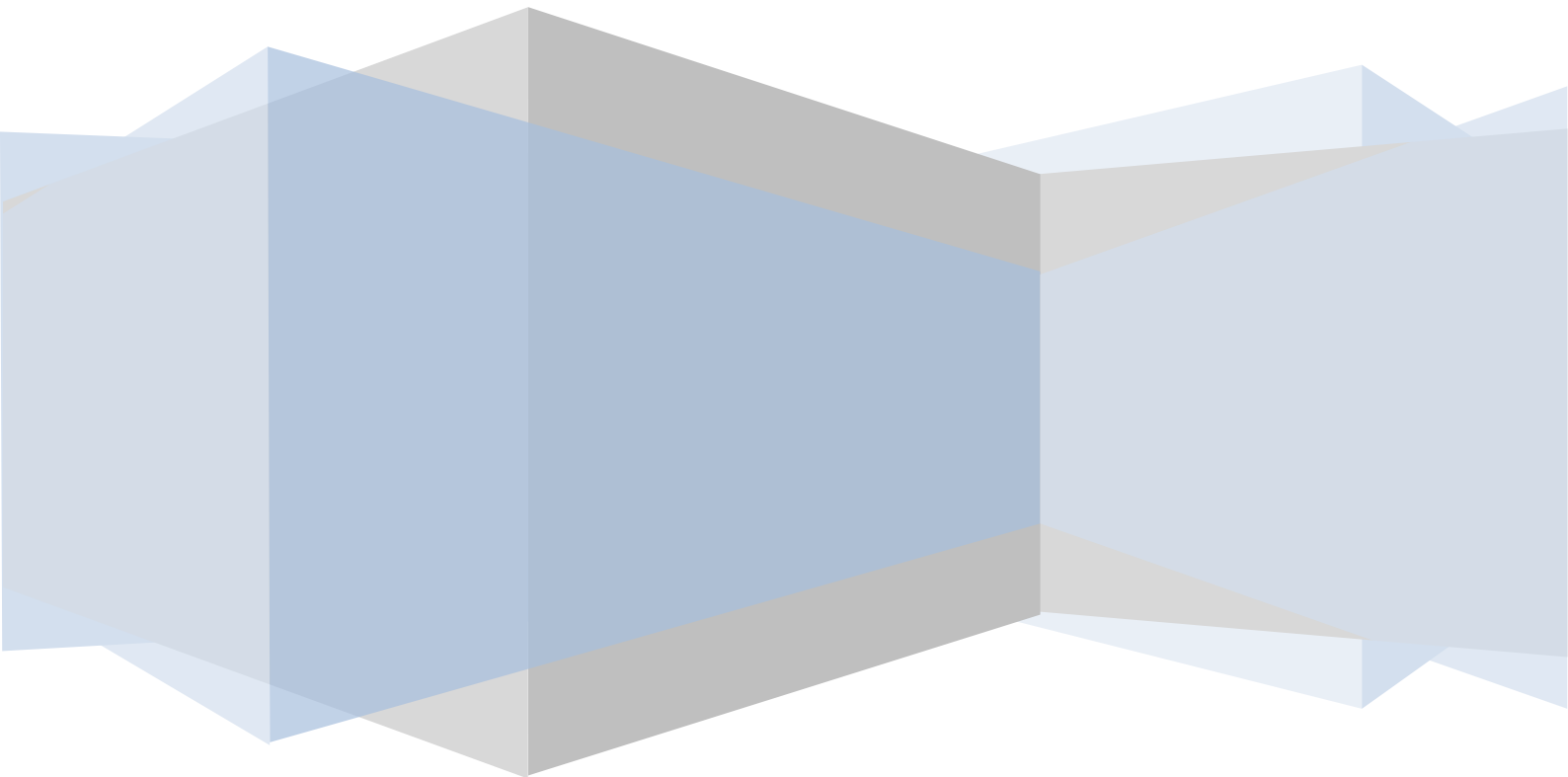




BREACH OF TENANCY WITH REGARDS TO DRUG DEALING/MISUSE POLICY

April 2022



All Policies are available on tape, in braille, and in translation into most languages. Please ask a member of staff if you would like this policy in a different format.

Date of Policy Review: April 2022
Date of Committee Approval: 19 April 2022
Date of Next Review: April 2027

SCOTTISH HOUSING REGULATOR STANDARDS	<p>STANDARD 1: The governing body leads and directs the RSL to achieve good outcomes for its tenants and other service users</p> <p>STANDARD 2: The RSL is open about and accountable for what it does. It understands and takes account of the needs and priorities of its tenants, service users, and stakeholders. And its primary focus is the sustainable achievement of these priorities.</p> <p>STANDARD 4: The governing body bases its decisions on good quality information and advice and identifies and mitigates risks to the organisations purpose</p> <p>STANDARD 5: The RSL conducts its affairs with honesty and integrity</p>
---	---

Contents	Page No.
Introduction	1
Equalities and Diversity	1
Access to policy information	1
Tenant involvement and consultation	1
Policy monitoring	1
Risk management and assessment	1
Procedures	1
Training	2
Legal Requirements	2
Purpose of policy	2
Objectives	3
Disclosure of information	3
Legal proceedings	4
Policy review	4
Appendix 1: Equality Impact Assessment	5

1. INTRODUCTION

Cathcart & District Housing Association operates to meet its statutory obligations and the standards as set down within, Performance Standards for social landlords and homelessness functions. CDHA continuously seeks to meet its own aims through the development and implementation of its policies. All CDHA's policies are operated to achieve its strategic objectives.

2. EQUALITIES AND DIVERSITY

CDHA is committed to providing equality of opportunity to all persons or groups within its area of operation in every aspect of its activities. In operating this policy, CDHA will endeavour to ensure equality of opportunity for all at all times and in all circumstances. In line with this commitment to equal opportunities, this policy and any summary or information leaflet can be made available free of charge in a variety of formats including large print, translated into another language, or on audio tape.

3. ACCESS TO POLICY INFORMATION

CDHA will ensure that its policies are made fully available to all tenants, applicants, members' persons, or groups within its areas. Every effort will be made by CDHA to support access and promote awareness of its policies by developing summaries, guidance, and information leaflets as appropriate.

4. TENANT INVOLVEMENT AND CONSULTATION

CDHA is committed to meeting the requirements of the Housing (Scotland) Act 2001 and the Housing (Scotland) Act 2014 in all of its policies. It will involve tenants in the development of its policies and seek feedback in appropriate circumstances. It will ensure at all times that any material change to services affecting tenants in its policies will be the subject of consultation.

5. POLICY MONITORING

CDHA is committed to ensuring that adequate monitoring of the implementation of its policies is undertaken. This will be achieved through regular review by the Management Committee and customer/tenant feedback surveys.

6. RISK MANAGEMENT AND ASSESSMENT

CDHA has a detailed Risk Management Policy in place and it will assess the risks to the Association in the implementation of each of its policies as part of its risk management strategy.

7. PROCEDURES

CDHA will develop a detailed set of back up procedures identifying actions, roles, and responsibilities in implementing its policies. These procedures will be subject to regular review.

8. TRAINING

CDHA will ensure that staff members are properly trained in terms of their knowledge and understanding of statutory requirements and performance standards pertaining to its policies. It will ensure that appropriate staff members are kept up to date with all procedures pertaining to the implementation of policies. The Management Committee and sub committees will have access to training to ensure that they can maintain a sufficient overview of the policy and procedures.

9. LEGAL REQUIREMENTS

In approving and implementing the Breach of Tenancy with regard to Drug Dealing/Misuse Policy the Association aims to comply with the following legislation:

- The Housing (Scotland) Act 2001
- Equality Act 2010
- Crime and Disorder Act 1998
- Misuse of Drugs Act 1971
- Anti-Social Behaviour (Scotland) Act 2004
- Human Rights Act 1988
- Regulation of Investigatory Powers (Scotland) Act 2000
- Housing (Scotland) Act 2014

Performance Standards

We will comply with the Scottish Housing Regulator Standards and the following activities standards.

- AS1.9 Antisocial Behaviour – We deal appropriately with antisocial behaviour. Where appropriate we will work in partnership with others to prevent and manage such behaviour.
- AS1.10 Estate Management – We manage the environment around our properties and any common areas effectively, to ensure that the neighbourhood is an attractive well maintained, and safe place to live.

Related Policies & documents

- Scottish Secure Tenancy and Short Scottish Secure Tenancy
- Neighbour Relations Policy
- Estate Management Policy

10 PURPOSE OF POLICY

CDHA has a Neighbour Relations Policy which amongst other issues clearly establishes the obligations of landlord and tenant as well as detailing how the Association will respond to anti-social problems. This policy also makes it clear that appropriate legal action will be used as a last resort to resolve persistent or very serious problems.

The Association recognises there is an increasing willingness of Police Scotland to disclose criminal convictions information to housing providers regarding criminal activities and specifically in relation to offences under the terms of the Misuse of Drugs Act 1971.

Given the increasing general prevalence of drug-related problems and the obvious concerns of Association tenants in this regard, the Association has developed a specific policy in this area.

11 OBJECTIVES

It is the general objective of the Association to foster and encourage multi-agency working and co-operation in responding to problems associated with drug dealing and drug misuse.

It is the specific objective of this policy to provide a clear framework as to how the Association will respond to information provided in relation to the conviction of Association tenants or members of their household in relation to the use of properties for illegal purposes related to drug offences.

12 DISCLOSURE OF INFORMATION

The Association is a signatory to the procedure for disclosure of criminal conviction information by Police Scotland to Housing Officers of the Glasgow & West of Scotland Housing Associations. CDHA also works closely on such matters with Community Safe Glasgow (CSG).

By signing the required form of indemnity provided by Police Scotland the Association is given access to information in respect of cases involving the supply of controlled drugs in terms of Sections 4 or 5 of the Misuse of Drugs Act 1971. It is recognised that disclosures are only to be made for offences under the foregoing sections and in any case only where the offence is committed within a house rented from CDHA.

The procedure for gaining access to the information will involve the housing officer completing the necessary request form and/or attending a liaison meeting which may be organised by Police Scotland or CSG from time to time. The request will ask that CDHA be advised of when the case has been disposed of. The housing staff will have discretion and authority for determining which cases should be monitored in this way.

On receipt of such a request, the Police or CSG on their behalf will make the necessary arrangements for passing the notice of the outcome of any such court case to the requesting housing officer. The following information will usually be contained in the outcome.

- The name of the accused
- The date and place of the trial
- The charge in which the accused appeared
- The outcome of the trial.

At this stage the housing officer will be able to apply for an extract of the criminal conviction from the clerk of court with a view to ascertaining the precise details of the conviction or gaining access to this information from CSG, should they be representing the association in court.

13 LEGAL PROCEEDINGS

The Association recognises that information provided with regard to the procedure for disclosure of criminal conviction information relates specifically to a breach of tenancy conditions by which a tenant is obliged not to use or allow the house to be used for any illegal purpose. It is also recognised that such breach will also constitute a contravention of the relevant grounds contained within the appropriate sections of the Housing (Scotland) Act 2001 and as such will constitute a basis for a decree of repossession being awarded in cases where the Sherriff considers it reasonable to do so.

The Association will not have any blanket policy to pursue legal proceedings in all cases where the criminal conviction information outlined above is provided; rather the individual circumstances of each case will be examined closely prior to consideration of any legal proceedings being pursued.

The following specific circumstances will be considered.

- Any history of complaints against the tenant/household members concerned with regard to anti-social behaviour or nuisance and annoyance which has had an adverse effect on the quality of life enjoyed by immediate neighbours. Any history of complaints which have suggested that immediate neighbours have been put at risk by the activities concerned.
- Any ongoing complaints against the tenant/household members concerned with regard to anti-social behaviour on nuisance or annoyance which continue to have an adverse effect on the quality of life enjoyed by immediate neighbours or suggest that immediate neighbours continue to be put at risk by such activities.
- Whether such complaints outlined above relate to the criminal conviction made available to the Association.
- The effects of legal proceedings on any remaining dependants in the household who would appear to have no direct involvement either in the criminal activities involved relating to the conviction or any complaints made with regard to the above.
- The above list of circumstances is not intended to be exhaustive and it will be at the discretion of the Director to consider these along with the Housing Officer dealing with the case and any other relevant circumstances prior to initiating legal proceedings against the tenant.
- Any such action will be reported to the next available Management Committee meeting. The Management Committee will also have discretion as to whether subsequent court action is pursued against the tenant involved.
- Where such court action is approved then it will be the responsibility of the housing officer to monitor developments in the case on an ongoing basis and report back to the Management Committee as appropriate with a view to reviewing the Association's position in continuing to pursue such court action.

14 POLICY REVIEW

This policy will be reviewed on a five-year basis or at such other times that new legislation deems there is a requirement.

Appendix 1

Cathcart & District Housing Equality Impact Assessment

Name of policy to be assessed	Breach of tenancy misuse of drugs policy	Is this a new policy or a review?	Review
Person completing the assessment	Morna Smillie, Senior Housing Officer	Date of Assessment	23 rd March 2022

1. Briefly describe the aims, objectives and purpose of the policy	To ensure staff follow the correct procedures when dealing with a breach of tenancy in relation to drug misuse and to ensure that Management Committee are notified. The policy also aims to allow tenants/residents of the area to have access to information relating to how the Association deals with the situation and for tenants that may have breached their tenancy in this way to have an understanding of what action will be taken against them.
2. Who is intended to benefit from the policy? (e.g. staff, applicants, tenants, staff, contractors)	Staff, Management Committee, tenants and residents of the area.
3. What outcomes are wanted from this policy? (e.g. benefits to customers)	By making this policy available to tenants the Association hopes to eliminate the risk of tenants breaching their tenancy this way. The policy is also a guide for staff and committee as to how the situation should be dealt with and information for any residents experiencing anti-social behaviour in the form of drug misuse by one of the association's tenants as GDPR/Data Protection limits staff as to what residents can be told.

<p>4. Which protected characteristics could be affected by the policy (tick all that apply)</p> <p>Minority Ethnic: X</p> <p>Gender:</p> <p>Disability: X</p> <p>Sexual Orientation:</p> <p>Marriage/civil partnership:</p> <p>Age:</p> <p>Religion/belief:</p> <p>Transgender:</p> <p>Maternity/Pregnancy:</p> <p>Socio-economic status:</p>		
<p>5. If the policy is not relevant to any of the protected characteristics listed in part 4. State why and end the process here.</p> <p>Not all of the protected characteristics are affected by this policy.</p>		
<p>6. Describe the likely positive or negative impacts the policy could have on the groups identified in part 4.</p>	<p>Positive Impacts</p>	<p>Negative Impacts</p>
		<p>Minority Ethnic – the policy is written in English and could be restrictive for those where English is not the persons first language.</p> <p>Disability – the policy is written in English and could be restrictive for those with learning disabilities.</p>
<p>7. What actions are required to address the impacts arising from this assessment?</p>	<p>1. Offer a translated version of the policy where needed. 2. Offer another format of the policy where needed.</p>	

Signed: Morna Smillie

Date: 23/03/22