

## **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 a 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.