



**EAST AYRSHIRE COUNCIL
GOVERNANCE AND SCRUTINY COMMITTEE**

**REPORT ON THE REVIEW OF ANTI-SOCIAL
BEHAVIOUR ORDERS AND OTHER MEASURES IN
EAST AYRSHIRE SINCE THEIR INTRODUCTION**

Report by the Members of the
Governance & Scrutiny Committee

DECEMBER 2011

EAST AYRSHIRE COUNCIL

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CONTENTS

SECTION OF REPORT		PAGE NO
1.	Background	1
2.	The Review	1
	2.1 The Review Process	1
	2.2 Terms of Reference	1
	2.3 Desired Outcomes	2
3.	Current East Ayrshire Council Position	2
4.	Methodology	2
	4.1 Documents/Evidence	2
	4.2 Consultation	3
5.	Witnesses	3
6.	Consideration of Evidence	3
7.	Conclusions	4
8.	Recommendations	6
	Appendices -	
Appendix I	Awareness Raising Presentation	8
Appendix II	Synopsis of Responses from Family Authorities	10
Appendix III	Focus Group Minutes	18
Appendix IV	Meeting with Internal and External Witnesses	22
Appendix V	Analysis of Effectiveness of Measures	27

November 2011

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EAST AYRSHIRE COUNCIL

REVIEW OF ANTI-SOCIAL BEHAVIOUR ORDERS AND OTHER MEASURES IN EAST AYRSHIRE SINCE THEIR INTRODUCTION

Report by the Governance and Scrutiny Committee

1. BACKGROUND

- 1.1** The Governance and Scrutiny Committee, at its annual workshop held on 28 January 2010, agreed to undertake a review of Anti-Social Behaviour Orders and Other Measures since their Introduction, and the Committee, on 23 April 2010 and 18 June 2010, approved and amended, respectively, the project plan for this review.
- 1.2** In agreeing to undertake this review, the Committee had regard to concerns of communities regarding anti-social behaviour; the perceived effectiveness of Anti-Social Behaviour Orders and Other Measures as a means of dealing with anti-social behaviour; and the desire for an examination of the nature and effectiveness of arrangements and protocols which the Council has in place, with partners, relative to the application of Anti-Social Behaviour Orders and Other Measures.

2. THE REVIEW

2.1 The Review Process

- 2.1.1** Following the decision to proceed with this review, the Committee received an awareness raising presentation by the Community Safety Manager on 29 June 2010, which provided an overview of the Anti-Social Behaviour Service, gave a description of the PEIR approach and the interventions which are available to East Ayrshire Council in connection with anti-social behaviour. (A note of the discussion at the awareness raising presentation is provided at Appendix I).

2.2 Terms of Reference

- 2.2.1** The terms of reference for this review are:

- To confirm and take cognisance of the relevant legislation and regulation covering Anti-Social Behaviour Orders and Other Measures and their implementation;
- To confirm and evaluate the current process which provides for the application of Anti-Social Behaviour Orders and Other Measures within East Ayrshire, including joint arrangements and protocols with partner agencies;
- To consider the costs associated with the ASBO process;
- To consider the benefits associated with the ASBO process; and

- To identify any areas for improvement and to make recommendations accordingly.

2.3 Desired Outcomes

2.3.1 The desired outcomes of the review are:

- To ensure the appropriate application and efficacy of ASBOs and Other Measures in line with legislation, as implemented in East Ayrshire;
- To confirm that the use of ASBOs and Other Measures in East Ayrshire meet Community Planning aims;
- To measure the cost effectiveness of ASBOs and Other Measures in East Ayrshire against benefits;
- To measure the contribution of ASBOs and Other Measures in East Ayrshire to delivering safe and more socially cohesive communities.

3. CURRENT EAST AYRSHIRE POSITION

3.1 The Council currently has in place a range of protocols, procedures and processes in relation to dealing with complaints of anti-social behaviour and much of these are applied in conjunction with partner agencies. Relevant documentation, including sample documents, were made available to the Committee during the review process and are referred to in paragraph 4.1.1 below.

4. METHODOLOGY

4.1 Documents/Evidence

4.1.1 Following the awareness raising presentation on 29 June 2010, Members were issued with a range of documentation to provide relevant background information, viz:-

- “Neighbour Disputes and Anti-Social Behaviour - Information” booklet;
- “Promoting Positive Outcomes: Working Together to Prevent Anti-Social Behaviour in Scotland” - The Scottish Government, Edinburgh 2009;
- “East Ayrshire Council Neighbourhood Services (Housing): Neighbour Nuisance and Anti-Social Behaviour Policy and Procedures Manual - Summary of Main Provisions” (January 2006);
- Statistical Information on ASBOs and Other Measures in East Ayrshire from 2004/05 through to 2009/10 by Ward;
- Anti-Social Behaviour Service - Standard Forms in Use; and
- Information on Evictions from Council residential properties and reasons, by year.

4.1.2 Members were also directed to the Anti-Social Behaviour Etc (Scotland) Act 2004 which can be accessed in the “Useful Documents” Section of the Councillors’ Portal.

4.1.3 Furthermore, to inform consideration and deliberation by Members, and as agreed by the Governance and Scrutiny Committee, information was issued to Members relative to the CoSLA Community Wellbeing Champions Initiative, and on the Ayrshire-Wide Out of Hours Noise Service.

4.2 Consultation

4.2.1 Consultation, in the form of a question set, was issued to the family group of authorities, and responses were received from three Councils. A synopsis of responses received is provided at Appendix II.

4.2.2 A Focus Group was held on 31 August 2010 for the purpose of meeting with, and hearing views of, representatives of community organisations on this review topic. A note of the outcome of the Focus Group is provided at Appendix III.

5. WITNESSES

5.1 Members of the Committee met, on Thursday 16 December 2010, for the purpose of hearing from internal and external witnesses. Internal witnesses present at the meeting were the Head of Legal, Procurement and Regulatory Services; Litigation Team Leader from Legal Services; the Housing Services Manager; Head of Service: Children & Families and Criminal Justice; the Community Safety Manager; and Louisa McEvoy, Community Work Assistant - Youth Outreach.

5.2 In terms of external witnesses, Strathclyde Police were represented by Chief Superintendent Wilson Brown. Invitations had been extended to Cathy Jamieson MP, MSP and also the three East Ayrshire MSYPS, however, due to other commitments, none of these individuals was able to attend.

5.3 All witnesses had the opportunity to contribute and input directly into the Committee's considerations at the meeting on 16 December 2010, and a note of that meeting is provided at Appendix IV.

6. CONSIDERATION OF EVIDENCE

6.1 At the Governance and Scrutiny Workshop 2011, held on 27 January 2011, Members gave consideration to all of the documentation and evidence gathered during the review process and agreed to continue consideration of the conclusions and recommendations pending submission of further information in order to allow more detailed analysis of the effectiveness of the range of responses to anti-social behaviour, ie.

- the number of Anti-Social Behaviour Orders sought and granted, the number ASBOs breached and those which were complied with, and those which have been extended and the reasons for this; and the origin of requests for ASBOs (the Police or the Local Authority) and the type of behaviour to which the Order relates and conditions;

- equivalent information for Unacceptable Behaviour Notices, Acceptable Behaviour Contracts, Adult Warning Letters and Letters of Concern, where available and appropriate; and
- information on the nature and outcome of those Anti-Social Behaviour Complaints which are resolved without a requirement for application of the formal Anti-Social Behaviour processes.

The further information provided to Members is set out in Appendix V.

- 6.2** Members of the Governance and Scrutiny Committee, at the final review meeting held on 1 November 2011, had the opportunity to consider all of the evidence gathered and to formulate conclusions and recommendations in respect of the review.

7. CONCLUSIONS

- 7.1** Having considered information and evidence presented and ingathered during the review process and having heard from external and internal witnesses, the Committee reached conclusions in respect of relevant matters as set out below.
- 7.2** There was recognition that, in general terms, Anti-Social Behaviour Orders and Other Measures which were the subject of this review, are only one response to anti-social behaviour, and a much broader perspective is required to take account of aspects such as personal responsibility, parental responsibility, family responsibility, community responsibility, the nature of today's society and inter-related responses from a range of relevant agencies. Anti-Social Behaviour Orders and the Other Measures must, therefore, be viewed as one option for dealing with anti-social behaviour in certain circumstances and there needs to be a recognition that different circumstances giving rise to anti-social behaviour will require different actions/responses.
- 7.3** An effective response to anti-social behaviour requires joint working between, and input by, the range of relevant agencies and organisations in addition to East Ayrshire Council, from the Scottish Government through to Housing, Social Work, Education, Police and the voluntary sector, both in respect of the overall approach to addressing anti-social behaviour and in the application of specific measures and actions.
- 7.4** In general terms, the key aspect of taking action in response to anti-social behaviour is early intervention, and in terms of this review there was acknowledgement of the range of measures available Unacceptable Behaviour Notices (UBNs), Adult Warning Letters (AWLs), Acceptable Behaviour Contracts (ABCs) and Anti-Social Behaviour Orders (ASBOs), all of which are designed to be an appropriate response to varying levels of anti-social behaviour and to apply sufficient action such as to deter further escalation of the behaviour.

- 7.5** It was considered that the processes and protocols which have been established within East Ayrshire are appropriate and relevant insofar as ensuring the proper application and efficacy of ASBOs and Other Measures in line with the relevant legislation and regulation. In this regard, due cognisance was taken of information presented to Members during the review of the arrangements implemented by other local authorities relative to anti-social behaviour measures; and there was recognition that there needs to be differentiation between the proper application and efficacy of anti-social behaviour measures by local authorities and the nature and effectiveness of the provisions of the relevant legislation.
- 7.6** The arrangements, processes and protocols which are applied by East Ayrshire Council, in conjunction with partners where appropriate, in relation to Anti-Social Behaviour Orders and Related Measures, are considered to be appropriate to the requirements of the legislation and regulation, and are effective, as evidenced by the limited number of perpetrators who, having been dealt with by one or other of the recognised anti-social behaviour measures, then subsequently come “to notice” again. It was recognised, however, that there will be some perpetrators in respect of whom none of the anti-social behaviour measures referred to in the course of this review would be effective.
- 7.7** The level of expenditure in operating the Anti-Social Behaviour Service within East Ayrshire is considerable and it was noted that the configuration of the service had changed and the associated costs had considerably reduced, during the period of this review. It was recognised that the comparator authorities also incur significant costs in operating similar anti-social behaviour services within their respective areas.
- 7.8** It was considered that there was a lack of awareness on the part of community representatives who participated in the review process of the measures available to the Council and its partners to deal with anti-social behaviour, and it was considered that this was also the case for the public generally; furthermore, there is a perception amongst the general public that measures designed to respond to anti-social behaviour are ineffective, concurrent with a perception that a considerable period of time can elapse between reporting and implementation, with consequential adverse implications for the local community and residents in the interim period. It was noted that, typically, implementation of an ASBO will take at least three months due to the key aspects of the process which require to be undergone ie identification of the case, ingathering of evidence in a format suitable for Court to support effective action, including evidence from members of the public, preparation of the case taking account of information from the relevant agencies, and thereafter, the matter is within the control of the Sheriff. Additionally, it is considered that there is a lack of awareness of the serious nature of anti-social behaviour measures which, in turn, may reduce the deterrent effect of the measures.
- 7.9** It was acknowledged that a significant proportion of anti-social behaviour is directly associated with housing aspects and in this regard, Members

acknowledged the housing management action which is pursued in relation to housing allocations by East Ayrshire Council staff with a view to reducing the potential for anti-social behaviour arising from tenancies of Council houses. This includes the use of SSSTs; mediation, and, within the terms of the Allocations Policy, a sensitive approach to the allocation of houses which acknowledges the similar lifestyles of applicants; the support available to young people prior to and upon allocation of the tenancy in relation to their responsibility to adhere to tenancy conditions and to be good neighbours.

- 7.10** With regard to private lets, private landlords are responsible to ensure the good behaviour of their tenants and if this is not the case, the remedy of last resort would be for East Ayrshire Council to revoke the Private Landlord Registration. It was acknowledged that in the past private landlords have been willing to take appropriate action to deal with issues of anti-social behaviour arising from their tenancies; however, there are currently difficulties around obtaining information with regard to housing applicants who previously were tenants of a private landlord, in terms of tenancy conduct etc, and Members were of the view that there was an opportunity for further development in this area.

8. RECOMMENDATIONS

- 8.1** Having considered all the information and evidence gathered during this review, the recommendations of the Governance and Scrutiny Committee are as follows, namely:-

Information/Publicity

- (i) that consideration be given by the Council, as appropriate in consultation in conjunction with the relevant partners, to the nature and level of general publicity made available to the public and the means by which this could be enhanced, with a view to achieving a greater level of public understanding of the nature of anti-social behaviour, the measures available to deal with such behaviour, the processes and timescales associated with these measures and the seriousness and implications of the measures. Within this, consideration to be given to the targeting of information to relevant community organisations;
- (ii) that consideration be given to the review of the level and nature of information provided to those reporting anti-social behaviour, both at the initial stage setting out how the complaint will be taken forward in accordance with the established protocols, and in terms of communication and feedback as the due process progresses, all for the purpose of ensuring the necessary level of knowledge and awareness of the process;

Joint Working

- (iii) that continuing emphasis be given to the maintenance of the established joint working arrangements with the range of relevant

partners in terms of ongoing liaison and information sharing protocols to ensure future sustainability of the currently applied holistic and joined up response to anti-social behaviour;

Housing Allocations

- (iv) with regard to anti-social behaviour arising from tenancies of Council houses, consideration be given to the potential benefits of training for those Officers within the Housing Service who are responsible for administration of the allocations process, to ensure greater knowledge of the areas and people they are concerned with in order to promote a sensitive and balanced approach to housing allocations such as would, in turn, have a favourable impact on the emergence of situations which may have potential for the development of anti-social behaviour;
- (v) examination be made of the opportunities which might exist to further develop current arrangements around mentoring and support for new tenants, including young people;
- (vi) further investigation be carried out into the potential which exists for private landlords to be required to provide to East Ayrshire Council, for the purpose of informing the housing allocation process, references in respect of previous tenants or information on tenancy conduct etc, in order to supplement the information in this area which can be obtained from Strathclyde Police through current protocols; and

Mediation

- (vii) that, in view of the many benefits, continued significance be attached within the responses to anti-social behaviour of mediation processes and consideration given to how such processes may be further developed as funding and opportunity allows.

December 2011

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APPENDIX I

GOVERNANCE AND SCRUTINY COMMITTEE

REVIEW TOPIC: ANTI-SOCIAL BEHAVIOUR ORDERS AND OTHER MEASURES SINCE THEIR INTRODUCTION

**AWARENESS RAISING PRESENTATION - TUESDAY 29 JUNE 2010
AT 1105 HRS IN THE COUNCIL CHAMBERS, COUNCIL HEADQUARTERS.
LONDON ROAD, KILMARNOCK**

PRESENT: Councillors Tom Cook, John McGhee, John Campbell, Stuart Finlayson and Eric Ross.

ATTENDING: Chris McAleavey, Head of Housing; David Johnstone, Community Safety Manager; Dot Grieve, Principal Officer, Community Learning and Development; and Lynn Young, Administrative Officer.

APOLOGIES: Councillors Helen Coffey and Alan Brown.

PRESENTATION

1. David Johnstone, Community Safety Manager, gave a presentation which provided an overview of the Anti-Social Behaviour Service; gave a description of the PIER approach; and the interventions which are available to East Ayrshire Council in connection with anti-social behaviour.

Having noted the presentation, Members then had the opportunity to ask questions of the Officers present, and the following matters were discussed:-

- action addressed by East Ayrshire Council in connection with anti-social tenants within private households or those who hold a tenancy with a private landlord;
- the time taken to present a case to the Sheriff to issue an Anti-Social Behaviour Order;
- expiry dates of Anti-Social Behaviour Orders;
- advice given to tenants in connection with anti-social neighbours;
- the increasing number of issues relating to anti-social private tenants;
- the ongoing work between Council Departments in working closer together to deal with anti-social tenants;
- the policy relating to Anti-Social Behaviour Orders for under-16s;
- that the issue of an anti-social behaviour order was a civil matter and not one for the Procurator Fiscal to consider;
- that if a tenant was eligible for the Garden Scheme then this would not affect issue of an Anti-Social Behaviour Order in connection with non-maintenance of a garden area;
- that where there is an anti-social tenant within a flatted property, where there are both Council tenants and private tenants, then links are made with the private landlord and tenant in an attempt to resolve the issue;
- not all private landlords will seek a reference from East Ayrshire Council in connection with a potential tenant and that East Ayrshire Council would not give a positive reference where a tenant has a history of anti-social behaviour; and
- timescales regarding mediation.

During the question and answer session, a number of issues were identified which required appropriate action as follows:-

- in connection with an issue with regards to Ward 8, the Head of Housing agreed to meet with Councillor Ross and the Area Housing Manager on a date to be determined;
- to remit to the Administrative Officer to contact the Procurator Fiscal to obtain confirmation from them that the issue of an Anti-Social Behaviour is a civil matter and would be for the Sheriff to address;
- that in light of the issues in connection with Anti-Social Behaviour Orders for under-16s that the Head of Children, Families and Criminal Justice be invited as a witness for the Review;
- in connection with CCTV issues within Ward 8, the Community Safety Manager address the matter with the CCTV staff and advise Councillor Ross accordingly;
- that information on the number of references provided for ex-Council tenants be forwarded to the members of the Governance and Scrutiny Committee as part of the Review;
- that as part of the Review, Tenants and Residents Groups be consulted to ensure that their views on anti-social tenants are considered; and
- that information in relation to the figures and reasons as to why Council tenants are evicted from Council houses be made available to members of the Governance and Scrutiny Committee as part of the review.

The meeting terminated at 1225 hrs.

APPENDIX II

GOVERNANCE AND SCRUTINY COMMITTEE

WORK REVIEW PROGRAMME FOR PROJECT 1 - ANTI-SOCIAL BEHAVIOUR ORDERS AND OTHER MEASURES IN EAST AYRSHIRE SINCE THEIR INTRODUCTION

BENCHMARKING

In order to inform this review, the “family” Authorities were invited to provide information relative to their own arrangements associated with Anti-Social Behaviour Orders and Other Measures.

The “family” Authorities are North Ayrshire Council, South Ayrshire Council, Clackmannanshire Council, West Lothian Council, East Renfrewshire Council and Inverclyde Council. The Authorities were asked to provide relevant information by responding to a series of six questions, and responses have been received from two Councils, being North Ayrshire Council and South Ayrshire Council.

The questions and responses received, together with a note of the relevant information for East Ayrshire Council are all provided below.

- Please provide information on the number of Anti-Social Behaviour Contracts, Unacceptable Behaviour Notices and Anti-Social Behaviour Orders issued by your Council for each of the years 2007/08, 2008/09 and 2009/10.**

Anti Social Behaviour Orders

<u>Respondent</u>	<u>2007/08</u>	<u>2008/09</u>	<u>2009/10</u>
South Ayrshire Council	2	4	3 + 1 CRASBO*
North Ayrshire Council	Interim ASBOs - 3 Full ASBOs - 4	Interim ASBOs - 5 Full ASBOs - 5	Interim ASBOs - 4 Full ASBOs - 1
East Ayrshire Council	11	6	15

*CRASBO Criminal Anti-Social Behaviour Order

Unacceptable Behaviour Notices

<u>Respondent</u>	<u>2007/08</u>	<u>2008/09</u>	<u>2009/10</u>
South Ayrshire Council	3	10	5
North Ayrshire Council	3	7	5
East Ayrshire Council	54	58	29

Anti-Social Behaviour Contracts

<u>Respondent</u>	<u>2007/08</u>	<u>2008/09</u>	<u>2009/10</u>
South Ayrshire Council	19	12	16

North Ayrshire Council	1	6	1
East Ayrshire Council	99	54	54

The North Ayrshire Council model for Acceptable Behaviour Contracts is multi-agency and is based on a case conference approach. Often an alternative solution to an Acceptable Behaviour Contract is agreed - Social Services in particular can offer similar interventions, which are not formally recorded as ABCs. Benchmarking the number of ABCs may therefore not fully inform East Ayrshire Council's investigation. North Ayrshire Council have also identified the potential to increase the use of Unacceptable Behaviour Notices, in place of "final warnings" and again it is recognised that both terminology and the stage at which a UBN may be issued differs widely among local authorities, with implications for benchmarking.

Note: A detailed breakdown of the above information for East Ayrshire Council, by Ward, including also information for the 2005/06 to 2006/07 years and information on the numbers of Letters of Concern and Adult Warning letters issued, has previously been provided to Members with the core documents for this review issued on 2 August 2010.

2. Please give details of the staffing structure for those officers within your authority who are responsible for dealing with anti-social behaviour complaints/ measures.

<u>Respondent</u>	<u>Answer</u>
South Ayrshire Council	The Anti-Social Behaviour (Neighbour Disputes) Team has one Team Leader, two Investigators, one ASB Support Officer, one Admin Officer and one seconded Police Officer.
North Ayrshire Council	An organisational chart showing the staffing structure for Anti-Social Behaviour/Community Safety Services is provided at Appendix I. North Ayrshire Council also advise that their Area Housing Team deal in the first instance with complaints of anti-social behaviour made against Council tenants. If the behaviour becomes serious and/or persistent it is referred to the Anti-Social Behaviour Investigation Team which also deals with complaints about those in the private rented and owner/occupier sectors. Within the staffing structure there is also a solicitor post, funded by Housing Services and based within the Council's Legal Service.
East Ayrshire Council	An organisational chart showing the staffing structure for Anti-Social Behaviour/Community Safety within East Ayrshire Council is provided at Appendix II.

3. Please provide information on the annual cost of operating the Anti-Social Behaviour Service within your authority, including staff costs.

<u>Respondent</u>	<u>Answer</u>
South Ayrshire Council	The Anti-Social Behaviour (Neighbour Disputes) Team - 2009/10 costs were £195,803, including staffing costs of £133,873 and £32,000 for the

seconded Police Officer.

Anti-Social behaviour is also within the remit of a number of other services within the Council and the costs indicated are only for the Neighbour Disputes Team. In addition, Housing, Environmental Health, Community Engagement, Cleansing Services and Community Services all deal with a range of aspects of anti-social behaviour as well.

North Ayrshire Council

The cost of operating the Anti-Social Behaviour Service for 2010/11 was £328,000 including staffing costs.

(Note: Further information has been provided by North Ayrshire Council relative to the cost of the operation of their Anti-Social Behaviour Services as follows, namely:-

Employee costs	-	£314,000
Transport	-	£ 10,400
Administration	-	£ 25,400
Property	-	£ 14,400
Supplies & Services	-	£ 4,600
Total	-	£368,800

The revised figure makes provision for costs which are shared with the Community Safety Services, on an estimated pro rata basis).

East Ayrshire Council

The projected out-turn for anti-social behaviour/community safety for East Ayrshire Council for 2010/11 is £713,720, of which staffing costs is £440,650.

4. How effective would you consider the various intervention methods used by your authority to be, in dealing with anti-social behaviour?

Respondent

Answer

South Ayrshire Council

South Ayrshire Council has found multi-agency partnership working the most effective way of dealing with a range of anti-social behaviour issues. Using a preventative approach to tackling anti-social behaviour in communities has worked well in reducing reports and incidences of anti-social behaviour, particularly around youth disorder. Using "problem solving" as an approach to dealing with anti-social behaviour issues in communities has produced results. This approach relies on multi-agency working with communities.

North Ayrshire Council

The overall approach to dealing with anti-social behaviour includes a full range of prevention and early intervention measures as well as legal interventions, in keeping with the National Anti-Social Behaviour Framework "Promoting Positive

Outcomes". There is a strong focus on working with partners, making use of all agencies' powers and resources to address anti-social behaviour, and not just those in the Anti-Social Behaviour Act 2004. The wider effectiveness and satisfaction levels are measured by obtaining customers' views about the services, eg exit surveys for the Anti-Social Behaviour Investigation Team and the Home Security Project, and a bi-ennial survey of residents in the areas covered by the Community Wardens Service. North Ayrshire's use of Anti-Social Behaviour Orders has declined in recent years - in 2006/7 they obtained 18 interim and 17 full ASBOs which compares with the figures provided within question 1 above. This is not because the Council concluded that ASBOs were ineffective, on the contrary, their view is that ASBOs are a useful and appropriate measure that they are prepared to use when earlier interventions have proved unsuccessful. However, during the time period, the Council has developed a strong multi-agency case conference approach to deal with cases of serious and persistent anti-social behaviour, making use of the powers and resources available to all partners to intervene, with a view to avoiding enforcement action where possible. As a result, in the last three years, the Council has only needed to apply for an ASBO in a very small number of cases where the offender has repeatedly refused to engage with support services to address their behaviour.

North Ayrshire Council firmly believes that breaches of ASBOs do not necessarily demonstrate that they have failed, a position that is often presented through the media. The experience is that although an ASBO may have been breached, neighbours often report that the overall behaviour has improved over a period of time and that their quality of life has improved as a result. However, where the anti-social behaviour persists despite the terms of the ASBO and the offender is a tenant/householder member of the Council, use is made of the Housing (Scotland) Act 2001 to reduce the tenancy to a Short Scottish Secured Tenancy and ultimately the tenancy will be terminated where necessary.

East Ayrshire Council

This is an issue which will form part of the Committee's deliberations during the review process.

5. **Please provide information on the working protocols which your authority has in place relative to implementation of the Anti-Social Behaviour Service/ measures, including relevant documentation.**

Respondent

Answer

South Ayrshire Council	Copies of South Ayrshire Council's Anti-Social Behaviour (Appendix III), "Problem Solving Process" (Appendix IV) and "Procedures for Working with Young People (Appendix V) are appended.
North Ayrshire Council	A copy of the "Information Sharing Protocol" which has been signed by all partners in the mutli-agency case conference and information sharing arrangements, is provided at Appendix VI. It should be noted that references in the document to the shared database (Caseworks) are now obsolete as this could not be implemented.
East Ayrshire Council	East Ayrshire Council's "Neighbour Nuisance and Anti-Social Behaviour Policy Procedures Manual - Summary of Main Provisions" was issued to Members with the core documentation, but is provided at Appendix VII, for ease of reference.

6. Based on experience of your authority's arrangements, do you feel that there are any improvements which would be made to the processes/protocols in place?

<u>Respondent</u>	<u>Answer</u>
South Ayrshire Council	Procedures are constantly being reviewed and processes can change according to circumstances. Most important improvement is to ensure development and commitment to working partnership with relevant services to tackle anti-social behaviour.
North Ayrshire Council	North Ayrshire Council are currently working on two areas for improvement during the next few months. The information sharing protocol is to be reviewed and updated to reflect current practice in partnership working. Further, in response to the Leicester Serious Case Review, the Anti-Social Behaviour Investigation Team is working closely with Social Services to develop a procedure that identifies vulnerable victims, ensuring that their cases are properly investigated and that they are provided with the appropriate level of support.
East Ayrshire Council	This is an issue which will form part of the Committee's deliberations during the review process.

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INFORMATION REQUEST ;- EAST AYRSHIRE COUNCIL ASB INFORMATION.

I refer to the request by East Ayrshire Council for comparative information in relation to ASB provision and response within Clackmannanshire Council and report as follows:-

Question 1. (Statistical Data).

	2007/8	2008/9	2009/10
A.B.Contracts	4	8	14
U.B.Notices	Nil	Nil	Nil
A.S.B.Orders	7	1	4

Question 2. (Staffing Structure)

The response to ASB Complaints is provided from a multi-departmental perspective. ie.

Housing Services via Housing and Investigation Officers who deal primarily with ASB issues relating to Housing Stock and includes an out of hours Standby Service.

Regulatory Services comprising of an ASB Coordinator, Community Warden Team (4)(and four dedicated Community Police Officers- (two are paid for from ASB Budgets), Environmental Health Officers, Environmental Link Warden and Dog Warden. These officers provide a response to public, private and street related ASB.

Joint Provision with Stirling Council of a two man Night Noise Team providing investigative and enforcement to noise related ASB complaints.

Question 3. (Service Provision Costs)

The operational anti-social behaviour service, as you can see from the response to question 2, is not all run by a single Council service. The costs below are most of the direct costs that go towards tackling Antisocial behaviour. There are many other services also contributing to tackling ASB e.g. match funded projects under community safety funded ASB initiatives that are not shown in the figure below. Also our Housing Service, funded via Housing Revenue, contribute to tackling ASB but those cost are not also reflected here. Also for example the costs of CCTV in the area are not included yet contribute to Community Safety and can assist those in frontline ASB provision

	Annual Cost
ASB Out of Hours Service	£21,700
Community Warden / Community Police Team.	£323,040
Community Safety Partnership Allocation	£134,000
Night Noise Team (Proportionate Contribution)	£21,000
Part cost of solicitor with specialist ASB experience	£15,000

Landlord registration - income currently covers expenditure

Question 4. (Effectiveness)

Clackmannanshire Council has recently restructured Council Services including the response to ASB.

Co-location of complimentary services ensures effective Communication, Dialogue, Information Exchange, Analytical work and the implementation of Operational Procedures and Process.

The response to ASB is driven via the Community Alliance, Community Safety Partnership and cognisance of the National Implementation Framework and Guidance.

All operational responses to ASB eg Off Road Motorcycle/ Mini-moto are responded to via Multi Agency / Departmental intelligence led and targeted, joint operations.

Consultation with Communities and their representatives ensure local issues are responded to from a local perspective and relate to our Single Outcome Agreements.

Ongoing Police and ASB Statistics and performance Indicators are used to review and modify our response. Enforcement options are balanced with Prevention, Early Intervention and Integration of Services.

The Integration and Communication between Services has proved very effective within Clackmannanshire Council. Examples of effectiveness are evidenced in the work and performance of the ASB Operational Group:- a multi-agency and multi-partner group which meets on a monthly basis and is the conduit for response to all ASB issues.

Representation includes Council Officers, Police, Environmental Services ,Housing, RSL's, Education, Youth Services.

This group enables Joint Response application of Problem Solving Partnerships, dedicated Joint Operations and reports to the Community Safety Partnership.

A strategic assessment process has started and this will be used to further inform the operational shape of ASB services.

Question 5 (Working Protocols).

The ASB response is driven via the Community Safety Strategy of Clackmannanshire Council. Information Sharing is enabled via the Forth Valley Information Sharing Protocol. Joint Working Protocols and Service Level Agreements exist with our Registered Social Landlords via the ASB Operational Group.

The ASBO Review Group meets quarterly to review the Current and ongoing ASBO's and is led by the ASB Solicitor within Legal Services.

The Forth Valley GIS (OASIS) Programme manages the Electronic transfer of ASB related information and Data between the Multi-Agency Family and provides ASB related data enabling daily review and assessment of ASB priorities and demands.

The Community Safety Partnership Analyst provides analytical data and information to the ASB Teams in order to assess and provide a short term, mid term and long term response to current and emerging ASB.

NB. This question requests provision of information ' including relevant documentation' I will forward details of FV Information Sharing Protocol, Service Level Agreement (Registered Social Landlords) , Copies of Operational Group Documentation and ASBO Review Gp Minutes.

Question 6 (Desired Improvements).

In addition to the aforementioned restructuring, Clackmannanshire Council continually evaluates and reviews the ASB Response provision, this includes consideration of National Guidelines, Emerging trends including priorities of our Multi-agency partners (eg The Police) and the advice, guidance and findings from Professional Representative Groups such as ASBOF , ASBLEF. Recent examples of modified processes relate to RIPSAs, ASB related Mental Health and a process of letters and follow up visits to parents of children engaged in ASB.

Clackmannanshire Council has well founded procedures for Community Consultation and Engagement eg 'Clacks 1000' and formalised representation at Community / Resident level.

Cognisance will be taken of the ongoing work of the Scottish Govt :- ASB Framework Communications Steering Group.

Further improvement relate to current development of the Forth Valley GIS OASIS programme with the desire to access and populate data from the Police 'Storm' Incident Recording System into Oasis in 'Real Time'.

As mentioned above a strategic assessment is currently underway and that may lead to the need for changes to service provision.

Conclusion

In conclusion Clackmannanshire Council is working towards a more cohesive, Multi partner/ agency response to ASB.

It is important that communication between all sectors links various strands of commonality relative to ASB and identifies complimentary activities and impacts across all services.

The identification of the value of 'transferable benefit' by actions of one partner or agency which benefits another is also an important factor in identifying Corporate effectiveness.

Douglas Ralph
ASB Co-ordinator.

APPENDIX III

EAST AYRSHIRE COUNCIL

GOVERNANCE AND SCRUTINY COMMITTEE: REVIEW - ANTI-SOCIAL BEHAVIOUR ORDERS AND OTHER MEASURES SINCE THEIR INTRODUCTION

FOCUS GROUP

TUESDAY 31 AUGUST 2010 COMMENCING AT 1405 HRS WITHIN MEETING ROOM 1, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK

PRESENT: Councillors Tom Cook, Willie Coffey, John Campbell, Stuart Finlayson and Eric Ross.

REPRESENTING LOCAL ORGANISATIONS: Audrey Richard and Ian Smith, Coalfield Communities Federation; Tim Purdon, East Ayrshire (North) Communities Federation; Bruce Cuthbertson and Elaine Sawyer, East Ayrshire Tenants and Residents Federation; Jean Smith and Yvonne Jackson, Southern Local Community Planning Forum; Gordon McGowan, Central North Local Community Planning Forum; and Graham Piggott, Northern Local Community Planning Forum.

ATTENDING: Andrew Sutherland, Head of Service: Schools; Dot Grieve, Principal Officer, Community Learning and Development; David Johnstone, Community Safety Manager; and Stuart Nelson, Administrative Officer.

APOLOGIES: Helen Coffey, Alan Brown, Drew Filson.

CHAIR'S REMARKS

1. Having welcomed everyone to the meeting, and following introductions, the Chair outlined the role of the Governance and Scrutiny Committee within the Council's decision making structure; the nature and purpose of the review currently being undertaken on Anti-Social Behaviour Orders and Other Measures Since Their Introduction; and confirmed that the purpose of the Focus Group meeting was to offer an opportunity for representatives of community organisations to comment and express views on this topic.

OVERVIEW PRESENTATION BY DAVID JOHNSTONE, COMMUNITY SAFETY MANAGER

2. David Johnstone, Community Safety Officer, gave an overview presentation setting out in summary the terms of the Anti-Social Behaviour (Scotland) Act 2004, the PIER Approach (Prevention, Intervention, Enforcement, Rehabilitation), the measures available to address neighbour and anti-social behaviour complaints; and providing statistics for the period 2004/05 through to 2009/10 on the complaints dealt with by investigators and the measures implemented.
A copy of the presentation slides is provided at Appendix I.

DISCUSSION

3. During discussion, those present offered views and comments relative to a range of matters associated with this topic, as summarised below, namely:-

Effectiveness of Anti-Social Behaviour Measures

- Some of the Community Representatives indicated that they were unaware of the measures available to the Council to deal with anti-social behaviour, and felt this was also the case for the public generally. Those present strongly expressed the view that their perception, and the perception of the communities within which they resided, is that the measures available to the Council to deal with anti-social behaviour are not effective. Participants made reference to the existence of “no go” areas within certain communities; examples of individuals within communities who persistently committed anti-social behaviour; and the incidence of, predominantly, youths hanging around town/village centres on Friday/Saturday nights, under the influence of alcohol. Comment was made that, from the point of view of both the public generally and those who may be subject to Anti-Social Behaviour Orders and other measures, there is a lack of awareness, and perception of the seriousness, of these measures and there seems to be little in the way of a deterrent effect at least partly due to the lack of stigma attached to the measures;
- Community Representatives also indicated that, within their limited perception and awareness, it seemed that in some cases there could be a considerable time involved between reporting of anti-social behaviour and implementation of measures to address this, with consequential adverse implications for the local community and residents in the interim period;
- there was discussion around the effectiveness of mediation, in the course of which David Johnstone explained the current criteria and arrangements, including the need for all parties to accept a “no blame” approach and the use of neutral venues and confirmed the nature of support which can be made available to the parties. While some concern was expressed at the approach to mediation used in one case in the past, as highlighted by one of the Community Representatives, Councillor Cook also made reference to a recent case within his Ward which had been successfully dealt with through the current mediation processes;
- the view was expressed that the current legislation relative to this subject area demonstrates a degree of lack of understanding by legislators of the real nature of the issues and circumstances facing communities in relation to anti-social behaviour, in terms of the effectiveness of the measures available to the authorities to afford protection for the majority of the public who are decent law abiding residents;
- with regard to the role of the Police, the view was expressed that the Police are more focussed towards addressing and dealing with crime as opposed to action to address anti-social behaviour, particularly at the current time when the Police are experiencing funding cuts the same as other public bodies.

Housing Aspects

- David Johnstone confirmed that private landlords are responsible to ensure the good behaviour of their tenants, and if this is not the case and the other measures fail, the remedy of last resort would be for the Council to take over the running of the landlord’s properties;
- there was significant discussion around East Ayrshire Council as the “landlord of last resort” and arising from this the contribution which certain perceived failures of the current legislation pertaining to housing allocations could make towards the difficulties encountered by the Council in addressing anti-social behaviour -

specific examples were in relation to requirements to allocate houses to homeless people, the terms of Missives which necessitate a Court Order for eviction, and the inability to avoid an inappropriate mix of age or other groups within the same housing block/area. Some Forum representatives expressed the view that East Ayrshire Council is focussed, in terms of housing allocation, towards achieving rental income through the filling of tenancies, and this, together with the consequences of the Council being the landlord of last resort, precipitates issues around anti-social behaviour, and perhaps there needs to be a “sea change” in the thinking around housing allocation legislation and policy, on the part of Scottish Government and local authorities.

Role of Anti-Social Behaviour Orders and Other Measures

- there was recognition that, in general terms, Anti-Social Behaviour Orders and other measures are only one response to anti-social behaviour and while the measures available can prove effective in some cases, the means of addressing anti-social behaviour requires a much broader perspective to take account of aspects such as personal responsibility, parental responsibility, family responsibility, community responsibility, the nature of today’s society and inter-related responses from the range of relevant agencies and organisations from the Scottish Government through to housing, social work, education, Police and the voluntary sector.

Information

- in the course of discussion on the issues raised, David Johnstone provided clarification on the following matters, namely:-
 - the time taken to process an ASBO can range from three months to four years, bearing in mind that an essential aspect of a successful outcome to the process is the gathering of evidence;
 - where a Letter of Concern is issued to the parents of a youth, this will be pursued by the Anti-Social Behaviour Team if no response is received from the parents within two days;
 - with regard to Acceptable Behaviour Contracts, where these are served on under 16s, the matter is also referred to the Children’s Panel;
 - East Ayrshire Council does not pursue applications for ASBOs in respect of under 16s;
 - cost is not a factor in considering whether to implement any of the anti-social behaviour measures;
 - with regard to the “Neighbour Disputes and Anti-Social Behaviour” information booklet issued to participants, the mediation service is now provided in conjunction with Glasgow City Council rather than SACRO as indicated.

Matters for Consideration

- Arising from discussion, the following matters were suggested for further consideration, namely:-
 - Greater publicity on the nature of the measures available to deal with anti-social behaviour and the extent to which these are applied, including the highlighting of case studies as examples; the view being that this would improve public/community awareness and understanding of the status of the measures and thereby make some contribution towards the deterrent effect;

- consideration of mentoring in life skills for young people, with particular regard to the role of the Housing and Social Work Authorities;
- the approach to housing allocations, both locally and nationally;
- the nature of communication and information/intelligence sharing between the Housing Service and the Police in relation to anti-social behaviour, perhaps towards improving early intervention responses.

CHAIR'S CLOSING REMARKS

4. The Chair thanked representatives of the community organisations and Elected Members for attending the meeting which had resulted in useful discussion and yielded information and comment to inform the wider review process on this topic, and which would be taken into account by members of the Governance and Scrutiny Committee during the review and in formulating findings and recommendations; and confirmed that participants would be provided with a copy of the note of this meeting and also, in due course, a copy of the review outcome report.

The meeting terminated at 1535 hrs.

APPENDIX IV

EAST AYRSHIRE COUNCIL

GOVERNANCE AND SCRUTINY COMMITTEE: REVIEW - ANTI-SOCIAL BEHAVIOUR ORDERS AND OTHER MEASURES SINCE THEIR INTRODUCTION

MEETING WITH INTERNAL/EXTERNAL WITNESSES THURSDAY 16 DECEMBER 2010 COMMENCING AT 1430 HRS WITHIN THE COUNCIL CHAMBERS, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK

PRESENT: Councillors Tom Cook, John McGhee, Alan Brown, Stuart Finlayson, Jimmy Kelly, Eric Ross and Drew Filson.

ATTENDING: Susan Taylor, Head of Children & Families and Criminal Justice; David Mitchell, Head of Legal, Procurement and Regulatory Services; Julie McGarry, Administration Manager; David Johnstone, Community Safety Manager; Gerry Darroch, Housing Services Manager; Dot Grieve, Principal Officer (CLD); Craig Young, Litigation Team Leader; Louisa McEvoy, Community Work Assistant - Youth Outreach; and Stuart Nelson, Administrative Officer.

ALSO ATTENDING: Chief Inspector Wilson Brown, Strathclyde Police.

APOLOGIES: Councillors Willie Coffey, Helen Coffey and Elaine Dinwoodie; Cathy Jamieson, MP, MSP; and MSYPs.

CHAIR'S REMARKS

1. The Chair welcomed those present and attending to the meeting and explained the purpose of the meeting which was to enable members of the Governance and Scrutiny Committee to consider issues arising from the review of Anti-Social Behaviour Orders and Other Measures Since Their Introduction, taking account of comments, views, guidance and advice from the internal and external witnesses, with a view to formulating conclusions and recommendations.

DISCUSSION

2. A range of background papers relative to the review were submitted to assist Members in their discussions, namely:-
 - Project plan;
 - Note of awareness raising presentation by the Community Safety Manager on 29 June 2010;
 - Note of the Focus Group meeting held on 31 August 2010 with community representatives;
 - Synopsis of benchmarking returns from the family of authorities, ie South Ayrshire Council, North Ayrshire Council and Clackmannanshire Council;
 - CoSLA Community Wellbeing Champions Initiative;
 - Report to CoSLA Executive Group;
 - Feedback from pilot authorities, ie Shetland Islands Council, Fife Council and North Lanarkshire Council;

- Briefing paper on issues which had arisen during the review.

During discussion, a range of issues relative to matters raised during the review process were considered, as undernoted, namely:-

(a) Information

- Acknowledged that a range of information was available to tenants and residents of the measures which can be pursued if they are affected by anti-social behaviour, via leaflets, the Community Wardens, the Council's website and the "Neighbour Disputes and Anti-Social Behaviour - Information" booklet, the latter of which was included within the information pack provided to new tenants of Council houses;
- Noted that the information available was currently under review, led by the Housing Service, in consultation with other partners and the East Ayrshire Tenants and Residents Federation;

(b) Publicity

- Agreed that the Community Safety Manager and Chief Inspector Brown would liaise with regard to the production of information for submission to the next meeting of this Group to demonstrate the effectiveness of Anti-Social Behaviour Orders, or otherwise, prior to further consideration being given to the need for, and methods of, publicity;
- Acknowledged the potential merit of making the public more aware of the detailed nature of the ASBO process and the reasons why it can take some significant time for an ASBO to be served;

(c) Intelligence/Information Sharing

- Noted that there are various protocols and procedures in place to facilitate joint working between the relevant agencies in relation to anti-social behaviour, including the range of options and support mechanisms available, eg in cases where a child is involved, and action taken towards eviction from a Council tenancy on the grounds of anti-social behaviour;

(d) Support/Mentoring -

- Acknowledged the support offered to young people prior to and upon allocation of a tenancy in relation to their responsibilities to adhere to tenancy conditions and to be good neighbours (although there was no requirement upon the tenant to accept this support), supplemented by follow-up visits by the Housing Support Officers who were based within the Housing Teams and were focused towards the welfare/social/behavioural aspects of the tenancy;
- Acknowledged the range of support available through the Social Work Service and the independent sector and the continuing ongoing development of same through the implementation of the Social Work Sustainability Plan which included particular aspects relating to young people. There was also acknowledgement of the work currently being progressed, through the Social Work Sustainability Plan, towards further development of arrangements for the delivery of holistic, joined-up support by the relevant agencies;

(e) Anti-Social Behaviour Order Protocols/Effectiveness

- Acknowledged that while a considerable period of time may elapse between submission of a complaint of anti-social behaviour and application for an Anti-Social Behaviour Order being granted by the Sheriff, there were various key aspects of the process which required to be undergone in progressing towards an Anti-Social Behaviour Order, ie identification of the case, ingathering of evidence in a format suitable for Court to support effective action including evidence from members of the public, preparation of the case taking account of information from the relevant agencies. The matter was thereafter within the control of the Sheriff and there were a range of issues which could have a bearing on the progress of the case. Noted that EAC Legal Services generally raise an application for an ASBO at Court within a period of seven days from receipt of an instruction from the Housing Service;
- Noted that the breach of an ASBO was a criminal offence with the potential for a resultant escalation of penalties against the individual concerned;
- Where the perpetrator was a Council tenant, eviction can be considered as an alternative to an ASBO and where a private tenant was concerned, the matter would be progressed through the private landlord registration;
- Agreed that further information be provided on how complaints regarding low level anti-social behaviour concerning East Ayrshire Council tenants, which do not reach the stage of UBN/ABC/ASBO are dealt with;

(f) Housing Management

- Noted that whilst legislation did not permit the Council to reserve blocks or areas of housing for particular age groups, the Housing Service try, insofar as possible, to manage this aspect, having regard to other requirements of tenants which may be associated with particular age groupings;
- Noted that the Scottish Government was currently engaging in discussion with Housing authorities regarding a less mechanistic approach towards house letting which may have potential to afford authorities a greater level of discretion in the management of the mix of age or other groups within the same housing block/area;
- Suggested the possibility of a trial which could provide for the allocation of houses within the same block/area having regard to the age of the tenants concerned;
- Noted that individuals who were made homeless through anti-social behaviour were deemed as intentionally homeless and, as such, not automatically eligible for rehousing. If housing is provided they are entitled only to a Short Scottish Secure Tenancy rather than a full secure tenancy, from the local authority;
- Acknowledged recent changes which provide that registered social landlords are now required to make available 25% of all house lets for homeless persons, similar to the provisions which exist for the local authority;
- Noted that East Ayrshire Council, as housing provider, could not convert to a registered social landlord, but could consider a large scale voluntary transfer of the housing. This would require a ballot of all tenants;

- Concern was expressed at so called “transit camps” with high levels of anti-social and related behaviour and the resources required to resolve these issues;
- Agreed that the Housing Services Manager would provide a demonstration to the next meeting of this Group on the allocations process ;
- Noted that the Head of Legal, Procurement and Regulatory Services would confirm to Councillor Ross the location and circumstances of specific housing within Cumnock which does not come within the normal house allocation arrangements;
- Suggested that there was a need to fast-track evictions on the grounds of anti-social behaviour;

(g) Role of the Police

- Acknowledged the recent introduction of the Integrated Service Delivery Model for policing;
- Noted information provided on the recruitment and training process for new Police officers;
- Acknowledged the importance of the retention of Police personnel within local areas and the contribution which this can make to the accumulation of local knowledge;
- Suggested that a pilot be carried out whereby Police attending incidents of anti-social behaviour within rural communities should revisit the locus of the incident within 30 minutes or so;
- Acknowledged the difficulties which can be encountered by the Police in addressing localised short-lived incidents of anti-social behaviour, notwithstanding, in some cases, the presence of CCTV within the locality, due to the scale of resources which would be required;

(h) Anti-Social Behaviour Within Town/Village Centres

- Acknowledged the pro-active action taken by the Police in terms of stop and search activity, targeting of youth alcohol issues, targeting of known “hot spots”, targeting of off-sales, which had shown positive results;
- Acknowledged that the response to anti-social behaviour within town/village centres required a multi-agency approach, and was not only a Police issue;
- Acknowledged that lack of youth provision can contribute to anti-social behaviour caused by youths, although there was recognition of the work done by the Youth Outreach Team and other agencies in engaging with young people in a range of ways;
- Acknowledged that some young people are not interested in structured diversionary activity, but rather wish to simply “hang around”;
- Acknowledged that there can be a general perception amongst the public of anti-social behaviour by young people rather than actual incidences;
- With regard to the dispensing of Methadone, noted that as part of the public reassurance pilot project being undertaken within Ward 2, alternative arrangements were being trialled;

(i) Youth Diversion Generally

- Reference to those aspects on youth diversion highlighted within the previous section “Anti-Social Behaviour Around Town/Village Centres”;

- Acknowledged the need for continuation of the joint working amongst the relevant agencies to ensure a planned, complementary and effective response to the provision of diversionary youth activities;
- Recognised that even the most effective youth work projects, which can be expensive to operate, have difficulty making an impact on certain groups;

(j) Private Tenants

- Noted that an increasing proportion of anti-social behaviour was associated with tenants of private lets;
- Noted the action available to East Ayrshire Council in dealing with anti-social behaviour arising from private lets, including the withholding of rent from the landlords if it was evident that the landlord was failing in his/her responsibility to deal effectively with the matter;

(k) The role of Anti-Social Behaviour Orders and Other Measures

- Recognised that ASBOs and other measures were only one response to anti-social behaviour and broadly based effective action required consideration of wider aspects such as personal, parental, family and community responsibility; cultural aspects and responses from a range of agencies and organisations;

(l) Mediation

- Acknowledged the effectiveness of mediation in addressing anti-social behaviour in certain circumstances.

CHAIR'S CLOSING REMARKS

3. The Chair thanked those present and attending for their contribution to discussions, which would be taken into account in the Members' further consideration of the review outcomes and recommendations.

The meeting terminated at 1627 hrs.

SN/FM

20 December 2010

APPENDIX V

Governance and Scrutiny Committee – Review of Antisocial Behaviour Orders and other measures

Background

At the meeting of the Governance and Scrutiny Committee on 27 January 2011, members requested that further analysis be carried out on the individual measures applied since 1 April 2007 to 31 March 2010, with a view to reaching a view on their effectiveness.

Analysis

Column 1, 3 and 5 of the following tables show the total number of Acceptable Behaviour Contracts, Unacceptable Behaviour Notices and Antisocial Behaviour Notices issued for each of the 3 years under scrutiny. Column 2, 4 and 6 indicate the number of individuals who thereafter came back to the notice of the Antisocial Behaviour Service.

Acceptable Behaviour Contracts

2007 – 2008		2008 - 2009		2009 - 2010	
Issued	To notice again	Issued	To notice again	Issued	To notice again
99	31 (31%)	54	11 (20%)	54	9 (17%)

Unacceptable Behaviour Notices

2007 – 2008		2008 - 2009		2009 - 2010	
Issued	To notice again	Issued	To notice again	Issued	To notice again
54	24 (44%)	58	19 (32%)	30	9 (30%)

ABCs and UBNs are entirely at the discretion of the issuing officers (Housing Anti-Social Behaviour staff and the Police) and therefore they cannot be formally refused. UBNs and ABCs are usually issued at a joint interview with the offender (and parent/guardian if appropriate) and if they attend for interview, an ABC is issued or otherwise a UBN is issued.

The source of a UBN or ABC request is generally the Anti-Social Behaviour Investigator or the Police, who agree on the appropriate course of action.

ABCs or UBNs do not have a fixed timescale and therefore the issue of extending these measures is not relevant. If an offender adheres to the conditions, the matter is not taken any further, however, if the offender does not adhere to the conditions, the measure would be escalated to ASBO or other relevant action, e.g. referral to the Children's Reporter.

Antisocial Behaviour Orders

2007 – 2008		2008 - 2009		2009 - 2010	
Issued	To notice again	Issued	To notice again	Issued	To notice again
10	1 (10%)	6	4 (66%)	15	9 (60%)

Further detailed information was provided to members of the Committee on the reason for the application of an ABC/UBN/ASBO in individual cases and any resultant further activity.

As a result of careful preparation of the case papers and having secured the support of the Police, the Council has had no applications for ASBOs refused.

The Council have not made any requests for ASBOs to be extended and have not requested ASBOs to be closed where it has been considered there have been ongoing problems.

Adult Warning Letters

The use of Adult Warning Letters commenced in 2008 and the number of letters issued since then is as follows, a total of 243 letters, viz:-

6/08-3/09	4/09-3/10	4/10-3/11	4/11-7/11
34	50	107	52

Low Level Anti-Social Behaviour Complaints

Low level anti-social behaviour is often classed as a neighbour dispute, indicating that the matter is not generally serious and is very often characterised by the fact that it is restricted to two parties. Examples of low level anti-social behaviour/ neighbour dispute are household noise, boundary disputes, access disputes or children falling out, which then escalates to disputes between parents. These cases are usually more difficult to resolve due to the tit for tat nature of the complaints and the fact that there is no third party validation. Mediation can be effective in these cases, if both parties commit. It is unusual for these cases to progress to more serious anti-social behaviour and hence a higher tariff of remedy, but occasionally this can happen, particularly where the friction results in excessive verbal abuse or assault. Low level anti-social behaviour is usually dealt with by the Housing Officer. Where there is an escalation, the Anti-Social Behaviour Investigator will become involved.