator determines that:-

- the complainant/s or the public may be in danger, or
- staff safety and public safety may be at risk, or
- a criminal offence may have been committed, then

the Police **must** be contacted by telephone, a request for assistance made and a crime reference number obtained.

**20. Collating more evidence**

20.1 In certain complaints, the Antisocial Behaviour Co-ordinator may require more time to collect the evidence necessary to take action. This may include:-

- The use of a diary (if this has not already taken place).
- Arranging for Community Wardens to visit the location where the complaint has taken place more regularly.
- Contact with other agencies.

20.2 At all times, the complainant must be kept informed of the progress made and any action taken.

**21. Enforcement action: adults**

21.1 Upon completion of the investigation, the Antisocial Behaviour Co-ordinator must consider the possible courses of action available. The timescales for action depend on the level of nuisance and antisocial behaviour, the evidence available, and the action meantime taken. The reasons, causes and remedies for antisocial behaviour are complex and diverse. The most appropriate action

will not necessarily be legal action which will in most cases only be instigated when all other options have been exhausted. The complainant must be kept advised of the action taken.

- 21.2 Informal verbal warning: the Antisocial Behaviour Co-ordinator may decide that the most appropriate way to remedy the complaint is to verbally remind the perpetrator to respect the rights of the complainer. All action taken must be documented (including the date and method used) and recorded on the appropriate file.
- 21.3 Written warning: In the event that there is some evidence to substantiate the complaint, but the evidence is insufficient to refer the case to the Antisocial Behaviour Panel, the Antisocial Behaviour Co-ordinator will write to the perpetrator. The letter must set out in detail what the perpetrator has done and make it clear that the Council will not tolerate nuisance and harassment. The letter will advise that if the problem continues, the Council will take further action. The Antisocial Behaviour Co-ordinator will also write to the complainant advising them of the position. Copies of all correspondence must be kept in the appropriate file.

## **22. Acceptable Behaviour Contracts (ABCs): adults**

- 22.1 ABCs may be considered where the complainant's behaviour disturbs or distresses others within the community and clearly set out details of:-
- actions or behaviour by the perpetrator (which are unacceptable).
  - specific actions and agreements the perpetrator will and will not abide by.
  - consequences if the offending actions are repeated.
- 22.2 Prior to agreeing to an ABC, the referring agency or department will collate evidence in conjunction with any partner agencies, for example, the Police and discuss the case with them, then complete a referral form from which an ABC will be produced. Reports from relevant support agencies may be required in order to conduct a review.
- 22.3 The referring agency or department will write to the perpetrator and invite him/her to attend an appointment where they will detail the evidence collated and explain the terms and conditions of the ABC. The referring agency or department must use 'best endeavours' to ensure that the perpetrator understands and is aware of the terms and the consequences involved in breaching the ABC.
- 22.4 The ABC will be reviewed a minimum of once a month or as required.
- 22.5 If an ABC is breached, the referring agency or department must review the case and consider appropriate further enforcement action. The Antisocial Behaviour Co-ordinator must be informed of the breach.

**23. Acceptable Behaviour Contract: young people**

- 23.1 There may be young people who are not known to any services who meet the criteria of behaving in an antisocial manner. When considering the use of ABCs to manage this behaviour it is important to realise the status of an ABC and the repercussions that can follow a breach i.e. it may be used as evidence to obtain an Antisocial Behaviour Order (ASBO). The Community Safety Partnership policy on ABCs which has been adopted by The Moray Council will be adhered to.
- 23.2 If the referring agency or department proposes that an ABC may be appropriate course of action, they will complete the ABC referral form which would be sent to the Antisocial Behaviour Co-ordinator.
- 23.3 The Antisocial Behaviour Co-ordinator will contact the Youth Justice Co-ordinator and Children's Reporter and they will jointly examine the evidence. The evidence will detail the action already taken prior to referral. As a minimum, this should be that the young person and their parents have been spoken to about the behaviour and that this has been followed up in writing.
- 23.4 Young person not known to the system: if the young person referral is appropriate then the Antisocial Behaviour Co-ordinator will return the referral form to the agency or department allowing them to negotiate the contract with the young person using an independent restorative justice facilitator.
- 23.5 Review: the Youth Justice Co-ordinator will be responsible for organising any support package required and monitoring compliance. An ABC can be used initially for up to three months. A review will take place monthly or immediately following a breach.
- 23.6 At the three-month point the ABC can either be extended or will be deemed to be completed satisfactorily. The referring agency or department will complete the review form and request any relevant reports from support agencies and forward relevant paperwork to the Antisocial Behaviour Co-ordinator. If the ABC has failed then a meeting will be arranged with referring agency or department, Antisocial Behaviour Co-ordinator and Youth Justice Co-ordinator where consideration will be given to referring the young person into the Local Integrated Assessment and Planning process (LIAP).

**24. Antisocial Behaviour Panel**

- 24.1 Cases will be referred to the Antisocial Behaviour Panel when they involve either complaints which have been categorised as serious in which case they may be fast tracked for consideration by the Panel after minimal initial investigation, or complaints which have a complex or protracted history where the enforcement action detailed previously has either failed to resolve the complaint or legal action otherwise requires to be considered. Cases may also be referred directly to the Panel by the housing service, by Grampian Police by a Registered Social Landlord (RSL) or as a youth referral.

- 24.2 All evidence gathered during the investigation will be placed before the Panel for their consideration.
- 24.3 All legal remedies will be considered by the Panel, subject to the level of evidence required being available. Legal remedies that the Council may request include the following:-
- Interdict.
  - Interim Interdict.
  - Antisocial Behaviour Order/Interim Antisocial Behaviour Order.
  - Antisocial Behaviour Notice.
- 24.4 Cases referred to the Antisocial Behaviour Panel by a RSL are referred for consultation, in order to ensure that a consistent approach to ASBOs is taken through Moray. The decision whether to proceed with an ASBO will however remain that of the RSL.

## **25. Antisocial Behaviour Orders**

- 25.1 Before making an application for an ASBO agencies are required to:-
- consult the Chief Constable of Grampian Police,
  - consult the Chief Constable of each force area for an area where there is an affected person,
  - consult each local authority in whose area there is an affected person, and
  - consult the Principal Reporter.
- 25.2 The terms of the ASBO will be agreed in consultation with partner agencies and must:-
- be reasonable, clear and unambiguous.
  - be the least necessary to restrict the behaviour complained of.
  - relate to the area where the antisocial behaviour occurred and where it is reasonable to expect that it could happen in the future.
- 25.3 The duration of the ASBO will be determined in consultation with partner agencies, taking into consideration the seriousness, persistence, age and maturity of the person subject to the application.
- 25.4 Court: in cases considered to be the most serious, notably where threatening behaviour or actual harm has occurred, the applicant will ask for the perpetrator to be given a reduced period of notice in order to have the ASBO application called in court in the shortest possible timescale.
- 25.5 Interim ASBOs: may be granted by a Sherriff at an initial court hearing in advance of a full hearing for an ASBO. An interim ASBO will take the same form as a full ASBO but will last only until the application for the full ASBO is determined or the interim ASBO is otherwise earlier recalled. Prior to making an interim ASBO application the applicant will satisfy itself that

victims, witnesses or members of the wider community require immediate protection from antisocial behaviour. When a full ASBO cannot be obtained at the initial court hearing, a request for an interim ASBO will usually be made at the earliest opportunity. The decision whether to grant an interim or full ASBO is one for the Sheriff alone.

- 25.6 Appeals: either the applicant or the defender can appeal the Sheriff's decision. In terms of Sections 27 and 28 of the Sheriff Court (Scotland) Act 1907, the person appealing can choose whether to appeal to the Sheriff Principal or Court of Session.
- 25.7 Under Section 6 of the Antisocial Behaviour Etc (Scotland) Act 2004, the Order remains in force pending the outcome of the appeal. It is however possible to apply for an order to be varied or revoked while an appeal is pending.
- 25.8 Review of ASBOs: the Antisocial Behaviour Panel will review ASBOs at least every six months, where possible there being representation on the Review Panel by all agencies involved in approving the original application. The purpose of the review is to consider if the terms of the ASBO are adequate and if the ASBO still requires to be in force.
- 25.7 The factors considered in determining the decision to apply for an ASBO will form the basis of the review of the ASBO. In most cases ASBOs will be revoked if no complaints have been received in the previous two year period.
- 25.8 Applications may be made to the Court to revoke the ASBO or vary the terms of the ASBO.
- 25.9 Appropriate consultation with partner services and agencies and the community will take place prior to making such applications all in accordance with the Panel's procedural rules.
- 25.10 Variation or Revocation of ASBOs: can be applied for in accordance with the rules of procedure of the Antisocial Behaviour Panel.
- 25.11 In cases involving persons under 16 years of age, the matter should first have been considered through the local authority planning process and due consultation with the Principal Reporter must have been carried out.
- 25.12 Where a defendant applies for an order to be varied or revoked, the Sheriff must obtain the views of the original applicant and, in cases involving 12-15 year olds, the Children's Reporter before coming to a decision.
- 25.13 ASBOs cannot be transferred between local authorities. If an individual moves to another authority area a fresh ASBO would be required if their behaviour justifies it. If there is no continuing need for the original order, the applicant should consider applying to the Sheriff to have it revoked. However, the order may be kept in place once the individual has left the authority area if

it is reasonably suspected that the individual may return and engage in the prohibited antisocial behaviour.

- 25.14 Breach of an ASBO: this is a criminal offence which should be reported immediately to Grampian Police.
- 25.15 Grampian Police will investigate all such allegations and where there is sufficient evidence, report the person for breach of an ASBO. Section 11 of the Antisocial Behaviour Etc (Scotland) Act 2004 provides the Police with a statutory power of arrest for breach of an ASBO or interim ASBO. This ensures that where a constable reasonably believes that a person is committing or has committed an offence under Section 9(1) of the Act, that the constable may arrest the individual without warrant.
- 25.16 Persons aged 16 or over will appear in court either on a written undertaking or from custody to ensure that the alleged offender appears in court soon after the incident.
- 25.17 Persons aged under 16 will be released into the care of their parent or guardian or local authority. In certain cases Grampian Police may detain the child under Section 43 of the Criminal Procedure (Scotland) Act 1995.
- 25.22 Grampian Police will inform all relevant services and agencies of the reported breach of an ASBO and the action taken at the earliest opportunity and no later than the next working day.
- 25.18 The Moray Council will consider any necessary follow up action in consultation with partner services and agencies. It is the policy of the Crown Office Procurator Fiscal Service (COPFS) to prosecute cases for breached ASBOs for persons aged 16 or over subject always to the Procurator Fiscal's overriding discretion to deal with cases which are appropriate for prosecution. Grampian Police will notify the relevant services and agencies of the court dates for cases and the outcome of cases referred for prosecution.
- 25.19 In cases involving persons under 16 years of age, COPFS will refer cases to the Children's Reporter unless the breach of the ASBO is considered to be a serious offence. It is expected that most breaches of ASBOs by those under 16 will be dealt with through the Children's Hearing System, although again, the decision whether to do so remains at the discretion of the Children's Reporter.
- 25.20 Record of ASBOs: The Antisocial Behaviour Co-ordinator will maintain a register of all ASBOs and interim ASBOs relevant to The Moray Council whether originally applied for by the Council or by a RSL. Legal services will be provided with an updated copy of the Register following each amendment. This register is not available for public inspection and details from the register will only be disclosed in accordance with relevant Data Protection and Freedom of Information legislation
- 25.26 When the Moray Council is advised that a person subject to an ASBO plans to move or has moved from Moray, the Antisocial Behaviour Co-ordinator will

inform the “receiving Council”. He will record this and inform relevant services and agencies and the ASBO will be reviewed.

25.21 The Antisocial Behaviour Co-ordinator will hold a record of all revoked ASBOs. Details will be removed from this record once an ASBO has been revoked for 2 years.

25.22 Notification and Publicity: following the grant of an ASBO, The Moray Council will advise all persons who have been or who are likely to be affected by antisocial behaviour by the person subject to the ASBO. The information provided will confirm:-

- the identity of the person subject to the ASBO.
- the terms of the ASBO.
- what should be done if further antisocial behaviour occurs.

25.23 Generally the media will not be used to publicise individual ASBOs but may be used where the antisocial behaviour involved has either caused significant concern in the community or is such that publication may be expected to deter similar instances of antisocial behaviour.

25.24 The identity of the person subject to the ASBO will not generally be disclosed by the Council to the media but may be in the circumstances outlined in para 25.22 above.

25.25 It is recognised that convictions for breached ASBOs are more likely to attract media publicity and The Moray Council will seek to ensure reasonable and factual media reporting in such situations.

25.26 Where appropriate the use of ASBOs will be publicised to demonstrate actions being taken to address antisocial behaviour. This may include reference to individual ASBOs in accordance with para. 25.22 above, but will more commonly include only general information.

25.27 Press releases for media publicity will be co-ordinated and approved by the relevant PPR officer of The Moray Council in liaison with the Antisocial Behaviour Co-ordinator and the service which referred the matter to the Panel.

## **26. Antisocial Behaviour Orders: young people (12 – 15 year olds)**

26.1 If the Antisocial Behaviour Co-ordinator feels it would be appropriate to apply for an Antisocial Behaviour Orders (ASBO) against a young person, that person will usually have had a history within the Local Integrated Assessment and Planning (LIAP) process. The Co-ordinator will have evidence of all the interventions and/or diversionary measures instigated prior to considering an ASBO. However, where a young person’s antisocial behaviour has escalated greatly over a short period of time, the case may be referred directly to the Panel.

- 26.2 In cases which are not fast tracked to the Panel, the application for an ASBO for a young person will be made by submitting a full referral form to an extended LIAP, which will consider the evidence and behaviour of the young person. The extended LIAP can refer the application back to the co-ordinator with recommendations that other measures should be explored or agree that the ASBO process should continue. The application including evidence will be forwarded to the Children's Reporter who has a key role to play in the process. At this stage a full assessment will be carried out on the young person and a detailed support plan will have been developed.
- 26.3 The Reporter will have access to detailed records on the young person which are crucial to informing the extended LIAP when considering a ASBO. The Reporter will act as a gatehouse for the Children's Hearing system and will chair the extended LIAP when considering an ASBO.
- 26.4 If the extended LIAP supports the application for an ASBO and the Children's Reporter agrees, all relevant documentation must be forwarded for consideration by the Panel in the usual way.

## **27. Case Closure**

- 27.1 The Antisocial Behaviour Co-ordinator will close a case when all possible action has been taken. A case will only be closed when:-
- the nuisance or cause of the complaint has stopped (after a period of monitoring).
  - the complainant will not allow the Antisocial Behaviour Co-ordinator/Community Warden to investigate his/her allegations or take any action.
  - there is no evidence to substantiate the complaint and all best endeavours to collect evidence have been made.
- 27.2 The Antisocial Behaviour Co-ordinator will consult with the complainant and any other agencies involved prior to closing the case.
- 27.3 When a case is closed, the Antisocial Behaviour Co-ordinator must write to the complainant and explain that:-
- the case is closed.
  - the case can re-open if the nuisance or antisocial behaviour happens again or further evidence is obtained that allows action to be taken.
  - he/she has the right to appeal a decision.
- 27.4 When a case is closed, the Antisocial Behaviour Co-ordinator must write to the alleged perpetrator to explain that:-
- the case is closed but will continue to be monitored.
  - the case can re-open if the nuisance or antisocial behaviour happens again, or further evidence is obtained that allows action to be taken.
  - he/she has the right to appeal the decision.



27.5 Appeal against closure by the complainant or alleged perpetrator will lie to the Head of Planning and Economic Development Services of the Moray Council.

27.6 In the event the complainant or the alleged perpetrator is not satisfied with the response provided by the Head of Planning and Economic Development Services, he/she will be referred to the Moray Council's Complaints Procedure.

## **28. Complaint not substantiated**

28.1 If after investigation of the complaint the Antisocial Behaviour Co-ordinator concludes that no action is required, for example, because there is not enough evidence to substantiate the complaint, the Antisocial Behaviour Co-ordinator must write to the complainant and advise him/her that:-

- the complaint made has been investigated but not found to be actionable
- the case can reopen if the nuisance or antisocial behaviour happens again
- further evidence is obtained that allows action to be taken
- he/she has a right of appeal

28.2 The Antisocial Behaviour Co-ordinator should write to the alleged perpetrator stating that no further action will be taken at this stage but emphasising the need to have consideration for his/her neighbours.

## **29. Complaint not resolved**

29.1 Following conclusion of investigations and collation of all reasonably attainable evidence, the Antisocial Behaviour Co-ordinator will reassess the complaint within the timescale originally identified.

29.2 Following conclusion of investigations the Antisocial Behaviour Co-ordinator or the appropriate Community Warden should contact the complainant to assess if the complaint has been resolved. If not, and further action is to be taken or the complaint is to be re-categorised, the Antisocial Behaviour Co-ordinator must inform the complainant and ensure that he/she is continually updated with regard to any action taken.

## **30. Monitoring**

30.1 The Antisocial Behaviour Co-ordinator will be responsible for ensuring that antisocial behaviour complaints are effectively managed and monitored in the Moray area in accordance with the Antisocial Behaviour Policy and Procedure.

30.2 The Antisocial Behaviour Co-ordinator will extract management information on a regular basis in order to monitor incidences, case loads and outcomes to demonstrate the following:-

- The number of community dispute complaints received.
- Categories of community disputes received.

- Number and type of legal remedies sought with outcomes.
- Cases categorised under the racial incident monitoring framework on outcomes.
- Emerging neighbourhood patterns.

30.3 The management information provided above will help inform performance monitoring within the Council and will assist under initiatives with partner agencies in managing antisocial behaviour.

### **31. Training**

31.1 In order to achieve the roles set out for them, staff dealing with complaints of neighbour disputes and anti-social behaviour will require the appropriate training. This may include training on interview skills, use of legal remedies and mediation skills.

31.2 The Council will seek to raise awareness of its policy on neighbour disputes and anti social behaviour within Council Services and other appropriate agencies.



**REPORT TO: HOUSING AND COMMUNITY SAFETY COMMITTEE ON 25 JUNE 2024**

**SUBJECT: ALLOCATIONS POLICY ANNUAL PERFORMANCE REPORT 2023/24**

**BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND FINANCE)**

**1. REASON FOR REPORT**

- 1.1 To inform the Committee of the performance of the Council's Allocations Policy during 2023/24.
- 1.2 This report is submitted to Committee in terms of Section III (G) (11) of the Council's Scheme of Administration relating to the preparation and implementation of strategic housing plans.

**2. RECOMMENDATION**

**2.1 It is recommended that the Committee:**

- (i) **considers and notes the performance identified within the report; and**
- (ii) **agrees the allocations quotas for 2024/25 detailed at paragraph 5.4 of this report.**

**3. BACKGROUND**

- 3.1 The Communities Committee approved a revised Allocations Policy on 5 February 2019 (Paragraph 9 of the Minute refers) for implementation on 1 May 2019. On 13 February 2024, this Committee approved further changes to the Policy but for implementation from 1 April 2024 (Paragraph 8 of the Minute refers).
- 3.2 The Communities Committee approved Moray's Local Housing Strategy (LHS) 2019-2024 on 2 April 2019 (Paragraph 6 of the Minute refers). The LHS sets out the Council's approach to addressing housing need and homelessness, property condition and fuel poverty. The operation of the Allocations Policy is a key factor in the delivery of LHS outcomes.

3.3 Performance monitoring information on the operation of its Housing Allocations Policy has been considered annually by this Committee and its predecessors since 2005. The most recent report was presented to this Committee on 27 June 2023 (Paragraph 8 of the Minute refers).

#### 4. **ANALYSIS OF HOUSING LIST ALLOCATION AND DEMAND TRENDS**

4.1 Statistical information on the operation of the policy is presented in **APPENDIX I**. The statistics for 2020/21 and 2021/22 should be viewed in the context of the national response to the COVID-19 pandemic and associated restrictions in activity.

4.2 **Table 1** provides details of the housing list for the last 5 years. Since 2019/20, the housing list has reduced by 9.7%. This decrease should be considered within the context that the Grampian wide common housing register Apply4Homes disbanded in 2021. Applicants were invited to re-register on the Council's new online system if they still required housing. Since 2022/23, the total number of applications on both the waiting and transfer lists has increased, resulting in a 13.6% rise to the overall housing list, however both remain down when compared with 2021/22. Some of these variations can be attributed to the transition from the previous common housing register to our current allocations system.

4.3 Housing List trends are considered in depth as part of the 2023 Housing Needs and Demand Assessment (HNDA) and reflected as part of the revised Allocations Policy implemented from 1 April 2024. This will also be a consideration within the forthcoming Local Housing Strategy (LHS) 2025-2030.

4.4 **Table 2** details the size and type of housing required by applicants on the housing list. Over the past 5 years, there has been significant increases in demand for housing suitable for larger families, as well as an increased need for amenity and accessible housing.

4.5 The increased demand for accessible housing is consistent with the projected demographic changes in Moray and the ageing population. Despite this, demand for sheltered housing decreased by 11% over the past five years but increased by 25% in the past year. This will continue to be monitored to establish whether this is a changing trend and there is ongoing strategic engagement with Health & Social Care Moray in relation to meeting future needs.

4.6 Approaches to increasing the supply of affordable housing detailed in the Local Housing Strategy and Strategic Housing Investment Plan are aligned with changes in demand.

4.7 **Table 3** provides summarised information on the first area preference of current housing list applicants. This shows that the first area preference is broadly in proportion to the number of dwellings available (across all tenures) within each Housing Market Area, except for the Elgin Housing Market Area which has an 8.4% difference.

- 4.8 Applicants who apply for housing can select the areas where they want to live. This allows them the choice of any, or all, of the 63 lettings areas across Moray. These choices can be driven by urgency and availability, rather than the applicant's desire to live in a particular area. To support strategic planning for affordable housing, applicants are asked separately to state their first, second and third areas of preference (i.e. where they would ideally choose to live). This second strategic question is the source used to inform the Council's approach to delivery of new affordable housing across geographical areas and is reflected in the Strategic Housing Investment Plan (SHIP).
- 4.9 **Table 4** provides details of the number of re-lets from Council stock in 2023/24. When this is compared to the housing list as at 31 March 2024, it shows that there were 8.6 applicants on the list per re-let (8.7:1) during 2023/24. However, this pressure varies greatly across house types and sizes:
- 1 bedroom general needs (32:1);
  - 2 bedroom general needs (5:1);
  - 3 bedroom general needs (7:1); and
  - 4 bedroom (37:1).
- 4.10 The table also shows that there is no evidence of significant migration between Housing Market Areas (HMA).
- 4.11 **Table 5** shows a decreasing trend in re-let rates over the five years. The decrease in re-lets during 2020/21 can be associated with the pandemic restrictions on house moves in all tenures for part of 2020. In 2023/24, re-lets reduced by 17.5% in comparison to the previous year. This was the outcome of a slight reduction in Council tenancy terminations (6%) but a further contributing factor was reduced tenancy turnover arising from tenants moving out of the Moray area or taking up a new tenancy with a Registered Social Landlord (RSL). This will add further pressure to the housing list should this trend continue.

## **5. ALLOCATIONS QUOTAS FOR THE HOUSING LIST**

- 5.1 The housing list consists of three separate lists: Waiting, Transfer and Homeless. The Homeless List includes those assessed as statutorily homeless, the Waiting List contains applicants who are waiting for a Council house including current RSL tenants; and the Transfer List which includes current Council tenants who need or want to move. The proportion of allocations made to each list is determined annually by the Committee.
- 5.2 **Table 6** shows the proportion of allocations made to applicants from the three housing lists over the past five years. This table includes new lets arising from the acquisition programme, 35 which were acquired in March 2023 and let during 2023/24.
- 5.3 The Rapid Rehousing Transition Plan aims to minimise the use of temporary accommodation and provide permanent housing options to homeless households as quickly as possible. The Homeless List quota proposed below is intended to strike an appropriate balance between the need to implement the Rapid Rehousing Transition Plan, and the need to minimise any unintended consequences of an increased quota i.e. that the Homeless List

would be viewed by applicants as the quickest route into permanent housing, and would significantly increase as a result.

- 5.4 Historically, this Committee has taken a pragmatic approach, agreeing quotas intended on striking an acceptable balance between all lists. Significant challenges lie ahead including implications associated with the increased cost of living, a reduced budget for affordable housing delivery and the declaration of a national housing emergency. Therefore, it is proposed that the quotas for 2024/25 remain unchanged from the 2023/24 targets, which are set out in the table below:

List	Target	Tolerance
Homeless List	50%	+/- 5%
Waiting List	30%	+/- 5%
Transfer List	20%	+/- 5%

- 5.5 Despite these challenges, there has been success in increasing tenancy turnover by 16% within Moray Council's housing stock in the past financial year, achieving a 16% increase as intended by the Allocations Policy.

## **6. NEW BUILD LETTINGS PLAN AND ACQUISITION PROGRAMME**

- 6.1 The new build lettings plan was introduced in 2015. The Plan sets out how the Council will deviate from the Allocations Policy in identifying the first tenant in new build properties, with the aim of establishing successful, sustainable new communities, and this includes deviation from Housing List quotas.

- 6.2 **Table 7** shows there were 41 properties added to the Council's stock profile during 2023/24 from the Council's new build programme in the Elgin and Keith Housing Market Areas.

- 6.3 **Table 8** shows the proportions of allocations from each List, and that 33% of new lets for the Council's new build programme were allocated to Transfer List applicants and 55% to Waiting List applicants.

## **7. SUMMARY OF IMPLICATIONS**

### **(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**

The Corporate Plan and the 10 Year Plan both identify the need to address the shortage of affordable housing and tackle homelessness. The Allocations Policy seeks to make the best use of the Council's housing stock and promote healthier citizens and more people living well in their communities.

### **(b) Policy and Legal**

The primary legislation governing allocations of Council housing is contained within the Housing (Scotland) Act 1987 as amended by the Housing (Scotland) Act 2001, the Homelessness etc. (Scotland) Act 2003 and the Housing (Scotland) Act 2014. This legislation provides the Council with the discretion to develop allocation and local letting policies in line with local priorities.

The Scottish Social Housing Charter sets out standards against which the Scottish Housing Regulator will assess local authorities as part of its inspection regime.

**(c) Financial implications**

There are no financial implications arising from this report.

**(d) Risk Implications**

There are no risk implications arising from this report.

**(e) Staffing Implications**

There are no staffing implications arising from this report.

**(f) Property**

There are no property implications arising from this report.

**(g) Equalities/Socio Economic Impact**

There are no impacts in relation to equal opportunities or the socioeconomic duty as the purpose of the report is to inform Committee on performance.

**(h) Climate Change and Biodiversity Impacts**

There are no climate change and biodiversity implications arising from this report.

**(i) Consultations**

Consultation on this report has taken place with the Depute Chief Executive (Economy, Environment and Finance), Head of Housing and Property, Housing Needs Manager, Housing Services Manager, Housing Strategy and Development Manager, Chief Financial Officer, Equal Opportunities Officer, Senior Solicitor, Georgina Anderson and Committee Services Officer, Lissa Rowan.

**8. CONCLUSION**

**8.1 This report presents the annual review of the operation of the Council's Housing Allocations Policy. It also includes proposed allocations quotas for 2024/25. The quotas proposed are intended to complement implementation of the Rapid Rehousing Transition Plan.**

Author of Report: Daska Murray, Senior Housing Officer (Strategy)  
Background Papers: with author  
Ref: SPMAN-1285234812-1570





**Table 1: No of applicants on the Housing List at year end**

List	2019/20	2020/21	2021/22	2022/23	2023/24	Change since 2019/20 (No)	Change since 2019/20 (%)
Homeless List	92	101	97	114	103	11	12%
Housing Waiting List	2,989	2,425	2,754	2,278	2,633	-356	-11.9%
Transfer List	628	533	621	559	615	-13	-2.1%
<b>Total</b>	<b>3,709</b>	<b>3,059</b>	<b>3,472</b>	<b>2,951</b>	<b>3,351</b>	<b>-358</b>	<b>-9.7%</b>

**Table 2: Size and type of property sought by applicants at year end**

Property size and type	2019/20	2020/21	2021/22	2022/23	2023/24	Change since 2019/20 (No)	Change since 2019/20 (%)
1 bed general needs	1,427	1,180	1,347	1,132	1,323	-104	-7.3%
1 bed amenity/ wheelchair accessible	526	418	487	409	503	-23	-4.4%
2 bed general needs	713	590	682	597	644	-69	-9.7%
2 bed amenity/ wheelchair accessible	152	123	138	133	127	-25	-16.4%
3 bed general needs	518	442	466	367	394	-124	-23.9%
3 bed amenity/ wheelchair accessible	34	31	37	36	45	11	32.4%
4 bed general needs	201	168	195	153	176	-25	-12.4%
4 bed amenity/ wheelchair accessible	7	7	11	8	5	-2	-28.6%
5+ bed all types	58	48	68	64	69	11	19.0%
sheltered	73	52	41	52	65	-8	-11.0%
<b>Total</b>	<b>3,709</b>	<b>3,059</b>	<b>3,472</b>	<b>2,951</b>	<b>3,351</b>	<b>-358</b>	

Table 3: Where applicants wish to live – 1<sup>st</sup> Area Preference as at 31 March 2024

List	Buckie HMA	Elgin HMA	Forres HMA	Keith HMA	Speyside HMA	CNP HMA	Total
Homeless List	11	68	17	4	3	0	103
Transfer List	110	346	73	49	34	3	615
Housing Waiting List	373	1,496	432	170	142	20	2,633
<b>Total</b>	<b>494</b>	<b>1,910</b>	<b>522</b>	<b>223</b>	<b>179</b>	<b>23</b>	<b>3,351</b>
	<b>14.7%</b>	<b>57.0%</b>	<b>15.6%</b>	<b>6.7%</b>	<b>5.3%</b>	<b>0.7%</b>	<b>100%</b>
% dwellings (Source: HNDA 2023 Table 4.3c Housing Tenure Within HMAs)	16.5%	48.6%	17.5%	8.5%	7.0%	1.8%	100%

Table 4: Re-lets by property size and type in 2023/24 (secure tenancies only)

Property size and type	Buckie HMA	Elgin HMA	Forres HMA	Keith HMA	Speyside HMA	CNP HMA	Total	ratio/ relative pressure (lets vs demand)
Bedsit			1				1	
1 bed general needs	4	25	4	5	3		41	32.3
1 bed amenity/ wheelchair accessible	20	41	15	11	13		100	5.0
2 bed general needs	19	61	26	11	15		132	4.9
2 bed amenity/ wheelchair accessible	6	18	7	2	2		35	3.6
3 bed general needs	14	18	7	12	3	1	55	7.2
3 bed amenity/ wheelchair accessible		1					1	45.0
4 bed all types	2	2		1			5	36.8
5+ bed all types	1	1					2	34.5
sheltered	5	7	3				15	4.3
<b>Total</b>	<b>71</b>	<b>174</b>	<b>63</b>	<b>42</b>	<b>36</b>	<b>1</b>	<b>387</b>	<b>8.7</b>
	<b>18.3%</b>	<b>45.0%</b>	<b>16.3%</b>	<b>10.9%</b>	<b>9.3%</b>	<b>0.3%</b>	<b>100%</b>	
% dwellings (Source: HNDA 2023 Table 4.3c Housing Tenure Within HMAs)	16.5%	48.6%	17.5%	8.5%	7.0%	1.8%	100%	

Table 5: Rate of relets to Council stock (turnover) (new lets excluded)

Council stock	2019/20	2020/21	2021/22	2022/23	2023/24	Change since 2019/20 (No)	Change since 2019/20 (%)
Council stock	6,149	6,250	6,297	6,342	6,380	231	3.8%
No of relets	470	340	445	457	387	-83	-17.7%
<b>Rate of relets</b>	<b>7.6%</b>	<b>5.4%</b>	<b>7.1%</b>	<b>7.2%</b>	<b>6.1%</b>		

Table 6: Allocations by Housing list (secure tenancies) (re-lets and new lets)

List	2019/20		2020/21		2021/22		2022/23		2023/24	
Homeless List	256	51.4%	212	49.2%	264	52.6%	236	50.8%	254	54.7%
Housing Waiting List	143	28.7%	127	29.5%	150	29.9%	151	32.5%	122	26.3%
Transfer List	99	19.9%	92	21.3%	88	17.5%	78	16.8%	88	19.0%
<b>Total</b>	<b>498</b>	<b>100%</b>	<b>431</b>	<b>100%</b>	<b>502</b>	<b>100%</b>	<b>465</b>	<b>100%</b>	<b>464</b>	<b>100%</b>

Table 7: Moray Council new build completions during 2023/24

House type	Buckie HMA	Elgin HMA	Forres HMA	Keith HMA	Speyside HMA	CNP HMA	Total	
1 bed general needs				16			16	39.0%
2 bed general needs							0	0.0%
2 bed amenity/wheelchair accessible		2		14			16	39.0%
3 bed general needs		2		2			4	9.8%
3 bed amenity/wheelchair accessible		1		1			2	4.9%
4+ bed all types		3					3	7.3%
<b>Total</b>	<b>0</b>	<b>8</b>	<b>0</b>	<b>33</b>	<b>0</b>	<b>0</b>	<b>41</b>	<b>100.0%</b>

Table 8: Moray Council new lets (new build programme only)

List	2019/20		2020/21		2021/22		2022/23		2023/24	
Homeless List	5	17.9%	11	12.1%	10	17.5%	5	62.5%	5	11.9%
Housing Waiting List	6	21.4%	37	40.7%	27	47.4%	1	12.5%	23	54.8%
Transfer List	17	60.7%	43	47.2%	20	35.1%	2	25.0%	14	33.3%
<b>Total</b>	<b>28</b>	<b>100.0%</b>	<b>91</b>	<b>100.0%</b>	<b>57</b>	<b>100.0%</b>	<b>8</b>	<b>100.0%</b>	<b>42</b>	<b>100.0%</b>



**REPORT TO: HOUSING AND COMMUNITY SAFETY COMMITTEE ON 25 JUNE 2024**

**SUBJECT: PERFORMANCE REPORT (HOUSING AND PROPERTY SERVICES) – PERIOD TO MARCH 2024**

**BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND FINANCE)**

**1. REASON FOR REPORT**

- 1.1 To inform the Committee of the performance of the service for the period to 31 March 2024.
- 1.2 This report is submitted to Council in terms of Section III (A) (4) of the Council's Scheme of Administration to monitor performance of the services within the Committee's remit in accordance with the Council's performance management framework.

**2. RECOMMENDATION**

**2.1 It is recommended that Committee:**

- (i) scrutinises performance in the areas of Service Planning, Service Performance and other related data to the end of March 2024; and**
- (ii) notes the actions being taken to improve performance where required.**

**3. BACKGROUND**

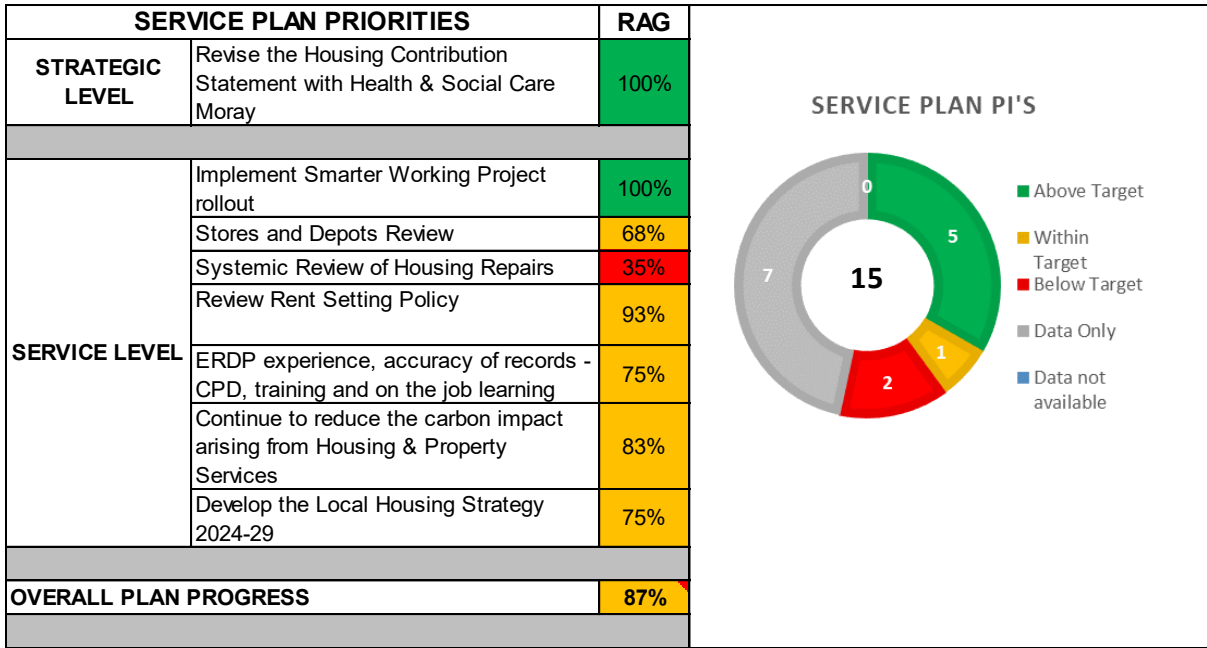
- 3.1 On 7 August 2019, the Moray Council, approved a revised Performance Management Framework for services (para 5 of the minute refers).

**4. SERVICE PLANNING**

- 4.1 Each service plan sets out the planned strategic and service level priorities and outcomes it intends to deliver in the coming year, aligning closely with financial planning, corporate and community planning partnership strategic priorities. This report provides an interim update on progress on the service plan, key outcomes and performance indicators. The Committee is invited to review progress to secure assurance that it is satisfactory and to provide scrutiny and further direction where performance requires attention.

4.2 Latest Local Government Benchmarking Framework (LGBF) Indicators covering 2022/23, initially published in February 2024, will be refreshed in June. The full suite can be viewed via the [LGBF Dashboard](#). In total, there were six indicators covering Housing Services and Assets published, four indicators ranked in the top 16 local authorities when compared nationally and the same four indicators ranked in the top 4 when compared in our family group of 8 local authorities. Overall, results improved to a greater extent than those that have worsened from previous year performance. Published indicators for this service have been incorporated within the relevant section of this report depending on whether used to evidence progress against strategic, service plan or service performance priorities. 2023/24 LGBF data will be available early 2025.

4.3 The narrative included is by exception, links to Service Plan Actions and Performance Indicators can be accessed within the Backing Papers of this report.



**Strategic Outcomes - successes**

4.4 The five-year rolling average percentage of newly completed social dwellings which are accessible exceeded the target of 30%. The Housing Need and Demand Assessment has been completed and was appraised by the Scottish Government as robust and credible. Up to date key demographic, affordability and economic factors are being used to plan the Local Housing Strategy. **(ACTION: H24-4.1a&b, INDICATOR: H1.9c).**

**Strategic Outcomes – challenges and actions to support**

4.5 Nothing to report.

**Service Level Outcomes – successes**

4.6 Roll-out of the Smarter Working project has been completed on target with equipment being procured and extensively tested. This has helped formalise

new working practises which began with the necessities of the pandemic into a “business as usual approach” that embraces and embeds flexible and hybrid working. (**ACTION:** HP24-5.1)

### **Service Level Outcomes – challenges and actions to support**

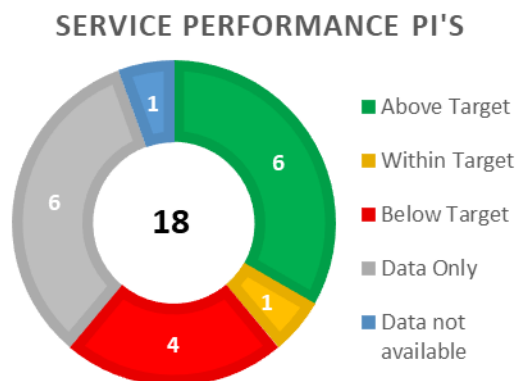
- 4.7 As part of improving how the Council manages its assets, five depots were identified for rationalisation in a report to the Economic, Development and Infrastructure Committee in June 2023 (para 13 of the Minute refers) with the Outline Business Case presented to the committee on 30 April 2024 (item 13d of the Agenda refers). The first phase of reducing the number of depots to three has been subject to some slippage due to delays with demolition of the Dava depot and final relocation from Dufftown depot linked with salt barn development, both sub-actions will carry forward to the 2024/25 service plan. Likewise, submission of the Full Business Case will also carry forward. (**ACTION:** HP24-5.2)
- 4.8 The systemic review of housing repairs has not progressed within original due dates as planned. A revised Project Plan has been implemented with a new completion date of January 2025. There is evidence of good performance in timescales to complete emergency and non-emergency repairs, the percentage of repair appointments kept, and repairs completed right first time, all indicators exceeding targets year on year. However, customer satisfaction is perhaps reflected in the level of complaints received with 63% of all complaints closed relating to repairs and maintenance. The Repairs Review Group meets regularly to explore options to reduce the level of complaints. (**ACTION:** HP24-5.3, **INDICATORS:** H2.7, H2.8, H2.11, H2,12, H1.8a-c)
- 4.9 All but one of the sub-actions relating to the Rent Setting Policy review have been completed. The Policy was approved by this Committee at its meeting on 13 February (item 7 of the Agenda refers) and implemented from 1 April. The sub-action to increase satisfaction with property condition for new tenants by 5% using tenant survey results has not been achieved following a reduction from 83% to 71%. The result is based on a small number of tenant survey responses that can significantly impact on overall percentage results. (**ACTION:** HP24-5.4, **INDICATOR:** H2.3)
- 4.10 In continuing to reduce the carbon impact arising from Housing and Property Services, scope 1 carbon emissions from buildings reduced by 9% in the year to March 2023, with a further reduction anticipated in the period to March 2024. In addition, the number of council dwellings meeting energy efficiency targets has improved. Work to phase in improvement of energy efficiency will carry forward to the 2024/25 service plan, the design for decarbonising and fabric improvement work for 4 schools is awaited, a grant funding application to support works at one school has been submitted, proposals for solar PV project for corporate buildings is developing. (**ACTION:** HP24-5.6)
- 4.11 Delivering the revised Local Housing Strategy 2025-2030 will carry forward to next years’ Service Plan, where the intention is to procure consultancy to assist with development of the strategy and facilitate public consultation. (**ACTION:** HP24-5.7c)

4.12 As at 31 March 2024, gross rent arrears as a percentage of rent due for the year increased from 4.5% to 4.7%. In cash terms this equated to £749k for current tenants and £177k for former tenants. It is however important to emphasise that this remains significantly below the national average (9.6% in 2022/23) and maintains top quartile ranking against all local authorities and family group comparator authorities. In line with the national position, rent arrears had been on an increasing trend until October 2023 and has been steadily reducing since then. Performance remains below the local target (2.8%), and consideration will be given to reviewing this to reflect the higher baseline. (**INDICATOR:** H5.3 (HSN01b))

## 5. SERVICE PERFORMANCE

5.1 In line with the Performance Management Framework, operational performance is reviewed quarterly by departmental management. Areas performing well and/or areas subject to a decreasing trend or where benchmarking results show performance significantly below comparators will be reported to this committee for member scrutiny.

5.2 The narrative included in this report is by exception, links to Service Performance Indicators can be accessed within the Background Papers at the end of this report.



### **Operational Indicators - successes**

5.3 Relocation of the traveller enforcement team to Forres earlier in the year had presented some challenges in reaching sites in the same day the incidents were reported; improvements to internal practices and processes allow officers to log incidents in real time resulting in improved, on target performance. (**INDICATOR:** H6.2)

### **Operational Indicators - challenges and actions to support**

5.4 There has been some slippage in repairs completed within timescales. As at March 2024, 90% of emergency reactive repairs were completed within 4 hours, slightly below target (100%). The volume of out of hours repairs to heating over the winter months was a significant contributory factor. In the reporting year, 84% of reactive void repairs were completed within timescale, just short of target (90%) due to several major improvement works carried out that took longer to complete. The continued upgrade to dwellings to meeting



energy efficiency is expected to improve overall performance. (**INDICATORS:** H2.10a, H2.10e)

- 5.5 Two gas service failures occurred during 2023/24, as a proportion of all annual inspectors this represents 0.03%; nonetheless procedures and training have been updated. (**INDICATOR:** H2.13a)
- 5.6 As of 31 March 2023, 16% of housing stock is meeting Scottish Housing Quality Standards, below the national average of 71% and family group average of 53%, ranking in the lowest quartile. This increased to 22.6% by 31 March 2024. The Scottish Housing Regulator invited landlords to reassess compliance with electrical inspections and in Moray most properties fell slightly short of the required standard, frustrated by factors such as the availability of qualified contractors. An improvement action plan is in place to ensure compliance by November 2024. In addition, compliance with Energy Efficiency Standard for Social Housing (EESH) is a contributory factor in achieving SQHS, significant programmes of work have not progressed as planned. (**INDICATOR:** H2.1)
- 5.7 Published benchmarking results show that the percentage of rent lost due to voids improved to 1% as of 31 March 2023, remaining below the national and family group averages of 1.7% and 1.6% respectively, achieving a top quartile ranking. Local results to 31 March 2024 show further improvement to 0.74%, slightly short of the ambitious local target of 0.63%. It is expected that the improving trend continue and for target to be achieved in the next update. (**INDICATOR:** H5.4)

## **6. OTHER PERFORMANCE RELATED DATA**

### **6.1 Complaints & MP/MSP Enquiries**

- 6.1 In line with the Performance Management Framework, complaints are reviewed quarterly by departmental management in terms of time taken to respond, outcome and learning points. Links to complaints tables can be accessed within the Backing Papers of this report.
- 6.2 A total of 105 complaints were closed in the half year to March 2024 of which 97 (92.4%) were frontline stage, 5 (4.8%) were investigative stage, and 3 (2.9%) were escalated. As a comparison, in the same period last year, 104 complaints were closed.
- 6.3 Of the 105 complaints closed, 76 (72%) complaints were upheld or partially upheld, the majority related to repairs, capital and planned maintenance.
- 6.4 A total of 61 MP/MSP enquiries were received during the second half of 2023/24 out of a 212 total to the Council as a whole (29%) and all but one were resolved. Most complaints related to the housing waiting list, transfers and issues with heating in dwellings.

### **Other Performance (not included within Service Plan)**

- 6.5 Nothing to report.

## **Case Studies**

6.6 Nothing to report.

## **Consultation and Engagement**

6.7 Nothing to report.

## **7. SUMMARY OF IMPLICATIONS**

### **(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**

Performance measurement is used to ensure the efficient and sustainable delivery of services to meet the Council's priorities in both the Corporate Plan and the LOIP.

### **(b) Policy and Legal**

The Council has a statutory requirement to publish a range of information that will demonstrate that it is securing best value and assist in comparing performance both over time and between authorities where appropriate.

### **(c) Financial implications**

None.

### **(d) Risk Implications**

None.

### **(e) Staffing Implications**

None.

### **(f) Property**

None.

### **(g) Equalities/Socio Economic Impact**

An Equality Impact Assessment is not required as this report is to inform the Committee on performance.

### **(h) Climate Change and Biodiversity Impacts**

There are no climate change/biodiversity impacts arising from this report.

### **(i) Consultations**

The Head of Economic Growth & Development Services, Depute Chief Executive (Economy, Environment & Finance) and Service Managers, have been consulted with any comments received incorporated into this report.

## 8. **CONCLUSION**

- 8.1 As of 31 March 2024 the plan overall is 87% complete, 17 actions or sub-actions having been completed. Most outstanding actions are well advanced and will be progressed through inclusion in the 2024/25 Service Plan.

Author of Report: Christopher Dewhurst, Research & Information Officer

Background Papers: [Service Plan Actions](#)  
[Service Plan Performance Indicators](#)  
[Service Performance Indicators](#)  
[Service Complaints](#)

Ref: SPMAN-1285234812-1574





**REPORT TO: HOUSING AND COMMUNITY SAFETY COMMITTEE ON 25 JUNE 2024**

**SUBJECT: HOUSING AND PROPERTY AND ECONOMIC GROWTH AND DEVELOPMENT SERVICES - SERVICE PLANS 2024-25**

**BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND FINANCE)**

## **1. REASON FOR REPORT**

- 1.1 To invite the Committee to consider the Housing and Property and Economic Growth and Development Service Plans for 2024-25, noting that these Service Plans will also be considered at the Economic, Development and Infrastructure Committee on 18 June 2024 and the Economic Growth and Development plan also at the Planning and Regulatory Services Committee on 13 August 2024, with each Committee scrutinising in terms of their respective remits.
- 1.2 This report is submitted to Committee in terms of Section III (B) (50) of the Council's Administrative Scheme relating to ensuring that the organisation, administrative and management processes of the Council are designed to make the most effective contribution to achieving the Council's objectives and to keep these procedures under review.

## **2. RECOMMENDATION**

- 2.1 **In terms of the remit of this Committee, it is recommended that Committee consider and approve the Service Plans for Housing and Property Services and the priority area relating to Community Safety only included with the Economic Growth and Development Service Plan.**

## **3. BACKGROUND**

- 3.1 Service planning is a key aspect of the Council's Performance Management Framework and is undertaken annually to set out the strategic direction for services over the coming months.
- 3.2 It should be noted that actions from the Best Value Action Plan agreed by the Corporate Committee on 23 April 2024 (paragraph 6 of the Agenda refers) will be monitored and reported outwith the Service Plan process.

- 3.3 The service planning process focuses on forward planning for medium-term activities supporting delivery of the Local Outcomes Improvement Plan (LOIP) and Corporate Plan. The Council planning process also includes team plans that focus on short term tactical and operational activities supporting delivery of the service plan and strategies and Employee Review and Development Plans (ERDP) provide individual planning for employees' activities and development.
- 3.4 As well as identifying service developments and improvement, the Service Plan Framework requires an assessment of the output and outcome requirements for the services based on the Council's priorities, statutory and regulatory requirements and other relevant factors such as Public Sector Improvement Framework (PSIF) or other equivalent service improvement tool and matching of resources to these priorities. Priority outcomes are those included in the Council's Corporate Plan which directly relate to the service or are influenced by the service and should be clearly identified.
- 3.5 Setting clear measurable outcomes and defining key indicators by which progress will be assessed is a recognised area for development within the Council and these Service Plans are part of the improvement journey to implement the Performance Management Framework. For some actions it can be difficult to identify a measurable outcome (e.g. a change in legislation that must be implemented or updating a policy framework). It can also be challenging where there is currently no clear baseline or benchmarking from which informed targets and reasonable steps forward these can be developed. Therefore, as far as possible efforts have been made to set measurable outcomes for service plan actions but in some cases outputs or milestones have been used so that it is still possible to measure whether the action has been progressed as intended. In other areas, further work will be required to refine outcomes in future. So, for example, in some actions, strategic and delivery planning is not yet concluded and so performance indicators are not yet agreed. Where possible in such cases milestones are provided.
- 3.6 A summary of progress is given below based on the annual reviews carried out for each of the service areas.
- 3.7 Reference is also made to the report to Moray Council on 28 February 2024 (para 5 of the minute refers) when the Council agreed the Corporate Plan for 2024-2029 and that the approach to delivery and performance management through service and strategic plans, which contain specific actions that support the delivery of priority areas in the new council corporate plan. This plan focusses on the period from April 2024 to April 2025.

## **2023/24 Updates**

### **3.8 Housing and Property Services**

#### **3.8.1 Progress on planned work (success)**

- Repair feedback from handheld devices increased
- Reduction in complaints related to Repairs, Capital and Maintenance
- Revised Rent Setting Policy approved after extensive consultation with tenants
- Delivery of revised Housing Need and Demand Assessment and accreditation as 'robust and credible' by Scottish Government
- Significant improvement in the management of void properties, with reduced turnaround time and loss of rental income
- Assumed responsibility for Refugee Resettlement activities, significant community work with asylum seekers and integrating Afghan and Ukrainian households

#### **3.8.2 Progress on planned work (areas for development/not delivered)**

- Improvement of housing stock, progress made and accelerated programme developed

#### **3.8.3 Planned focus in new plan (reflecting above and challenges to come)**

- Continued reduction in complaints related to repairs
- Tenant Survey undertaken for 2024
- Development of the Strategic Commissioning Plan with IJB
- Review of Gas Servicing ICT systems

### **3.9 Economic Growth & Development**

#### **Planned focus in new plan**

#### **3.9.1 Updated Community Safety Action Plan**

#### **Service Plans for 2024/25**

- 3.9.2 Given the pressures across all services and the need to prioritise resources to the Council's priorities, services are focussing on essential service delivery and developments and taking account of the planned review of the Corporate Plan when undertaking service planning. The Service Plan priority area relating to Community Safety included in the Economic Growth and Development Service Plan is attached in **APPENDIX 1**. The Housing and Property Service Plan is attached in **APPENDIX 2** (per numbering submission to the Economic, Development and Infrastructure Committee).

#### **4. SUMMARY OF IMPLICATIONS**

**a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**

The Service Plans were informed by the LOIP and the Council's Corporate Plan.

**b) Policy and Legal**

Statutory requirements and Council policies are considered by managers when preparing service plans for the year ahead.

**c) Financial implications**

No additional financial resources beyond those previously reported to service committees are required to support the Service Plans.

**d) Risk Implications**

Up to date risk registers are maintained and considered as part of the service planning process.

**e) Staffing Implications**

Service Plans are integral to good management practice including workforce planning and assisting with communication about work plans for staff, identifying priorities and matching staff time to the Council's priorities.

However, there are a number of areas for development that have been identified where there are concerns about the availability of resources to deliver the required outcomes within an acceptable period of time. It may be necessary to report back to committee to consider resources or re-prioritisation of work to ensure adequate progress on these key priorities.

Workforce Planning takes place with service management teams and includes review of workforce data such as turnover and absence, identification of key posts for planning, recruitment issues and plans, training and development requirements in the context of council and service priorities. It is also of note that the services are carefully prioritising work to reflect the restricted capacity of their teams. This is exacerbated by hard to fill vacancies, absence, and pressing operational work that cannot be re-prioritised.

**f) Property**

There are no property implications arising from this report.

**g) Equalities**

Managers consider equalities issues for staff and service users when assessing current service delivery arrangements and future requirements.

**h) Climate Change and Biodiversity Impacts**

There are no climate change and biodiversity impacts from this report.



**i) Consultations**

Heads of Service have worked with their management teams to prepare the Service Plans attached as **APPENDICES 1 and 2** have contributed to the updates in this report.

**5. CONCLUSION**

- 5.1 The Service Plans have been prepared identifying the service priorities targeted for 2024/25. In preparing the plans, managers have taken account of risk, performance data (including inspections and Best Value), the LOIP, the Corporate Plan and other relevant factors such as audit and inspection outcomes. The Service Plans identify the resources allocated to each service and how these will be utilised to deliver core service requirements and improvements.**

Author of Report: Rhona Gunn, Edward Thomas, Beverly Smith  
Background Papers:  
Ref: SPMAN-1285234812-1585



Interim target

<p><b>1. Service Definition:</b></p>	<p><b>Economic Growth and Development Service delivers key regulatory services associated with Planning, Building Standards, Environmental Health and Trading Standards and leads on Economic Development, Regeneration, Climate Change and Moray Growth Deal: -</b></p> <p><b>Environmental Health and Trading Standards</b> deliver regulatory services for food safety, health and safety, animal health, private water supply, public health, private water supplies, housing, landlord registration, community safety, consumer advice, trading standards, safety of goods, petrol licensing, illicit goods, consumer advice and tobacco sales.</p>
<p><b>2. Service Resources:</b></p>	<p>96 FTE  <b>Annual Budget 2024/25:</b> Net Revenue £3.8 million</p>

<p><b>3. What have we identified for improvement in 2024/25</b></p>	<p><b>What evidence did we use to identify this improvement?                  Please add benchmark information wherever available and relevant to the improvement.</b></p>
<p>Prepare updated community safety response plan incorporating recommendations from agreed Annual Community Safety report.</p>	<p>Community Safety Strategic Group – Anti-social Behaviour Task Force</p>

Note: Progress against BV Actions will be monitored and reporting out with Service Plan process

4. Strategic Outcome or Priority	Action	Planned Outcome	Outcome measures	Completion target	Lead	Priority Rating (1 high 3 low and 4 for ongoing, 5 for on hold)
N/A						

5. Service Level Outcomes or Priorities	Action	Planned Outcome	Outcome Measures	Completion Target	Lead	Priority rating
Community Safety	Prepare community safety response plan incorporating recommendations from agreed Annual Community Safety report	Reduce the number of anti-social behaviour referrals	Outcome measures set out in community safety response plan	March 2025	Environmental Health & Trading Standards Manager	1
Health & Wellbeing	Ensure revised operational implementation of absence management procedures are applied by managers	Absence is managed effectively and levels of absence are reduced efficiently and timeously	Reduction in number of days absence per employee	March 2025	Head of Economic Growth & Development	2

<b>1. Service Definition:</b>	<b>Management and maintenance of Council housing stock, local strategic housing function, statutory duties in relation to homelessness and fuel poverty, development and delivery of the Moray Affordable Housing Supply Programme (AHSP), maintenance of the Council's corporate buildings, management of the Council's corporate property portfolio and the industrial estate, Building Service DLO, Property Design, Asset Management and Estates function.</b>
<b>2. Service Resources:</b>	<b>344 FTE employees</b> <b>Annual Budget 2024/25:</b> £50.6m comprised of Housing Revenue Account (HRA) £26.2m, Building Services £12.5m, General Services Housing & Property £11.9m

<b>3. What have we identified for improvement in 2024/25</b>	<b>What evidence did we use to identify this improvement? Please add benchmark information wherever available and relevant to the improvement.</b>
Systemic Review of Quality and Customer Service for Housing Repairs	Informed by volume of tenant and elected member representations and complaints. Comprehensive review of data including complaints to inform a systemic action plan for improvement in terms of quality, value for money and customer satisfaction
Tenant Survey 2024	Survey is undertaken on a three-yearly basis and was included in previous Best Value action plan – this will be undertaken by a specialist market research consultancy
Review of gas servicing scheduling systems	Existing ICT is unsupported. Potential to replace it with a more robust, supported and integrated system, which will schedule works and satisfy statutory reporting requirements
Local Housing Strategy 2025-30 & HRA Business Plan review	Alignment with IJB with development of the Strategic Commissioning Plan which must include a Housing Contribution Statement. The statement will be informed by the HNDA undertaken in 2023/24

Improve attainment of EESSH (Energy Efficiency Standard for Social Housing) and SHQS (Scottish Housing Quality Standard)	Scottish Housing Regulator and benchmarking data – Moray Council is below local authority averages
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Note: Progress against BV Actions will be monitored and reporting out with Service Plan process

<b>4. Strategic Outcome or Priority</b>	<b>Action</b>	<b>Planned Outcome</b>	<b>Outcome measures</b>	<b>Completion target</b>	<b>Lead</b>	<b>Priority Rating</b> (1 high 3 low and 4 for ongoing, 5 for on hold)
(L) Empowering & connecting communities. (CP) Building Thriving, Resilient, Empowered Communities	Delivery of the Housing. Investment and Affordable Housing Supply programmes	Increase in affordable housing available in Moray	No of new supply social housing for rent:  32 completions  119 site starts	  31 March 2025  31 March 2025	Housing Strategy & Development Manager	1



			Achieve strategic alignment of allocations, operations and development between the Council and IJB	31 December 2025		
	Continue to reduce the carbon impact arising from Housing & Property Services	Phased improvement of energy efficiency within corporate buildings and housing stock.	Carbon Neutral by 2030  In relation to the corporate estate a reduction in Scope 1 (direct emissions arising from energy consumption of 10% against 21/22 baseline of 5,615 tonnes of CO2  % of houses which meet EESSH increased to be in line with local authority benchmark of circa 90%	2030  31 March 2025  31 March 2025	Property Asset Manager	2



HRA Business Plan review	Undertake review of financial position of the HRA over the long term	Assurance of sound financial governance for the long term  Improved statutory compliance	Completion of review	Milestones:  Procurement of consultancy 31 May 2024  Completion 30 November 2024	Housing Strategy & Development Manager	1
Tenants Survey 2024	Undertake a three-yearly, large scale, independent survey of tenant satisfaction	Statutory compliance  Assurance of good quality service delivery and tenant satisfaction  Opportunities to direct investment	Increase satisfaction with property condition for new tenants by 5%  Achieve parity with benchmarked peers in relation to overall tenant satisfaction (83.4% as of 2022/23)	Milestones:  Procurement of consultancy 31 May 2024  Completion 30 November 2024	Housing Strategy & Development Manager	1
Review of gas servicing scheduling systems	Review existing gas servicing systems  Complete option appraisal for improvements	Provision of a robust, supported and integrated system, which will schedule works efficiently and satisfy statutory reporting requirements	Statutory compliance	Milestones:  Complete option appraisal 31 Oct 2024  Agreed Action Plan 31 March 2025	Building Services Manager/ Housing Strategy & Development Manager	2

Multiyear rent increase strategy	Complete options appraisal for future rent increases, in conjunction with HRA Business Plan review	Assurance of sound financial governance for the long term  Improved statutory compliance	Approval of multi- year rent strategy  Improve/maintain tenant satisfaction	Milestones: Complete option appraisal 30 Sep 2024  Tenant consultation 15 Dec 2024  Implementation 1 April 2025	Head of Service	2
Review of Housing & Property teams	Identify opportunities for efficiency across teams, optimising cost recovery and incorporating emergent work within structures	Efficiency of service delivery  £75k saving	Review of interdependencies and changes to be incorporated  Consultation and Approvals  Implementation	31 October 2024   31 January 2025  31 March 2025	Head of Housing & Property	2
<b>Health &amp; Wellbeing</b>	Ensure revised operational implementation of absence management procedures are applied by managers	Absence is managed effectively and levels of absence are reduced efficiently and timeously	Reduction in number of days absence per employee	March 2025	Head of Housing & Property	2



**REPORT TO: HOUSING AND COMMUNITY SAFETY COMMITTEE ON 25 JUNE 2024**

**SUBJECT: HOUSING AND PROPERTY SERVICES – UNAUDITED OUTTURN AS AT 31 MARCH 2024**

**BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND FINANCE)**

**1. REASON FOR REPORT**

- 1.1 This report presents the unaudited outturn position for the Housing Revenue Account (HRA) and General Services Other Housing Budget for the period up to 31 March 2024.
- 1.2 This report is submitted to Committee in terms of Section III G (1) of the Council's Scheme of Administration relating to the management of budgets.

**2. RECOMMENDATION**

- 2.1 **It is recommended that the Committee considers and notes the unaudited outturn for 2023/24 for the period to 31 March 2024, consisting of a surplus balance of £1,586k for the HRA and an underspend of £559k for General Services Housing & Property, reducing to £133,000 following transfer of funds for refugee resettlement to ear-marked reserves.**

**3. BACKGROUND**

- 3.1 The Council agreed the HRA Budget for 2023/24 at a Moray Council meeting on 1 March 2023 (paragraph 7 of the Minute refers). Housing and Property budget monitoring reports are presented quarterly.

**4. HOUSING REVENUE ACCOUNT TO 31 MARCH 2024**

- 4.1 **APPENDIX I** details the provisional and unaudited HRA budget position to 31 March 2024.
- 4.2 The main expenditure variances relate to:–

- 4.2.1 **Supervision and management** – there are a range of variations within this budget resulting in a net underspend of £179k. The main underspends were in relation to Staffing (£164k), arising from the lead-in time for recruitment of the new posts following service restructure, with other underspends in relation to Voids (£61k) and Software (£44k) attributable to improved performance in the former and revised scheduling of activity in the latter. These were partially offset by overspends in Council Tax (£23k), Insurance (£20k), Postage (£22k) and Other cumulative items (£25k), each largely attributable to cost increases and one-off items in-year.
- 4.2.2 **Sheltered Housing** – there was an underspend of £1k arising from decreased Energy costs (£8k), partially offset by Minor cumulative overspends (£7k), attributable to additional expenditure on repairs and maintenance, cleaning and furniture/equipment purchases.
- 4.2.3 **Repairs and maintenance** – there was an overspend of £472k net in the repairs and maintenance budgets, which comprised of £667k in additional void expenditure, largely arising from the Pinegrove acquisition, £641k in response repairs arising from additional volume, £228k to underwrite a deficit in Building Services and £204k in property fees. The overspends were partially offset by an underspend of £1,268k in planned/cyclical works, largely due to market capacity issues with electrical testing.
- 4.2.4 **Financing Costs** – there was an overspend of £72k due to higher than previously projected borrowing.
- 4.2.5 **Bad and doubtful debts** – there was an underspend of £96k, arising from favourable rent recovery and therefore lower than anticipated write-offs.
- 4.2.6 **Capital from Current Revenue (CFCR)** – There was an overspend of £1,139k based on the estimated balancing figure to maintain level of HRA reserves. This arose due to £2,007k in capital grant funding for the pay award being allocated to the HRA to reduce borrowing in 2023/24. CFCR provision is used as a balancing figure for the overall budget and limits the requirement for borrowing to fund property improvements. This had the effect of bringing the HRA balance below the typical reserve level at year end to avoid further borrowing costs, however this will be restored in the new financial year.
- 4.2.7 **Downsizing Incentive Scheme** – there was an underspend of £23k with fewer transfers than expected completed during the year.
- 4.2.8 **Service Developments** – there was an underspend of £59k, with a proportion of the allocated budget not required to fulfil agreed objectives for the year.
- 4.3 The income at 31 March 2024 was £493k higher than expected. This is due mainly to higher interest rates received for balances held (£295k) and elements of other income received, predominantly additional tenant recharges and Home Office funding for Pinegrove refurbishments (£112k). These were partially offset by a £42k overspend arising from changes in the timing of new build housing developments.

4.4 The estimated HRA surplus balance at 31 March 2024 was £1,586k, which was £879k lower than the projected outturn of £2,465k. The basis for this is set out in paragraph 4.2.6.

## 5. **OTHER HOUSING BUDGET**

5.1 **APPENDIX II** provides details of the provisional and unaudited budget position to 31 March 2024.

5.2 **Planning and Development** consists of Improvement Grants and Affordable Housing budgets. There was an underspend of £59k arising from an underspend in discretionary grants of £51k, £7k in home energy efficiency programme expenditure and £1k on supplies and services. Discretionary grants are given to homeowners for disabled adaptations with this budget managed by the Moray Integration Joint Board.

5.3 **Housing Management** relates to the Gypsy/Traveller budget. This shows an underspend of £9k due to reduced staffing expenditure (£7k) following the early delivery of the budget option to reduce hours assigned to this activity and reduced expenditure on supplies and services (£2k) owing to lower seasonal activity.

5.4 **Homelessness/Allocations** comprises of Homelessness and Housing Support services. There were variations across a range of budgets within this heading resulting in an underspend of £45k in this budget. This is comprised of an underspend of £51k in temporary accommodation, arising from increased service income following the revision of charges and lower write-offs and an underspend of £8k against rapid rehousing funding, partially offset by grant to be carried forward for future years. These underspends were partially offset against by an overspend of £14k in housing support, predominantly due to sheltered housing staffing costs.

5.5 **Miscellaneous General Services Housing & Refugee Resettlement** comprises of House Loans and the complex needs development at Urquhart Place, Lhanbryde and another social care premises, now also incorporating interim oversight of the Refugee Resettlement activities. There was an underspend of £458k across these three budgets. An underspend of £32k arose within general services housing, attributable to additional income of £42k and lower operating costs for the properties, partially offset by open space maintenance costs of £9k and a cessation of repayments of £1k. In relation to Refugee Resettlement, an underspend of £426k arose due to the receipt of funding to cover multi-year work and is held as an earmarked reserve within the general services account. A review of this service area is underway and will be the subject of a future report to Council.

5.6 **The Building Services Budget** is reported in detail separately on this Committee's agenda. Whilst not finalised a modest £3k overspend is anticipated at this point.

- 5.7 **The Property Services Budget** includes the budgets for the Design Team and Property Resources. There was an underspend of £100k at year end, attributable to a £75k underspend in Design and Construction and a £25k underspend in Property Asset Management. The Design and Construction variance arose from additional property fees of £84k being received and other minor underspends of £3k, partially offset by a £12k overspend in relation to architectural software. For Property Asset Management an underspend of £123k for central repairs arose from lower activity levels, augmented by a cumulative additional underspend of £84k arising from additional income from the industrial portfolio, energy efficiency income and other miscellany. These underspends were partially offset by an overspend of £141k in school maintenance due to the level of reactive issues arising, £38k in expenditure on surplus/vacant assets and £3k on software.
- 5.8 **Housing and Property Savings** – Staffing savings were £103k below target at year end. This arose mainly to due to the filling of previously vacant posts and is partially reflected in the additional income received by Design and Construction. This element will be rebased for the new financial year.
- 5.9 **Housing and Property Allocations** – there was an overspend (£6k) primarily due to less income than budgeted for shared building service recharges.
- 5.10 As at 31 March 2024, the Other Housing Budget shows an unaudited net underspend of £559k, reducing to £133k after transfer of unused funding for refugee resettlement to ear-marked reserves. This compares favourably to the previously reported projected outturn, which was for an overspend of £470k.

## 6. **SUMMARY OF IMPLICATIONS**

(a) **Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**

The provision of new affordable housing, the maintenance of the Council's housing stock and dealing with homelessness are priorities identified within the Corporate Plan, the Council's Local Housing Strategy, the Strategic Housing Investment Plan (SHIP) and the Housing and Property Service Plan.

(b) **Policy and Legal**

There are no policy or legal implications arising from this report.

(c) **Financial Implications**

The financial implications of this report are considered in Sections 4 and 5 of this report and detailed in **APPENDICES I and II**.

(d) **Risk Implications**

Budget Managers are aware of their responsibilities for managing budget allocations and approval for variance will be sought from the Committee in line with Financial Regulations.

(e) **Staffing implications**

None.

**(f) Property**

None.

**(g) Equalities/Socio Economic Impact**

There are no equalities/socio economic impacts arising from this report.

**(h) Climate Change and Biodiversity Impacts**

There are no climate change/biodiversity impacts arising from this report.

**(i) Consultations**

This report has been prepared in close consultation with Finance staff. Consultation on this report has been carried out with the Chief Financial Officer, the Legal Services Manager, Senior Managers within Housing and Property Services and Lissa Rowan (Committee Services Officer) who all agree the content of the report where it relates to their area of responsibility.

**7 CONCLUSION**

**7.1 This report sets out the provisional and unaudited budget position for the HRA and General Services Housing budgets to 31 March 2024 and also comments on the variances on these budgets.**

Author of Report: Edward Thomas, Head of Housing and Property Services  
Background Papers: Held by author  
Ref: SPMAN-1285234812-1567





## Housing Revenue Account

## Budget Monitoring to 31 March 2024

Service Description	Annual Budget 2023-24	Actual to 31 March 2024	Variance to 31 March 2024
<b>Expenditure</b>	<b>£,000</b>	<b>£,000</b>	<b>£,000</b>
Supervision & Management	5,521	5,342	179
Sheltered Housing	63	62	1
Repairs and Maintenance	10,696	11,168	(472)
Financing Costs	5,183	5,255	(72)
Bad & Doubtful Debts	225	129	96
CFCR / Transfer to General Fund	902	2,041	(1,139)
Downsizing Incentive Scheme	72	49	23
Service Development	150	91	59
<b>Total Gross Expenditure</b>	<b>22,812</b>	<b>24,137</b>	<b>(1,325)</b>
<b>Income</b>	<b>£,000</b>	<b>£,000</b>	<b>£,000</b>
Non-dwelling rents	244	244	0
House rents	22,362	22,320	(42)
IORB	120	415	295
Other income	86	326	240
<b>Total Income</b>	<b>22,812</b>	<b>23,305</b>	<b>493</b>
<b>Surplus / (Deficit) for the year</b>	<b>0</b>	<b>(832)</b>	<b>(832)</b>
<b>Accumulated Surplus Balance brought forward</b>		<b>2,418</b>	
<b>Estimated Surplus Balance at 31st March</b>		<b>1,586</b>	



## Monitoring to 31 March 2024

Service Description	Annual Budget 2023-24	Actual to 31 March 2024	Variance at 31 March 2024
	£'000	£'000	£'000
Planning & Development	261	202	59
Housing Management	23	14	9
Homelessness / Allocations	2128	2083	45
Miscellaneous General Services Housing	(134)	(592)	458
Building Services	0	3	(3)
Property Services	2512	2412	100
General Services Housing & Property Savings	(103)	0	(103)
General Services Housing & Property Allocations	(161)	(155)	(6)
<b>General Services Housing &amp; Property Total</b>	<b>4526</b>	<b>3967</b>	<b>559</b>

