

**REPORT TO:** POLICY AND RESOURCES COMMITTEE - 8 SEPTEMBER 2003

**REPORT ON:** PUTTING OUR COMMUNITIES FIRST - A STRATEGY FOR TACKLING ANTI-SOCIAL BEHAVIOUR : SCOTTISH EXECUTIVE CONSULTATION PAPER

**REPORT BY:** ASSISTANT CHIEF EXECUTIVE (COMMUNITY PLANNING)

**REPORT NO:** 597-2003

## **1 PURPOSE OF REPORT**

- 1.1 To outline the Scottish Executive's proposals as described in Putting Our Communities First - A Strategy for Tackling Anti-Social Behaviour and recommend a response from Dundee City Council.

## **2 RECOMMENDATIONS**

- 2.1 It is recommended that Committee agrees the detailed response as set out in Appendix 1 of this report.

## **3 FINANCIAL IMPLICATIONS**

- 3.1 None.

## **4 LOCAL AGENDA 21 IMPLICATIONS**

- 4.1 The consultation paper considers Local Agenda 21 themes relating to people living without fear of personal violence from crime, persecution because of their personal beliefs, race, gender of sexuality and protecting health by creating safe, clean, pleasant environments.

## **5 EQUAL OPPORTUNITIES IMPLICATIONS**

- 5.1.1 See 4.1 above.

## **6 BACKGROUND**

- 6.1 In May 2003, the new Scottish Executive published its programme for government - A Partnership for a Better Scotland : Partnership Agreement which included a commitment to tackle anti-social behaviour. In June 2003, these proposals were published in the consultation document Putting Our Communities First : A Strategy for Tackling Anti Social Behaviour. The consultation paper outlines the Executive's broad strategy and makes a range of policy proposals for legislation and other action. It sets out the reasons why the Executive believes anti-social behaviour is such a key priority together with a series of proposals.
- 6.2 These new proposals according to the Scottish Executive put more emphasis on the following key elements:
- quicker and more effective responses to residents' complaints about anti-social behaviour
  - dealing with the perpetrators of anti-social behaviour more swiftly and effectively

- clear measures that provide progressively firmer sanctions against people who refuse to change their behaviour and a clear hierarchy of interventions that deal with the problem in the appropriate manner at every stage
- support for people in reclaiming their communities for the law abiding majority genuinely involving local people in helping to find solutions to the problems of anti-social behaviour

6.3 The strategy then goes on to set out four themes which are described as follows:

a) Protecting and empowering communities

This theme includes proposals relating to:

- community-based anti-social behaviour initiatives such as community wardens, mediation and arbitration to resolve neighbourhood disputes; support for witnesses and victims; and telephone lines to facilitate quick and safe incident reporting;
- Community Reparation Orders in the Criminal Justice System - by extending the principle underpinning community service orders to provide for reparation to communities where anti-social behaviour is occurring;
- Protection for Victims and Witnesses of Anti-Social Behaviour - by offering support to victims, witnesses and complainants so that local residents have the confidence and ability to make concerns known;
- Supporting the Greater Use of Professional Witnesses.

b) Preventing Anti-Social Behaviour - Children and Families

This theme includes proposals relating to:

- anti social behaviour contracts which would create a written agreement between individuals involved in anti-social behaviour and relevant agencies working to prevent anti-social behaviour;
- Extending Anti-Social Behaviour Orders to Under 16s; increasing the use of reparation in the childrens' hearing system; introducing electronic monitoring of under 16s as an additional disposable for childrens' hearings; extending the Restriction of Liberty Order to under 16s;
- the introduction of parenting orders which will require parents to undertake certain actions which lead to improvement in reducing the offending or anti-social behaviour of their child or improve the welfare of the child;
- securing local authority accountability through introducing orders which will require compliance with supervision requirements and the provision of education;

c) Safe, Secure & Attractive Communities

Measures proposed under this theme include:

- tackling litter, fly tipping and abandoned vehicles;

- dealing with graffiti through the ban of spray paint to under 16s and granting additional powers to local authorities;
  - challenging noise pollution through the introduction of fixed penalty notices;
  - regulating the activities of private sector landlords in relation to anti-social behaviour
- d) Effective Enforcement - this theme proposes a range of measures to challenge anti-social behaviour through:
- fixed penalty notices for anti-social behaviour;
  - tackling disorderly behaviour amongst groups gathering in public places;
  - improving the effectiveness of anti-social behaviour orders;
  - changes to the anti-social behaviour order legislation including the extension of provision to under 16s;
  - extending police powers in relation to licensed premises

6.2 A series of questions follow each of the proposals within the paper and responses from local authorities have been requested by 11 September 2003. Appendix 1 lists the questions and the proposed response from Dundee City Council.

## 7. **CONSULTATION**

The Chief Executive's Management Team and its advisors have been consulted in the preparation of this report.

## 8. **BACKGROUND PAPERS**

None.

Chris Ward  
Assistant Chief Executive (Community Planning)..... 02/09/03

## APPENDIX ONE

### PUTTING OUR COMMUNITIES FIRST - A STRATEGY FOR TACKLING ANTI-SOCIAL BEHAVIOUR

#### DUNDEE CITY COUNCIL RESPONSE

##### Anti-Social Behaviour Strategies

- 1 *Should the formal duty to participate in the preparation of anti-social behaviour strategies be extended to Registered Social Landlords (RSLs), particularly where major stock transfer has taken place? Should there be a formal duty on other community planning partners to be involved? Or is it sufficient that involvement of other community planning partners be referred to in guidance only?*

The extension of the formal duty to participate in the preparation of anti-social behaviour strategies to all RSLs is supported. Such strategies should be formulated jointly by the local authority, housing associations, etc and the Police authority. There are indeed some local authorities at present who no longer manage any housing stock as a result of stock transfer.

There is no perceived benefit to a formal duty placed upon other community planning partners in this respect.

- 2 *What more should be done to promote effective information exchange to prevent anti-social behaviour?*

There needs to be willingness to challenge perceived obstacles such as the Data Protection Act. Too often the Act is used as a reason for failure to effectively share relevant information which could assist in addressing anti-social behaviour.

In tackling youth crime, it is noted that greater information sharing agreements via protocols have led to better and speedier targeting of young people involved in persistent offending. Safeguards would need to be put in place to ensure quality and accuracy of information, particularly in relation to civil proceedings i.e. requiring only the civil standard of proof. In addition, adequate resources and infrastructure would also be prerequisites for ensuring that improved information sharing can lead to real reductions in anti-social behaviour.

##### Community Reparation Orders (CROs)

- 3 *Should there be programmes for individuals as well as groups? Does this raise particular issues for victims?*
- 4 *Should we impose an upper age limit so that CROs are targeted at young people i.e. those up to 21 years of age?*
- 5 *Which organisations/agencies should be consulted formally about the nature of reparative work to be undertaken?*

Community Reparation Orders for individuals guilty of vandalism, etc. are supported, regardless of age. Not all vandalism or lower level anti-social behaviour is created by young people.

There would need to be adequate supervision to ensure that victims were comfortable with reparation being made. Victim organisations or community safety groups/panels may have a role to play in suggesting useful community based projects that would provide opportunities for relevant and meaningful reparative work.

Many of the young people who would be likely to appear in Court and receive such an Order are likely to be immature. Support services should be in place to ensure that an individual offender had the best possible chance of addressing underlying risk factors. In addition, there was also concern that failure to complete a CRO due to e.g. immaturity, should not lead automatically to a custodial sentence. Instead, a graduated response would be preferable.

Recipients of a CRO are likely to have individual needs and most would require an individualised programme. This may have significant resourcing requirements, but the emphasis on the individual would have the best chance of success.

### Protection for Victims and Witnesses of Anti-Social Behaviour

#### 6 *What more could be done to support victims and witnesses of anti-social behaviour?*

Victim and witness support schemes should be well resourced and widely available. Such schemes should have the ability to meet the support needs of child victims and witnesses, particularly given that many victims of youth crime and anti-social behaviour are in fact children.

To further support witnesses, a party litigant should not be permitted to cross-examine vulnerable witnesses in court but be required to put all questions to the witness through the Sheriff; thus preventing intimidation.

#### 7 *What are your views on the greater use of professional witnesses?*

The issue of support to victims and witnesses of anti-social behaviour is somewhat of a balancing act.

The wholesale use of only professional witnesses could lead to a shifting of ownership to agencies when in many cases effective, long term solutions to anti-social behaviour can only be gained when communities are encouraged to take greater ownership of their areas. Community empowerment in the long term will be more effective than enforcement although that confidence will have to be built within communities.

Professional witnesses - Police, housing staff, specialist ASB teams, community wardens, environmental health staff - have a role to play and the provision of independent and unbiased evidence especially out of hours may improve the support that victims/witnesses feel they are receiving. This is crucial in court actions where there are few principal complainers.

However, that the best evidence is usually that provided by the victim. Neighbours, etc should be encouraged to be the prime witnesses in cases of anti-social behaviour, with professional support where appropriate.

With regard to specialist anti-social behaviour teams, our experience is that service users report greater satisfaction where the team responds to ***all*** complaints of anti-social behaviour and not, as in the case of most specialist teams at present, just legal action

cases. Dundee City Council currently achieves in excess of 65% satisfaction for its specialist team.

One of the major problems for victims and witnesses in anti-social behaviour is the time taken for cases to be disposed of through the courts e.g. in eviction actions.

This paper does nothing to address delays in the court process. Victims and witnesses may be much more content to provide evidence if they had some confidence that the case would be dealt with speedily.

### Acceptable Behaviour Contracts (ABCs)

- 8 *Do you support wider use of ABCs?*
- 9 *What are your views on the range of situations where ABCs would be appropriate? For example, do you support use of ABCs in the hearings system? In schools?*
- 10 *What are your views on the relationship between ABCs and legal options such as ASBOs and Parenting Orders? For example, should the court be required to consider the failure or refusal to participate in an ABC or a Parental Contract when considering an application for a Parenting Order?*

ABCs have been piloted in parts of Scotland recently. They have struggled with the issue that at present if a child is behaving badly and they sign up to an ABC the only real sanction would be for the local authority to seek to evict the parents. With the proposal to extend ASBOs to under 16s the question is perhaps now - why seek an ABC if you can get an ASBO?

ABCs are voluntary and pose the threat of legal action. ASBOs, if extended to under 16s, would specifically detail what actions the person should refrain from and the sanction for non compliance.

The prospect of ABCs becoming a readily understood tool for use with children and families is welcomed. These are seen as similar to the voluntary agreements that operate in a variety of circumstances. However, it is suggested that the widespread use of the ABC concept within the Education or Hearing systems, should be supported by clear guidance. This is essential to ensure consistency in their use.

The relationship between ABCs and legal action such as ASBOs and Parenting Orders should be kept separate and should not be dependent on the other; thus preserving the flexibility of the remedy. The existing Hearing system, through voluntary or compulsory supervision, is seen as the best place to accommodate ABCs.

Court action should be viewed as a last resort as it is inter alia costly and time consuming for all concerned. In certain circumstances, ABC's could be an excellent vehicle for solving a problem of anti-social behaviour. Also, if the contract is breach or there is a refusal to enter therein, it is evidence supporting to a potential action for an ASBO or Parenting Order. For this reason, the use of ABC's is supported.

There is perhaps a potential flaw in the use of ABC's as they are not legally binding and unless the sanction of legal action is carried out for breach of such a contract their effectiveness may be undermined.

The power to apply for ASBOs should be limited to local authorities and social landlords (in consultation with the Police). One of the main purposes for the introduction of the

ASBO was to give local authorities statutory title and interest to deal with situations in which they previously had no locus or had difficulty in establishing same.

It is agreed that there should be a statutory power of arrest for breach of an ASBO as this would increase the effectiveness of the Order. As it stands, the Act is silent in respect of arrest for breach of an ASBO, incidentally not in respect of breach of a Sex Offender Order. The silence of the Act and confusion regarding police common law powers of arrest in respect of breach of an ASBO has resulted in missed opportunities for demonstrating to perpetrators of ASBO the seriousness of the Order.

In principle, it would be desirable for a court to have power to impose an ASBO on conviction of a criminal offence, where there is evidence of persistent anti-social behaviour. However, it is questionable as to whether such a power could be implemented within the scope of the existing court rules. The Scottish system has always maintained a firm distinction at levels between criminal and civil procedure, for example, an appeal against a judgement of the Sheriff on summary Application lies to the Sheriff principal and to the Court of Session, either direct or from the sheriff principal whereas an appeal from a criminal court could ultimately lie to the High Court of Justiciary.

#### Anti-Social Behaviour Orders (ASBOs) for Under-16s

- 11 *How should ASBOs be extended to under-16s?*
- 12 *Do you support the introduction of individual support orders linked to ASBOs for under-16s?*
- 13 *Are there any implications of extending ASBOs to under-16s in relation to the power of RSLs to apply for ASBOs?*
- 14 *Do you agree that the Youth Court model, where this operates, should be amended to include young people under-16 years of age who are referred to the criminal justice system by the Procurator Fiscal for breach of an ASBO?*
- 15 *How should the applicant ensure that they take the full circumstances of the family into account?*

The extension of ASBOs to under-16s is supported. In principle the concept of individual support orders attached to ASBOs for under-16s is acceptable but greater thought needs to be given to who would carry out the assessment of specific needs of the individual and therefore the content of the order. Given the serious consequences of a breach of an ASBO the question arises why individual support orders should only relate to young persons or whether they should apply to all ASBOs. Consideration also needs to be given to the potential overlap or duplication between ASBOs to under-16s and the Children's Hearing System which deals with difficult or troubled children and young people. A means of dealing with this duplication would avoid wasting resources through parallel assessments decision making processes and programme delivery. The criteria for a child to be the subject of an ASBO is similar to the criteria for a child to enter the hearing system and where there was integration between the two systems the support orders envisaged would be provided within the same process but through a more holistic approach. Whatever way ASBOs are actually implemented the full circumstances of the child need to be taken into account, through comprehensive assessments completed by staff who are trained and experienced in this task. For this reason it is felt that this would not be an appropriate task for a Registered Social Landlord (RSL).

While it is being proposed that children's hearings systems be reviewed, an issue to be addressed is the view, rightly or wrongly, that the interests of the community are outweighed by the needs of the child.

In relation to the Youth Court this model is in its infancy and is currently being evaluated. It is therefore felt that it may be premature to burden such courts with extra powers at this early stage in the development.

#### Greater Use of Reparation in the Children's Hearings System

- 16 *What are your views on our proposals to consider increasing the emphasis on reparation both as action that may be taken by the Reporter and as a condition of a supervision requirement made by the Children's Hearing?*

The greater use of reparation within the Hearings system is supported, assuming it is well resourced and supervised by appropriately trained and qualified staff.

#### Electronic Monitoring of Under-16s

- 17 *What are your views on the making electronic monitoring a disposal for Children's Hearings system?*
- 18 *Do you think that the option of electronic monitoring should be available alongside disposals other than secure accommodation?*

#### Extending Restriction of Liberty Orders (RLOs) to Under-16s

- 19 *Do RLOs for the under-16s in court require any additional support arrangements?*
- 20 *The period of restriction for an adult to a place is 12 hours per day and/or from a place for 24 hours a day for a period up to 12 months. What should be the period of restriction for an RLO for those under-16s?*

Electronic monitoring ("tagging") and RLO's for those under-16 suggest complex issues to be addressed. Both of these disposals would have significant effects on children's lives, with the distinct possibility that restrictions of activity or movement would reduce the ability to participate in the very programmes and activities that might help the child to mature, develop and learn. Moreover, their introduction might lead to unintended consequences. Some children may well be motivated by the desire to acquire a "tag" as a status symbol, thus leading to an increase in the behaviour this sanction is designed to reduce. In addition, the living arrangements of some children may be problematic. Tagging would therefore tie them to such an unsatisfactory or perhaps dangerous home.

Tagging children could be welcomed for welfare reasons as a strict alternative to secure accommodation. However, this is arguably anomalous, since strict adherence to the criteria for secure accommodation would mean that a child meeting the criteria **should** be placed in secure accommodation for their own or others' safety, and not tagged. Nevertheless, if they are introduced, the restrictions should be implemented on an individual basis, with the review process perhaps mirroring the 3-month review period for secure order authorisations.



### Parenting Orders

- 21 *Do you agree that local authorities and the Reporter should be given the power to apply to the court for a Parenting Order? Should the Reporter be able to make an application at his own initiative or at the direction of the hearing?*
- 22 *Should courts be able to impose a Parenting Order at their own initiative when dealing with other proceedings in relation to a child and their family?*
- 23 *Are the grounds we describe sound? Should the welfare of the child be grounds for a Parenting Order as well as behaviour?*
- 24 *Should the failure to ensure attendance at school be grounds for a Parenting Order? How should this work alongside existing powers to make attendance orders?*
- 25 *How long should a Parenting Order normally last for? Should it be capable of renewal?*
- 26 *How should applicants for Parenting Orders ensure that all relevant information about a parent is first taken into account?*

Local Authorities and the Reporter should be given the power to apply to the court for a parenting order. The courts should also be given the right to impose an order on their own initiative.

The prospect of increased resources to provide parenting programmes is warmly welcomed. Programmes delivered on a voluntary basis would have the best chance of success. Many parents who currently struggle to care for and control their children welcome the offer of help, advice and support, however to ensure parenting orders actually target the negligent parents as described by the document, it might be integrated within the children's hearing system. This would allow the specialist assessment, reporting, decision making and programme of delivery to take place within one system and avoid duplication. It is suggested that this model would allow courts to refer a family to the hearing system (whether to the Reporter or direct to a hearing) and thereafter to receive full assessment information to inform the decision whether or not to impose the order. These orders should be subject to the same review period and general principles as supervision requirements.

### Local Authority Accountability

- 27 *Do you agree it would be desirable to require local authorities to comply with supervision requirements?*
- 28 *Do you agree that the hearing's direction a Reporter request a Sheriff to make an order to enforce implementation of the supervision requirement?*
- 29 *Should the hearings and Reporter have a role in alerting Scottish Ministers to failure by a Council to ensure a child before them receives appropriate education?*

Despite recent and well publicised cases where some local authorities appeared to be failing in their duties to implement supervision requirements, it is felt that these are caused by short term resourcing problems within the social services workforce that will be alleviated by some of the national strategic approaches to the problem. Measures taken to address this successfully will therefore make these powers redundant.

## Litter, Fly-tipping and Abandoned Vehicles

- 30 *Should the power to award Fixed Penalty Fines be given to community wardens, and/or to the Police?*

Amending this power to the police would be supported provided this was in addition to the powers given to Local Authorities. This would appear to follow the example set in the new Dog Fouling legislation where the power to issue fixed penalties is given to both the Police and local authorities. It should ultimately be left to the individual local authority to decide which staff to authorise to issue fixed penalties. This could include parking attendants, street sweepers, community wardens and others depending on the circumstances within each authority. However there is not support for extending this power to community wardens, whose role will be more related to reporting of issues to the relevant agency, community liaison and visibility.

- 31 *Do local authority and other bodies have sufficient powers to clear litter?*

They do, but additional powers to clear litter from privately owned land and recover costs would be welcomed.

- 32 *What level of charges would cover local authorities' present costs for removing, storing and disposing of abandoned vehicles?*

For information, Dundee City Council spent £12,240 on the removal, storage and disposal of abandoned vehicles last year, exclusive of staff costs. This was for a total of 1,140 vehicles. Including staff costs would add another £10,000 on to this figure.

- 33 *Is the scope of the present regulations governing the removal of vehicles causing an obstruction sufficient?*

Dundee City Council has a very close working relationship with Tayside Police in this respect, and manages to deal with the problem within the scope of the existing legislation.

- 34 *Would simplified means of penalising fly-tipping, similar to those existing for litter, be appropriate, and if so, what form should these take?*

A system for dealing with fly-tipping without having to resort to the courts would be welcomed, but the problem would still be catching offenders. Some form of fixed penalty, plus the ability to recover costs for the clean up and disposal of the waste would be required, with the level of fixed penalty designed to reflect the seriousness of the offence.

- 35 *Should local authorities have the power to examine waste transfer documents?*

The absence of this power has been a problem since the Environmental Protection Act gave responsibility for this exclusively to SEPA. This could have a significant impact, particularly when dealing with trade waste complaints, and could prevent instances of fly-tipping occurring if properly policed.

- 36 *Should the fine for fly-tipping which may be imposed on summary proceedings be doubled to £40,000?*

This is agreed. It would better reflect the time and effort necessary to catch and prosecute offenders, and the detrimental effect fly-tipping has on the environment. It would also act as a huge deterrent to others.

### Graffiti

- 37 *Do you agree with our proposal to ban the sale of spray paint to under-16s?*

Yes. This has already been introduced within Dundee on a voluntary basis and seems to be working well.

- 38 *Do local authorities require further powers to deal with graffiti?*

Dealing with graffiti on privately owned shops and property is not something that causes much problem in Dundee. The Council operates a Rapid Response Team dedicated to graffiti removal, and most people seem keen to allow the team to remove graffiti from their premises, even when a charge is made. Having the power to do this in default and recover costs may be beneficial, if not essential.

The idea of using those responsible for the graffiti to clean it up through reparation is laudable but in practice is made very difficult due to the use of specialist machinery, toxic chemicals etc and should only be done by trained and properly equipped individuals.

### Noise Nuisance

- 39 *Should we require or enable local authorities to implement a night-time noise nuisance service and implement additional powers to enable local authority Environmental Health Officers and/or community wardens to issue Fixed Penalty Notices of £100 to curb domestic noise nuisance? If so, what is the best approach?*

Placing this new statutory burden on local authorities is considered to be over onerous. Local authorities do not have any free capacity within existing financial or human resources to effectively implement these proposals. In addition, should additional funding be provided to assist with this, it is still extremely unlikely that Councils would be able to recruit the necessary staff given the current difficulties with the retention and recruitment of Environmental Health Officers. There would also be other issues such as the provision of secure storage facilities for confiscated equipment, health and safety issues for staff and compliance issues for local authorities as employers, staff training, agreement by staff to change working hours etc.

If the retention of the current system under the Civic Government (Scotland) Act is not an option giving local authorities 'enabling' powers would be the preferred option. However, as stated previously, Environmental Health Officers are in short supply and local authorities are unlikely to be in a position to implement the powers.

Issuing a Fixed Penalty Notice is unlikely in itself to curb domestic noise nuisance.

- 40 *Should we extend the service from a night time (11.00 pm to 7.00 am) service to a 24-hour service?*

There should be a measured response to the problem, it should be proportionate to the need as not all areas will require a 24 hour service.

Increasing the service to 24-hour cover will have considerable cost implications for local authorities that choose to implement the proposed enabling powers for noise control. The Police are better placed to cover this as they currently provide a 24-hour service.

There would be further health and safety implications for local authority employees in relation to training, the provision of suitable PPE, suitable back-up arrangements, compliance with the Working Time Directive, the consideration of shift working and need for improved communication arrangements etc.

It is our opinion that the Scottish system should remain unchanged with the Police continuing to deal with this type of noise under Section 54 of the Civic Government (Scotland) Act 1982. The level of proof that they are required to achieve for reasonable cause for annoyance is less onerous and in our view more appropriate as it allows for a more flexible approach. Therefore negating the need to alter the standard of proof required for a statutory noise nuisance.

- 41 *Should the standard of proof of a statutory noise nuisance be changed to allow a more flexible approach in this area? If so, what might such an approach involve?*

Additional powers are not required regarding noise during the day or night. The Police already have the power to compel the noise maker to desist and can remove the noise making equipment. This power should perhaps be more readily exercised. Fining the perpetrator will only be effective if this financial penalty is seen as a deterrent to noise nuisance. Environmental Health Officers will be able to advise if the issues relating to statutory nuisance require addressing as outlined in the paper.

### Anti-Social Behaviour and Housing

- 42 *Should RSLs be given a statutory duty to participate in the production and implementation of anti-social behaviour strategies?*

RSLs should be given a statutory duty to participate in both the production and implementation of anti-social behaviour strategies.

- 43 *Should the Anti-Social Behaviour Bill give local authorities powers to:*

- regulate landlords in an area so that they control anti-social behaviour?
- apply to the court for sanctions against the private landlords with individual properties where there is anti-social behaviour?
- use a combination of these approaches?

Given the increasing incidence of anti-social behaviour issues relating to private rented housing, the proposal to give local authorities the power to regulate private landlords in their area would be supported. (Option 1 as defined in the paper). Some form of compulsory regulation of this sector would improve standards of service to the victims of anti-social behaviour. Failure to register and comply with standards would make unregulated letting an offence.

This proposal, while addressing the private rented sector, does nothing to address anti-social behaviour in the owner occupier sector.

44 *Do you think measures to reward good tenants are appropriate? If so, what more needs to be done to encourage greater use of such measures?*

45 *Do you agree that existing provisions in legislation on housing and homelessness linked to ASBOs should apply to ASBOs involving under-16s?*

Rewards to good tenants are a separate issue to addressing anti-social behaviour by the minority. Rewards may be worthwhile in terms of retention of customers but may have no material impact on anti-social behaviour

#### Fixed Penalty Notices for Anti-Social Behaviour

46 *Do you support extending the use of Fixed Penalty Notices levied by the Police to a range of low-level, anti-social and nuisance offending?*

47 *Should such penalties be imposed on under-16s?*

This is supported subject to guidance regarding what constitutes qualifying nuisance behaviour.

Penalties being imposed on under-16s may be difficult to enforce due to an inability to pay. Reparation may be a more useful outcome.

#### Dispersal of Groups

48 *How can we strengthen the powers of the Police to tackle disorderly behaviour amongst groups?*

49 *Do you agree that it would be useful to extend police powers in respect of groups of young people in the way proposed?*

Current Police powers are considered to be adequate.

#### Making Anti-Social Behaviour Orders More Effective

50 *Do you agree that the power to apply for ASBOs should be limited to local authorities and registered social landlords (in consultation with the Police)?*

51 *Do you agree there should be a statutory power of arrest for breach of an ASBO?*

52 *Do you agree that the court should have the power to impose an ASBO on conviction for a criminal offence, where there is evidence of persistent anti-social behaviour?*

53 *Do you think the court should have the power to grant an ASBO in related civil proceedings, such as an eviction hearing, where there is evidence of anti-social conduct?*

54 *Do you agree that the prohibitions in an ASBO should be able to extend beyond a local authority area, where this is necessary to protect persons from further anti-social acts by the individual concerned?*

The power to apply for ASBOs should remain limited to local authorities and RSLs in consultation with the Police.

A statutory power of arrest for breach of an ASBO should be introduced. The proposal that the court should be able to grant an ASBO on conviction for a criminal offence or in civil cases, e.g. evictions, where there is evidence of persistent anti-social behaviour is supported.

It would be considered appropriate to be able to extend ASBO prohibitions beyond the local authority area where this is necessary to protect residents in the local authority area from anti-social behaviour acts by perpetrators from outwith the local authority area. In Dundee this scenario is fairly uncommon however.

#### Licensed Premises - Police Powers

- 55 *Do you agree that the Police should have the same right of entry to off-licences and registered clubs serving alcohol as they have to licensed premises?*
- 56 *Do you agree that there should continue to be no right to object for a licence-holder against an order issues by the licensing board under Section 85 of the Licensing (Scotland) Act 1976?*
- 57 *Do you agree that the procedure for a closure order under Section 85 should apply to all licensed premises and to registered clubs?*
- 58 *Do you agree that we should clarify the powers of the Police to close licensed premises where there is, or is likely to be, disorder in them or in their vicinity?*

These relate to the powers of Police authorities.

#### Closure Notices

- 59 *Do you agree that there should be a new power for the Police, under the direction of a court and following consultation with the local authority, to close down premises which are the centre of illegal activity, disorder or other anti-social behaviour?*
- 60 *Should the power be limited to non-residential premises and houses in which no one is formally residing or should it apply to all such premises, including occupied residential accommodation?*
- 61 *Should there be any limits on the power and how otherwise should it work?*

Further clarification on how a Police power to close occupied residential accommodation would operate would be required before a view could be taken on whether this is a useful additional tool in addressing anti-social behaviour.