Promoting Positive Outcomes:
Working Together to Prevent Antisocial Behaviour in Scotland
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**Volume 2:**

The research, analysis and public consultation that informed the review of national antisocial behaviour policy
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Annex A: Key messages for the review from ASB Co-ordinators and the Police
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INTRODUCTION

1. This report accompanies ‘Promoting Positive Outcomes: Working Together to Prevent Antisocial Behaviour in Scotland: Volume 1’ and sets out the evidence, analysis and public consultation that informed the work of the review of national antisocial behaviour (ASB) policy. As well as drawing on research findings that had already been published, the review was informed by specifically commissioned work. The emerging findings from this were presented to the review’s Expert Advisory Group at each of its three meetings and at the good practice event held in July 2008 and Chapter 1 pulls the research, analysis and public consultation together to highlight key findings relevant to each of the four pillars of the review: Prevention; Integration; Engagement; and Communication.

2. In the year preceding the Review, the Scottish Government published five relevant research reports that examined various measures introduced to address ASB. A brief overview of this research is provided in Chapter 2 of this volume. During this period, the Scottish Government also published an Evaluation of Glasgow ASB Taskforce. The findings from this research were not considered relevant for this Review given that the Taskforce was reorganised in 2006 to become Glasgow Community Safety Services. However, the report of the evaluation is available on the Scottish Government website\(^1\). Chapter 2 also includes an overview of the findings of the Evaluation of Intensive Family Support Projects. This research is scheduled to be published alongside the ASB Framework in March 2009.

3. To help inform the Review, a social researcher from Justice Analytical Services interviewed a sample of Local Authority Antisocial Behaviour Officers about their experience and views of the various ASB measures available to them. Measures explored included: acceptable behaviour contracts; mediation; other forms of early intervention and; antisocial behaviour orders (ASBOs). The findings from these interviews are presented in Chapter 3. Similarly, interviews were undertaken with senior officers from each of Scotland’s police forces primarily to discuss the police measures that were introduced to address ASB. The measures explored with the police were: dispersal orders; closure orders; vehicle seizures; fixed penalty notices (to a limited extent) and ASBOs. The findings from these interviews are presented in Chapter 4.

4. The interviews with the police and local authorities also provided an opportunity to collect views on what the review should examine. At the end of each interview, subjects were asked if they had any recommendations or messages that they would like to share with those involved in the review of the national ASB policy. Key messages from the police and ASB co-ordinators were summarised and presented to the Expert Advisory Group at its first two meetings. A list of these key messages is included as an annex to this volume (see Annex A).

\(^1\) [www.scotland.gov.uk/Publications/2008/01/30141010/0](http://www.scotland.gov.uk/Publications/2008/01/30141010/0)
5. To help identify the concerns and views of the general public, interviews were undertaken with adult members of the public from five Local Authority areas. Individuals were identified via their responses to the Scottish Household Survey and were selected to include those who had been the victims of ASB. The interviews and analysis were commissioned from Hayton Consulting and Research Resource and the report that was submitted is included as Chapter 5.

6. Consultation was also commissioned to encourage young people to share their experiences and views. Young Scot undertook paired interviews with young people from some of the areas hardest hit by ASB within five Local Authority areas. These interviews were analysed by Hayton Consulting and the report is included as Chapter 6.

7. Finally, Chapter 7 is the in-house analysis of ASBO breach that was undertaken by Justice Analytical Services while the Review was underway.
CHAPTER ONE: THE EVIDENCE SUPPORTING THE FOUR PILLARS OF THE NEW FRAMEWORK

1.1 This first chapter pulls together the relevant evidence and analysis under each of the four pillars of this ASB framework: prevention, integration, engagement and communication.

Prevention

1.2 The focus groups held as part of the review with people from areas with high incidence of antisocial behaviour (ASB) revealed that participants believed drink, drugs and a lack of respect are the key causes of ASB. They believed there is a need for long term action to make people change the way they behave, as well as enforcement of existing sanctions. Alcohol was also highlighted as a key contributing factor in the research on the use of dispersal orders and those who were interviewed as part of that evaluation commented on the need to address this as part of a long-term strategy to tackle ASB.

1.3 The members of the public who were consulted to inform this review felt that long term action was required to rebuild society in those areas worst affected by ASB. They believed this needed to start early through the education system so that people are taught to respect others and their property and are made aware of their responsibilities. It was also felt that poor parenting needed to be addressed to break the cycle of ASB ‘norms’ being passed down through generations of the same family. Crucially, there was limited desire amongst focus group participants for new policy initiatives; they just wanted to see existing solutions used more effectively.

“Results are needed not more initiatives” Focus group participant

1.4 The Evaluation of Antisocial Behaviour Strategies in Selected Scottish Neighbourhoods\(^2\) revealed that there was consensus among practitioners in the case study areas about the need for a holistic PIER\(^3\) approach. It was apparent that, along with providing greater support to victims and witnesses, diversionary activities and early intervention were an increasing priority for local ASB strategies. This sometimes involved securing funding for new youth or community development worker posts or bringing existing youth projects and activities more firmly within ASB partnerships. The holistic nature of these interventions ensured that partners did not take a one-dimensional approach which focused solely upon enforcement action and the use of legal measures.

1.5 Consultation with local residents undertaken as part of the evaluation found further support for a holistic PIER approach to tackling ASB. The researchers concluded that there was a need to:

\(^2\) Published October 2007, [www.scotland.gov.uk/Publications/2007/10/18103711/0](http://www.scotland.gov.uk/Publications/2007/10/18103711/0)

\(^3\) PIER stands for Prevention, Intervention, Enforcement and Rehabilitation.
Focus on the 'root' causes of ASB at both individual household and neighbourhood levels, for example addressing alcohol or drug addiction; treating mental health problems; providing parenting support; managing allocation policies sensitively and tackling poverty and poor physical environments.

Increase provision of educational and diversionary projects, specifically for younger people and parents with younger children, and allied with more interventions with the parents of young people engaged in ASB.

1.6 Most local authority ASB coordinators and police officers interviewed for the review also mentioned the need for longer-term solutions. While enforcement measures were seen to be useful in providing short-term relief for communities, practitioners indicated that they should not be seen as a vehicle for addressing the underlying causes of ASB.

1.7 In some cases the use of enforcement measures had resolved the problem but in others, improvements had not been sustained and the problems had returned after the measure had expired. In the case of dispersal zones, residents and business owners valued the respite provided but ultimately saw the solution in the “designing out” of the problem, through changes to the physical environment, and with other measures, rather than through additional dispersal designations. Research on the use of dispersal orders recommends that enforcement action should be seen as a short-term measure, used to “get a grip” of the situation and provide respite while longer term solutions are sought.

1.8 The practitioners who were interviewed also noted the importance of finding alternative things for those engaged in ASB to do and of working with them to identify solutions. Environmental engineering solutions, such as installing bright lighting, removing low walls and planting prickly vegetation, were also seen to have value in preventing ASB.

1.9 Research into intensive family support projects indicates that, by tackling deep-rooted problems, this type of rehabilitative approach can have significant impacts in terms of reducing ASB, improving family dynamics and parenting, enhancing household management skills, increasing children’s engagement in education, preventing family breakup, reducing alcohol and substance misuse, and reducing the risk of eviction and homelessness. Such an approach is felt to have more chance of long-term success, though further longitudinal research into this is required.

1.10 While there was a broad consensus that early preventative intervention and support were key to addressing the problem of ASB, practitioners still believed that there was a place for enforcement measures. They were considered to be particularly useful in galvanising joint solutions – the prospect of the application of serious enforcement measures such as ASBOs and dispersal orders could help encourage partners to work together to look
for alternative solutions and also encourage perpetrators to engage in earlier interventions.

1.11 Enforcement action was also seen as an opportunity for agencies to intervene with the perpetrator to resolve underlying causes of the ASB. Support was seen to be crucial by practitioners and something that should be provided to perpetrators before and alongside enforcement action. In the case of ASBOs, it was felt that the absence of support would be a significant hindrance.

“[ASBOs] work a lot better if you address support needs as part of the process… support and enforcement go hand in hand. If you just do the enforcement, you really are fighting with one hand tied behind your back.”
Local ASB practitioner

1.12 There were also examples from practitioners of effective interventions being used alongside other enforcement measures such as supportive accommodation being used during the term of a closure order and diversionary activities being used alongside dispersal orders.

1.13 Even in cases where enforcement measures were seen as offering a medium or longer-term solution, they were generally viewed as a last resort to be used only after a series of other interventions had been tried and failed. The interviews with ASB co-ordinators helped to identify the typical series of interventions that will be tried before an application for an ASBO is made. This will generally include warning letters, mediation and acceptable behaviour agreements. The police and local authority ASB co-ordinators emphasised that the courts also shared this view that other interventions had to be used before interventions such as closure orders and ASBOs would be granted.

1.14 The data on the use of the ASB measures indicate that, although many of the same powers are available in Scotland as in England and Wales, Scotland’s approach has been much less enforcement-focused than that south of the border. This has been most markedly illustrated in the approach to tackling youth offending. In Scotland, where the welfare-based Children’s Hearing System is the primary forum for dealing with the ASB of children, there have only been 14 ASBOs for those aged 12-15 (up to March 2008), compared with 5110 ASBOs for those aged 10-17 in England and Wales (up to December 2006). In the case of Parenting Orders, 1307 were attached to other proceedings in England and Wales and 34 stand-alone ones were sought in 2006-07, while there has not been any Parenting Orders in Scotland. Up to March 2008 there had been 18 Dispersal Notices in Scotland, whereas in England and Wales there were 809 within the first 18 months of the power being introduced.
Integration

1.15 The interviews with both the police and local authority ASB co-ordinators reveal that there is already a good deal of inter-agency working to address ASB. The Evaluation of Antisocial Behaviour Strategies in selected Scottish Neighbourhoods also found evidence of improved agency performance. One of main factors behind this improvement was enhanced partnership working leading to more effective operational planning and resource deployment.

1.16 The evaluation suggested that the very process of putting together an ASB strategy had resulted in better engagement across stakeholder agencies. The fact that the strategies had achieved significant 'buy-in' had increased the scope for multi-agency co-ordination, knowledge of agencies' respective resources, policies and working practices, and information-sharing.

1.17 The interviews with ASB co-ordinators also helped to highlight the extent of inter-agency working on specific ASB problems. Typically, discussion with a range of agencies will take place from the outset of a case through regular problem-solving and tasking and co-ordinating meetings hosted by the police and/or ASB units. These meetings will be an opportunity to discuss emerging problems and share information about perpetrators.

1.18 As cases progress and enforcement options are explored, a broader range of agencies may be invited to join the table to help make decisions about next steps. These agencies might include Social Services, Housing, Youth Services, Education, Environmental Services, Children’s Reporter, Procurator Fiscal and Registered Social Landlords. These ‘case management’ discussions were credited with opening up new communication lines and options.

1.19 The multi-agency nature of the discussions described above were said to add weight to decisions which in turn help strengthen an application to the court and help perpetrators to engage with decisions. Even something as simple as the use of joint visits and the issue of joint warnings between the police and the ASB unit was considered effective in demonstrating to perpetrators that agencies are sharing information and are resolved to addressing the problem. There are also pragmatic reasons for inter-agency working. For closure orders, social work departments have to be consulted to ensure there are no vulnerable children in the household, homelessness teams have to make provision for re-housing the occupants and council officials have to close down and secure the property during the term of the order.

1.20 ASB co-ordinators believed that inter-agency working was facilitated by different agencies sharing the same premises. A good example of this was mediators and ASB units working together in the same location. This was said to allow early dialogue about cases that might be suitable for mediation and make it easier to secure appropriate referrals to the service. Another key
to success was building up trusting relationships between the professions – something that could be facilitated by consistency in those who attend multi-agency meetings.

1.21 The neighbourhood studies evaluation suggested that the development and implementation of ASB strategies had been adversely affected by relatively high levels of staff turnover. This ranged from senior strategic managers to frontline housing staff and community police officers. The turnover resulted in new relationships having to be forged, additional training having to be provided, and the loss of local knowledge and expertise. Both residents and frontline agency staff in the case study neighbourhoods argued that consistency of staffing was a key element in building trust.

1.22 The above evaluation also found evidence that the quality of information about ASB being pooled between agencies was improving. Previous barriers, including a lack of trust, fears of breaching Data Protection legislation, the limited autonomy given to neighbourhood officers to share details of cases, and the absence of mechanisms for information exchange, had been resolved in the case study areas. There were still, however, some difficulties arising from the compatibility of electronic databases and from differing definitions and categorisations of ASB.

1.23 The interviews with ASB co-ordinators also suggested that there is still room for improvement in integrated working. Although the extent of engagement varied across areas, the agencies that were most frequently mentioned as yet (at the time of the interviews) to become fully engaged were Health, Education, Social Work and Youth Offending. The need to develop the proactive involvement of education and social work departments further was also mentioned in the report of the neighbourhood studies evaluation.

1.24 Tension between ASB units and social work was highlighted both in the neighbourhood studies evaluation and by the ASB co-ordinators interviewed to inform the review. This tension was said to be caused by social workers seeing themselves as operating in the interests of individual clients (particularly young people) and ASB units seeing themselves operating primarily in the wider interests of the community.

1.25 Some commented, however, that working relationships had greatly improved and others commented that tensions did not necessarily prevent progress – they simply required each party to compromise and appreciate the other view. As one of the ASB co-ordinators commented:

‘It’s better that we work together with conflicting opinions than working on two totally separate targets.’

Another stated:

‘It is actually breaking down resistance in departments, but I think ASB legislation gave us inroads in that.’

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4 Interviews were carried out between August 2007 to June 2008
1.26 The neighbourhood studies evaluation also suggested that the more holistic PIER approaches to individual cases were helping to overcome this divide, but there remained problems about the lack of social work engagement in the earlier stages of cases and the limited use that was being made of perpetrator support services.

1.27 There was a perception among the ASB co-ordinators that Health colleagues did not recognise how they could contribute to addressing ASB. However, the fact that some practitioners believed they were seeing an increasing number of cases involving people suffering from mental health problems underlines the importance of strong partnership working with mental health practitioners.

1.28 The issue of funding silos was raised by some ASB co-ordinators. The issue was summed up well by one Local Authority ASB Co-ordinator:

“You have got an investigator, you have got a community warden, you have got a community constable, you have got a housing management officer, you have probably got a dog warden and a traffic warden. You join them together and give them a bit of community safety/ASB responsibility, and you will get a far, far better outcome than we have got at the moment – fragmented. That’s where I see it, the partnership bit. If the partners can move away from representing their own interests and think more strategically.”

1.29 Finally, the neighbourhood studies evaluation suggested that organisational restructuring and new initiatives aimed at tackling ASB had resulted in some confusion and ambiguity about both the roles of local authority level and neighbourhood level agencies. The concentration of expertise and knowledge within strategic partnerships and dedicated central ASB units was broadly welcomed and these were seen as a vital resource for local agencies to draw upon to deal with the most complex and serious cases of ASB. However, many local officers were concerned that there was a risk that frontline staff could become disempowered and lose ownership of local problems.

1.30 Furthermore, many neighbourhood officers did not appear to be aware of the finer details of the ASB strategy, and several commented that these strategies had not fundamentally changed working practices. However, frontline officers were largely supportive of the general principles of the new strategies, and in particular the emphasis on a holistic PIER approach. The research concluded that there was a need to facilitate greater ownership of the strategies and awareness of the range of interventions available amongst frontline officers operating in local neighbourhoods.

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It should be noted that this perception was not tested through research with Health practitioners.
Engagement

1.31 The Evaluation of Antisocial Behaviour Strategies in Selected Scottish Neighbourhood (2007) suggested that across all eight case study neighbourhoods (spread across 4 Local Authority areas) there was a major problem with the under-reporting of ASB and a general dissatisfaction with agency responses to complaints about ASB.

1.32 The findings show that, whilst a majority of residents reported an incident involving noisy neighbours, a minority reported all other forms of ASB, and less than 2 in 10 residents reported incidences involving drugs. While 78% of residents surveyed in the research said that they would be willing to report an incident of vandalism or graffiti to local agencies, the reality appears to be that considerably lower proportions of residents actually do so.

1.33 These findings are similar to national level data from the 2007 Scottish Household Survey which revealed that the majority of ASB is not reported. Although vandalism/graffiti/damage to property and harassment were the problems most likely to be reported, only 41% of witnesses or victims (of these problems) stated that they had actually reported these.

1.34 The neighbourhood studies evaluation suggested that under-reporting of ASB was due to four key factors. The first was a perception that "nothing can be done" or that local agencies "are not interested". This was exacerbated by the experiences of some residents of delayed police response times to their calls, or a perceived failure to subsequently act against alleged perpetrators.

1.35 Secondly, there was concern amongst residents that reporting an incident would "upset my neighbours" or "just make things even worse".

1.36 Thirdly, there was clearly a widespread fear of retaliation arising from either directly confronting alleged perpetrators or reporting incidents: for example residents expressed concerns that "my house will get done if I say anything" or "you don't want to get on the wrong side of them, for your safety."

1.37 Finally, there was a deep-rooted culture of "keeping yourself to yourself" which in some cases was linked to a distrust and non-co-operation with the police and a reluctance to 'grass' to the police about other residents.

1.38 Nevertheless, increasing reporting rates was a priority in all the case study neighbourhoods, and some agency officers perceived some improvement in the willingness of residents to engage with local agencies and to report incidents. Key measures for achieving this included the police establishing drop-in surgeries, utilising councillors as third-party conduits of complaints, and the police arranging to visit complainants in their workplace or other venue rather than their own homes.
1.39 This review’s consultation with adult members of the public also revealed that of those who had direct experience of ASB and who had reported it, most were either ‘fairly unsatisfied’ or ‘very unsatisfied’ with the response they got. There was frustration at the speed of initial response and the amount of evidence that enforcement authorities had to collect before action could be taken. However, some of the dissatisfaction with agency response seemed to be based upon unrealistic expectations that they alone can resolve deep-rooted problems.

1.40 Those who were consulted talked more positively about a community initiated response in which the community had worked together with the police, fire and rescue officers, local businesses and local councillors to resolve a local problem. However, in four out of the five adult focus groups there was no interest in being involved in applying sanctions and sentences to those involved in ASB. This was because they were fearful of retribution, believed that it was the role of government agencies rather than the community and/or that their role would have little impact on rates of ASB.

1.41 A number of consultees had been involved in meetings convened by bodies such as local housing associations to discuss ASB. The general view was that nothing had come of such meetings. As such, there was little enthusiasm for other initiatives as they were felt likely to become just another ‘talking shop’.

1.42 By comparison, findings from the neighbourhood studies evaluation suggests that a balance does need to be struck between the responsibilities of local agencies and those of residents themselves. One resident who was interviewed as part of that evaluation stated:

"My concern is that more and more responsibility for the area is being taken away from us. Then some people feel they don't need to have any responsibility to look after the areas as someone else will come along and do it!"

Local resident

1.43 The authors of the research report suggested that the increasing presence of concierges, wardens and community police may replace, rather than supplement, the role of local residents. This appeared to be particularly the case with the response to the behaviour of young people, as one local youth worker described:

"What happens is that adults retreat behind their closed doors and then complain about the kids outside kicking a football about. The police then arrive with flashing blue lights and then other adults see this and think there are frequent serious incidents, so they better not risk informally challenging kids. Therefore the kids’ use of public space goes unchallenged. For their part, the young people get disaffected by the unwillingness of adults to communicate with them and perceive the police as unfairly harassing them… There is a need for adults to fill this
public space again and to have the confidence to interact with young people in an appropriate manner.”

Local Youth Worker

1.44 Interestingly, there was a plea from one of the young people consulted as part of this review that where young people were causing trouble outside someone’s house the householder speaks directly to them rather than simply telephoning the police. It was felt that this would result in a more satisfactory outcome for both parties.

1.45 The adults who were consulted also gave examples of where this type of direct engagement with young people had been constructive. It was felt that treating young people as individuals and taking an interest in them could sometimes be a way of making them aware of the consequences of their actions.

1.46 The young people who were interviewed as part of the consultation to inform this review believed that there was a lack of mutual respect between the generations.

1.47 Again, this is consistent with findings from the neighbourhood studies evaluation, which talked about a ‘fault-line’ between young people and adults. Whilst some of the adult victims or witnesses of ASB who were consulted as part of the evaluation described young people as ‘animals’ or ‘hoonigans’ causing ‘havoc’, others implicated adults in the problem:

“We have little contact with young people, it is sad in this society. We need to understand each other better. We can’t assume they are all bad. They are congregating because they want to be with their mates.”

Adult member of the public

1.48 One way of helping to bridge this was seen to be joint involvement in running community projects such as youth clubs. Many of the young people who were consulted to inform this review indicated that they would be willing to get involved in such activities but complained that they were rarely given the opportunity. It was felt that if adults got involved they would gain a better appreciation of the worth of young people.

1.49 The adults who were consulted also talked about a lack of mutual respect and believed that our communities had become more selfish:

‘So many people seem to think these days that its “me” that matters, nothing else matters’.

Adult member of the public

1.50 The neighbourhood studies evaluation concluded that there was a need to address the considerable confusion amongst local residents about the changing responsibilities and powers of local agencies; when, where and how interventions are being deployed; and what role residents are expected to play.
1.51 Despite the considerable efforts of local agencies to inform residents about new initiatives and legal powers (through leaflets, newsletters, public meetings and road shows), there continued to be a great deal of confusion within local communities about the new powers that local agencies had, the actions that agencies would be willing and able to take, what interventions were operating in their neighbourhood, what constituted an 'appropriate' complaint, and to which agency different types of ASB should be reported.

1.52 The report went on to highlight that one of the areas where agency performance appears to be poor is the initial response and support provided to victims and witnesses. This is not simply about providing more specialised services, but rather about ensuring that all agencies treat complaints seriously, update residents about progress, and provide full and realistic information about the feasibility, timescales and consequences of actions and interventions.

1.53 Finally, it is worth highlighting that the interviews with practitioners suggested that the threat of enforcement sanctions can be effective in motivating communities to act together to tackle problems within their own neighbourhoods. For example, one police officer explained how the public consultation that was required before a dispersal order could be imposed had been an effective mechanism in galvanising the local community to address the problem. Because of this, it had not been necessary to impose the order:

‘That meeting changed entirely the face of [the area] because responsibility was placed where it should be — within the community and that was essentially with the parents and those folk that could influence it.’

Police Officer with strategic responsibility for ASB

Communication

1.54 The most recent results from the Scottish Household Survey help to set the problem of ASB in context and show that despite the media reporting, the majority (62%) of respondents had no personal experience of various forms of ASB in 2007 (see Annex C of Volume 1). However, what is concerning is that both perception and experience of the problem increases markedly in the most deprived areas.

1.55 We know that fear of crime is much higher than the actual prevalence of crime within society. In the most recent findings of the Scottish Crime and Victimisation Survey (2006), the percentage of respondents who were either ‘very’ or ‘fairly’ worried about all types of crime were much higher than the estimated risk of individuals being a victim of those crimes. The same also applies to perceptions of ASB. Findings from the Scottish Household Survey suggest that perceptions of the prevalence of ASB are not always driven by experience. The difference between perception and experience is particularly stark in Dundee, where the 2005/06 findings suggest that residents in Dundee
were generally less likely to experience ASB than residents of Scotland as a whole\textsuperscript{6}, they were more likely than residents of Scotland as a whole to indicate that ASB was a problem in their neighbourhoods. The practitioners who were interviewed in Dundee (as part of the research to inform this review) believed that this perception was largely driven by media reporting in the local press.

1.56 Most of the adults who were interviewed for this review believed that media reporting of ASB made them more concerned for their personal safety. However, there was also a perception that this reporting simply reflected the reality in their neighbourhoods\textsuperscript{7}.

1.57 The media also tend to portray young people as the being the perpetrators of ASB and this negative media portrayal was highlighted by young people themselves in interviews that were conducted to inform the review. Partly as a result of media reporting, it was felt that adults saw young people as intimidating, cheeky and aggressive:

\begin{quote}
\textit{“Stereotypes, all hoodies, all smashing windows”}
\end{quote}

Adult focus group participant

1.58 However, both the young people and the adults who were consulted to inform the review recognised that ASB was perpetrated across all age groups. The young people pointed out that, while some young people did behave antisocially, the majority did not and often contributed positively to their communities through, for example, involvement in charity events. These positive images were felt to rarely receive publicity.

1.59 The adults who were consulted believed that ASB was more prevalent today than in the past and that a key difference was that the boundaries or rules to this behaviour had broken down. By comparison, there was a perception among the young people who were consulted, that the tolerance levels of adults were now far lower. This was in part attributed to the publicity around ASB by young people as well as ‘zero tolerance’ campaigns.

1.60 The adult members of the public consulted for this review had a reasonable awareness of the various interventions that had been introduced to respond to ASB once it had been perpetrated but more preventative approaches (e.g. mediation) were far less likely to be recognised.

1.61 The interviews with young people also revealed that awareness of initiatives to tackle ASB varied considerably. Although most were aware of ASBOs, there was little knowledge of how they worked or the consequences for those made subject to them. There was also a perception that they were

\textsuperscript{6} Residents in Dundee were less likely to have experienced most of the neighbourhood problems asked about in the survey (than residents across Scotland as a whole) and no more likely to have experienced them in the case of two of the problems.

\textsuperscript{7} It should be noted, however, that the subjects were selected from areas experiencing high levels of antisocial behaviour.
imposed indiscriminately for ‘offences’ ranging from the trivial to the more serious. Only a minority were aware of earlier interventions such as warning letters and Acceptable Behaviour Contracts.

1.62 The Evaluation of Antisocial Behaviour Strategies in Selected Scottish Neighbourhoods (2007) also revealed that there was considerable variation between residents’ levels of awareness of initiatives and measures to tackle ASB. Where residents were aware of initiatives – such as wardens, concierges and environmental hit squads – their assessment was usually very positive. There were, however, residents in all of the case study neighbourhoods who were entirely unaware of the ASB initiatives operating in their area.

1.63 There was also uncertainty amongst residents about which agencies they should report ASB to, which telephone numbers they should use, what constituted an ‘appropriate’ complaint, and the procedures and actions that would follow. This confusion appeared to have been exacerbated to some extent by the reorganisation of services and the changing of contact telephone numbers.

1.64 This lack of awareness extended to measures such as ASBOs, with residents being unsure which individuals were subject to them, what their conditions were, what role residents should play in monitoring these conditions, and to whom alleged breaches should be reported. The evaluation concluded that there is clearly a balance to be struck in how local agencies publicise their activities.

1.65 Many residents welcomed information and were reassured by ‘success stories’ about evictions or ASBOs being used against perpetrators. However, there is also a need to ensure that progress is not over-stated, in order to prevent a disjunction between what some residents termed ‘propaganda’ and the perception of residents about the continuing problems within their neighbourhoods.

1.66 The evaluation also suggested that the initial reaction and support that residents receive from agencies when they make a complaint is in some senses almost as important to them as the efficacy of subsequent action taken to resolve the problem. A significant proportion of residents, including those who had reported incidents, believed that the police, council or housing association were dismissive of their complaint or did not take it seriously, and this perception was strengthened when agencies did not provide further information to the complainant about what action was taken as a result of their complaint. This, therefore, underlines the importance of the interaction between residents and frontline agency officers.

1.67 The evaluation concluded that some improvements in residents’ perceptions of agencies’ performance may be achieved by providing more information to residents about what interventions are being put in place, about the challenges facing local agencies in taking action, and ensuring a more sympathetic interaction with victims and witnesses.
1.68 As well as highlighting the need for better communication with the public around ASB and agency responses, the research also suggests that there is a need for better communication among practitioners about the effectiveness of interventions to address problems. The interviews with local ASB co-ordinators suggested that more consistent use of earlier interventions such as mediation and acceptable behaviour contracts could be encouraged if there was better dissemination of information about outcomes. While this could be addressed locally by improved monitoring of cases, it would also require some co-ordination of this data at central government level.
CHAPTER TWO: AN OVERVIEW OF PREVIOUSLY PUBLISHED SCOTTISH GOVERNMENT RESEARCH

The Use of Antisocial Behaviour Orders (2007)

2.1 In September 2007, the Scottish Government published Research on the Use of Antisocial Behaviour Orders that was undertaken by DTZ Pieda and Heriot-Watt University. This report pulled together findings from three annual surveys of Registered Social Landlords that examined the use of civil ASBOs in Scotland and the findings from case studies in four Local Authorities.

2.2 The surveys revealed that while the use of ASBOs continued to increase over the period of the research (2003/04 to 2005/06), the rate of increase slowed in 2005/06. By 2005/06 all but one LA had made use of the ASBO powers but activity was largely concentrated in a small number of authorities, with five (North Lanarkshire, Dundee, Edinburgh, Fife, North Ayrshire) accounting for more than half of all 2005/06 ASBO applications in Scotland. This pattern was only partly attributable to the incidence of ASB. Instead the researchers concluded that in some of the areas making a low use of ASBOs, there was a reluctance to use this mechanism, partly justified by the assertion that the active use of alternative measures reduced or removed the need for ASBOs.

2.3 Specific powers to impose ASBOs on young people (aged 12 -15) were introduced in 2004. At the time the research was published, 96 individuals had been considered for an ASBO but only four had been granted. The research was therefore not able to explore the use of under 16 ASBOs but speculated that having the Children's Hearing system as the primary vehicle for dealing with offending behaviour by young people in Scotland meant that other interventions were considered more appropriate.

2.4 The interviews with practitioners that were conducted as part of the case study work suggested that in around a quarter of cases behaviour improved after an ASBO was imposed. The research estimated that just under a third of ASBOs were breached but made it clear that breach did not necessarily mean that behaviour had not improved to some extent. (More thorough analysis of ASBO breach rate was undertaken in-house by Justice Analytical Services and the results of this analysis are presented in Chapter Six of this volume).

2.5 For more information about the use of ASBOs including the process used to obtain orders, data on behaviour that attracted ASBOs, the
characteristics of those who received them, duration of orders and the prohibitions included in orders see the full report of this research.

A Review of Dispersal Orders (2007)

2.6 Section 24 of the Antisocial Behaviour etc. (Scotland) Act 2004 required Scottish Ministers to arrange a study into the operation of dispersal order powers and to lay this before the Scottish Parliament within 3 years of their introduction. The study was undertaken the Scottish Government’s Justice Analytical Services Division and published in October 2007. The study was designed to consider how dispersal powers had been administered and how far they represent an effective means of providing relief to communities affected by the ASB of groups.

2.7 Between October 2004 (when the powers were introduced) and the end of March 2007 dispersal powers were authorised for use on 14 occasions in 11 separate locations. The powers were used much less frequently than the similar powers available in England and Wales, where 809 authorisations were made in the first 18 months after the powers were introduced. In most cases, dispersal powers were used to address problems associated with groups of young people gathering in public spaces. The main types of behaviour residents had complained about were typically: alcohol misuse, fighting, intimidation, late night noise, litter, shouting, swearing, urination and vandalism of property.

2.8 During the 14 authorisations, police gave directions to disperse on 867 occasions. There were 38 arrests for breaches including 5 arrests for under 16s. Provisional data showed that there had been 15 proved breaches. Court disposals for these included 7 prison sentences, 3 fines, 1 restriction of liberty order and 4 admonishments.

2.9 Instead of responding to complaints after a group had gathered, the police were able to disperse smaller groups throughout the course of a day or evening before a situation developed where disorder was likely to occur. In some locations the process of using dispersal powers encouraged the development of community structures that then became the sources of community involvement in problem solving activities. Some residents and police also attributed the success to the creation new lines of communication, and involving local authority representatives from other areas such as culture, leisure and health.

2.10 The research revealed that dispersal powers had an immediate impact. Police in most locations found that they only had to disperse individuals on the first couple of weekends. Police and residents in all locations said that, in their experience, disorder was dramatically reduced for the periods when the powers were enforced. This was reflected in police incident logs with most police forces experiencing large reductions in complaint calls and in some locations this reduction was still noticeable after 6 months. However, in other

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8 www.scotland.gov.uk/Publications/2007/09/19160705/0
locations the ASB returned to pre-dispersal levels immediately or soon after the dispersal period ended.

2.11 The research concluded that dispersal powers should be regarded as a short-term method to "get a grip" on a problem by breaking established patterns of behaviour and offering a period of relief to communities whilst other longer-term solutions are considered. It went on to suggest that a programme of diversionary activity directed at the perpetrator group should be arranged to work alongside the dispersal powers to explore alternative locations for them to gather after the dispersal period ends. This also might limit the possible damage caused to the relationship between the police and the perpetrator group by highlighting the balanced approach towards improving the quality of life for all members of the public.

2.12 For further detail, including information on the process and cost of obtaining an order and the views of young people on this measure see the full report9.

Evaluation of Local Authority Antisocial Neighbour Noise Nuisance Services (2007)

2.13 Greater powers for Local Authorities to handle noise complaints were enshrined in Part 5 of the Antisocial Behaviour etc. (Scotland) Act 2004. From 2005 to 2008 the Scottish Government provided specific grant payment to Local Authorities for staffing (including police secondees), equipment and training to implement these powers. The overall aim of the evaluation, which was undertaken by DTZ Consulting and Research, was to evaluate the operation of Local Authority Neighbour Noise Nuisance Services, including value for money.

2.14 The evaluation revealed that progress in set-up and service development varied across Scotland. Within the eight case study local authorities, some had mobilised the service quickly and effectively, while others had experienced obstacles during the set-up period (such as sourcing equipment and recruitment problems). There had also been different approaches to public awareness raising on noise nuisance generally, and the local noise nuisance services specifically.

2.15 The residents’ survey revealed that, of those that did suffer from noise nuisance, 48% would not report the problem, often due to fear of intimidation, lack of confidence in the agencies resolving the problem, or the belief in self resolution. A critical finding to this research is that, even where the problem is reported, it is usually to the police or a local authority department. Only 39% of cases said they would report specifically to the noise nuisance team.

2.16 The majority of LAs studied stated that the key reasons for developing the service was in response to demand from the public, and the availability of

9 www.scotland.gov.uk/Publications/2007/10/24134057/0
specific funding for the service was seen a good opportunity to respond to the perceived need. Relying on the police to respond to noise complaints was not considered to provide value for money given that the police may have more important priorities. The noise teams were therefore considered to be saving valuable police time.

2.17 Of the enforcement measures available to the noise investigation officers, the most effective was considered to be informal mediation or fixed penalty notices. However local authority representatives were of the view that fixed penalty notices for noise nuisance were not sufficiently high and default was not adequately addressed.

2.18 Financial data limitations and the relative infancy of these services meant it was very difficult to draw any firm conclusions on the overall value for money of the services. However the evidence suggested that public awareness and, by implication, publicity of the service was an important consideration when measuring value for money.

2.19 The research revealed some areas for improvement. For example: the regulated sound levels were considered by many Local Authorities to be too high, particularly during the evening/night-time hours; and no allowance was made for complainers who wish to remain anonymous (and therefore cannot be dealt with by noise nuisance teams and have to be passed to the police). For further areas for improvement see the full report of the evaluation.


2.20 This research evaluated the implementation and impact of local ASB strategies at the neighbourhood level in four selected Scottish local authorities. The research assessed the extent to which local ASB strategies were reducing both ASB and public perceptions of ASB at the neighbourhood level. It also examined improvements in the performance of agencies in tackling ASB, and explored the public’s perceptions of agencies' performance. An economic evaluation of twelve local ASB initiatives (including community wardens schemes; the Early Intervention Families Project; Mediation; and a Night Noise Team) was also conducted. The research was carried out between March 2006 and March 2007 in 8 neighbourhoods in the City of Edinburgh, Fife, North Lanarkshire and the Scottish Borders. It was undertaken by a collaboration involving Sheffield Hallam University, Heriot-Watt University and Mill Mount Consulting.

2.21 The evaluation revealed that there was consensus both at the local authority and the neighbourhood agency level about the need for a holistic

10 www.scotland.gov.uk/Publications/2007/10/24132337/0
PIER\textsuperscript{11} approach, based on the pillars of Prevention, (Early) Intervention, Enforcement and Rehabilitation of offenders, along with support for victims and witnesses. This was combined with an acknowledgement of the need for enhanced coordination at strategic levels. However, the significant organisational restructuring and the plethora of new initiatives aimed at tackling ASB had resulted in some confusion and ambiguity about both the roles of individual agencies and the relationship between local authority level and neighbourhood level scales of intervention.

2.22 There was evidence of improved agency performance in the ‘case study’ neighbourhoods. The main factors behind this improvement were enhanced partnership working leading to more effective operational planning and resource deployment; increasingly holistic PIER-based interventions; and growing effectiveness in utilising the range of available ASB measures. However, only a minority of residents perceived ASB and the performance of agencies to have improved in the previous twelve months.

2.23 There was a general rise in the number of officially recorded incidents of ASB across the 4 local authorities in the last 3 years up to 2006/07, which was consistent with national trends. This increase in recorded incidents contrasted with the general perception of local agency officers that ASB had stabilised or reduced. However, agency officers also reported an increasing propensity amongst residents to report incidents which may be a contributory factor to the rise in recorded levels of ASB. Nevertheless, there was still a major problem across all neighbourhoods with the under-reporting of incidents, and there was a general dissatisfaction with agency responses to complaints about ASB. However residents did identify specific local initiatives that had been effective in tackling ASB in their neighbourhoods. The priorities of residents for future action mirrored those of agencies and not all of these priorities had substantial resource implications.

2.24 Despite considerable methodological difficulties, the economic evaluation of initiatives found that community wardens schemes in the 4 local authorities and the Early Intervention Families Project in Edinburgh were demonstrably cost-effective. Mediation services in the 4 local authorities, the Safer Neighbourhoods Team (Fife), the freephone ASB helpline (Scottish Borders) and the Night Noise Team (North Lanarkshire) had delivered improvements in tackling ASB, but it was not possible to robustly determine the cost effectiveness of these improvements.

2.25 Further key relevant findings from this evaluation are highlighted in the first chapter in this volume that pulls together relevant evidence around each of the 4 strategic themes of the Review. The full report of the evaluation is available on the Scottish Government website\textsuperscript{12}.

\textsuperscript{11} Prevention, intervention, enforcement and rehabilitation
\textsuperscript{12} www.scotland.gov.uk/Publications/2007/10/18103711/0
The national evaluation of community wardens was conducted by GEN Consulting between 2004 and early 2007. It draws on data submitted by Local Authorities in their regular reports to the then Scottish Executive, on visits to and consultation with 9 case study areas (Aberdeen; Dundee; Dumfries and Galloway; Edinburgh; East Renfrewshire; Inverclyde; Orkney; Perth and Kinross; South Lanarkshire), a postal survey of all wardens, and surveys of residents’ perceptions of ASB in a sample of wardened neighbourhoods in the case study areas.

All warden schemes focused on ASB and environmental issues but wardens reported dealing with ASB by young people as one of their main activities. Analysis of warden activity logs however, suggested the environmental focus still predominated. The wardens provided a responsive service and the type of activities in which they were involved were many and varied. Examples included: high visibility patrols; working with fire services to deliver home safety messages and to prevent bonfires; monitoring empty properties; acting as professional witnesses; attending minor ASB incidents; setting up neighbourhood watches; organising ‘midnight/twilight’ football leagues; visiting the elderly in their homes; reporting vandalism etc; organising clean-ups; carrying out estate management inspections; and mediating in minor disputes between residents.

Utilisation of wardens by council departments generally had improved over time, as had council response times in addressing problems reported to them by wardens. Scheme managers described their relationship with other council departments as good or excellent. Warden relationships with the police were described as less positive with a fifth reporting that their relationship with the police was ‘poor’ or ‘very poor’. Police considered the key benefit of the wardens as being their ability to gather intelligence.

The survey of residents suggested that satisfaction with neighbourhood had increased and that fear of crime and perceptions of the prevalence of harassment, rubbish/litter and rowdy behaviour had reduced. (However, it should be noted that improvements in most of these variables were even greater in two comparable control areas in which wardens were not operating\textsuperscript{13}). Of those who indicated, in the wardened areas, that at least one form of ASB had become less common, 44% attributed this (at least in part) to the wardens. To help interpret changes in residents’ perceptions in the wardened areas, changes in perceptions of ASB in the case study areas were compared with data from the Scottish Household Survey on changes in the wider area of which they were a part. This showed that almost half of the indicators across the 9 wardened areas had improved at a faster rate than in the comparators.

\textsuperscript{13} However, population movements in the Edinburgh control area, as a result of housing demolition, mean that use of the controls to isolate the differential impact of the wardens was problematic.
2.30 Among young people consulted (via focus group), wardens were seen as friendly and more approachable than the police but some indicated that when they realised wardens had no formal powers, they chose to ignore them. (Wardens felt that this realisation meant that their impact had decreased with time.) Young people’s views on the impact of the wardens were mixed. Older people who were consulted also saw the wardens as friendly and approachable and were generally favourably disposed to them. A common theme running through the consultations was praise for the prompt response times of wardens. Residents’ groups commended the fact that, when a call was logged, wardens were on the scene quickly. This was seen as a major advantage of the warden’s service over the police. The high visibility of wardens was also rated favourably. Residents stated that they felt safer in the knowledge that wardens were patrolling the streets.

2.31 The researchers examined the changes (between 2003/04 and 2005/06) in the indicators selected by each warden scheme to monitor progress. Some of the monitoring data was missing from reports submitted by the schemes and changes that were identified were complex (sometimes moving in different directions for individual wardened areas within a local authority). The evidence does not therefore lend itself to a clear conclusion.

2.32 Just over half of the 40 indicators that were analysed suggested that there had been a rise in recorded ASB incidents. In some cases this rise was greater than in the wider Local Authority area. One speculative interpretation is that this was driven by increased reporting and enforcement due to the greater priority given to tackling ASB in the wardened areas. The absence of comparative data for the wider Local Authority meant that even when the indicators seemed to be moving in the right direction it was not possible to interpret this (without knowing whether a similar change was also occurring across the areas that were not covered by the wardens). Changes in only 6 indicators could be confidently interpreted in terms of the wardens having had a positive impact upon the indicator. Superficially, this looks as if the wardens have had little impact. However, the analysis was very cautious, with a positive interpretation being made only when there was clear supporting statistical evidence.

2.33 Given that so much of the analysis of the indicators in the case study areas was thwarted by lack of data, the researchers extended their analysis to the non-case study schemes and focused on the 7 indicators that had been used to monitor progress by more than one scheme and for which more data were therefore available. Encouragingly, they found that there had been a decline in the incidence of all 7 indicators and that most of these were falling at a faster rate than in the wider area. Indeed some of the indicators (breach of the peace and wilful fire-raising) were moving in the opposite direction to the comparators, with the incidence of the ASB decreasing at the same time as there had been an increase in the wider area.

2.34 The wardens and scheme managers felt that the schemes were having an impact upon crime and ASB. They also believed that residents were now more willing to report ASB now that they knew there was a
dedicated service to deal with these. However, the more severe the environmental and ASB problems in the wardened areas then the less impact the wardens were generally felt to have.

2.35 The views of the partner agencies were generally positive. It was felt that the wardens had impacted on low level crime and antisocial behaviours, and there was also evidence that, by passing on intelligence, there had also been an impact on higher level crimes such as drug dealing.

2.36 An economic evaluation of the community wardens schemes was undertaken separately as part of the Evaluation of the implementation and impact of local ASB strategies at the neighbourhood level in 4 selected Scottish local authorities (see above). This evaluation concluded that given the relatively modest costs associated with the warden schemes and the high costs associated with many of the criminal and antisocial incidents that they are likely to have prevented (plus the less tangible benefits to quality of life), they represented good value for money.

2.37 The full report of this evaluation of community wardens is available on the Scottish Government website.\(^\text{14}\)


2.38 From 2006/07 to 2008/09 central Government funded three ‘Breaking the Cycle’ demonstration projects in Falkirk, Perth and Kinross and South Lanarkshire. These were modelled on the Dundee and Aberdeen Families Projects (set up in 1996 and 2005 respectively) but without the core residential block. They were aimed at illustrating the benefits of the Dundee and Aberdeen projects as well as testing the effectiveness of these techniques delivered through only an outreach model.

2.39 All five projects were established through initiatives involving housing and social work departments of the relevant local authorities and targeted on families at risk of eviction through ASB. As well as seeking to help service users avoid homelessness and family break-up (through, for example, children being taken into care) the projects aimed to promote broader social inclusion for families as well as safer, more cohesive communities. An independent evaluation was commissioned which also included an evaluation of the Aberdeen and Dundee projects. The full report of the evaluation and the summary of the findings will be published in March/April 2009 on the Scottish Government website.

2.40 The evidence on outcomes for families suggests considerable variation with some families making significant progress and others making less progress. Project staff assessed the vast majority (81%) of families as being at reduced risk of homelessness/eviction by the time their cases were closed, 50% as being at reduced risk of family breakup, 94% as being the

\(^{14}\) [www.scotland.gov.uk/Publications/2007/03/22104147/0](http://www.scotland.gov.uk/Publications/2007/03/22104147/0)
subject of less complaints of ASB and 66% as having improved educational prospects among their children. Where this had been an issue at time of referral there had also been improvement in depression in 62% of cases and in alcohol abuse in 43% of cases. Projects tended to have considerable success in encouraging school attendance – the benefits of which can be considerable.

2.41 The majority of families exiting the projects succeeded in sustaining their gains - at least in the short to medium term. While more research is needed to examine the long term impact of the projects, the research revealed that some service users withdraw from support programmes or reverted to unhealthy lifestyles following ‘successful’ case closure. That said, recurrence of ASB appeared to be unusual. Drug abuse and mental health problems were the most intractable problems. The majority of service users are therefore likely to require some form of continued support beyond case closure.

2.42 The key research question for the evaluation was ‘Are the projects cost-effective?’ Before answering this question the researchers highlighted that, because of the effort involved in set up, the projects would not have achieved their ‘optimal regime’ during the period of the evaluation. They also highlight that the new projects will have been dealing with a backlog of families with very entrenched problems. The experience in Dundee suggests that as such cases are dealt with the project can move on to work with families whose problems are not so serious and can be addressed more quickly and with less intensive support. In time then unit costs should fall and success rates increase.

2.43 The analysis shows that the projects should be able to achieve average costs per family of £1,300 to £1,900 a month once in their ‘steady state’. Lower costs are achievable in larger projects. Given that some of the projects had closed very few cases during the period of the evaluation, the average costs per closed case achieved to date should be interpreted with some caution. However, the analysis shows that such costs will range from about £15,000 to £23,000 if the average duration of contact is 12 months.

2.44 The potential cost savings are considerable and could easily amount to £100k a year per family if children can continue to live with parents. The research concluded that it may not require many positive outcomes for the Projects’ benefits to outweigh their costs. However, one word of caution – on some occasions the project staff identified unknown problems only after the family were received into the project (particularly the core residential element) that then meant that children had to be taken into care (albeit often on only a temporary basis). In these cases this obviously meant that the projects resulted in considerable additional expenditure - at least in the short term.
CHAPTER THREE: DEALING WITH COMPLAINTS OF ANTISOCIAL BEHAVIOUR- A VIEW FROM LOCAL AUTHORITY ANTISOCIAL BEHAVIOUR CO-ORDINATORS

Introduction

3.1 Between August 2007 and June 2008, local authority antisocial behaviour co-ordinators (or their equivalent) were interviewed in 20 local authority areas across Scotland. These areas are as follows: Aberdeen City; Aberdeenshire; Angus; City of Edinburgh; Dumfries and Galloway; Dundee City; East Ayrshire; East Dunbartonshire; East Lothian; East Renfrewshire; Fife; Glasgow Community Safety Services; Highland; Moray; North Ayrshire; North Lanarkshire; Perth and Kinross; Scottish Borders; South Ayrshire and; West Lothian. In some areas the ASB co-ordinator was joined at interview by a colleague. These colleagues were usually police officers seconded to the ASB unit or local authority solicitors responsible for preparing antisocial behaviour order (ASBO) applications. In one case the ASB co-ordinator was helpfully joined by a colleague from youth work and in another by mediators. This report also draws in parts on interviews with the police that were undertaken around the same time but reported in full in Chapter Three.

3.2 The key purpose of the interviews was to explore experiences of and attitudes to the various ASB measures. While the Scottish Government had published research on the use of ASB measures, there has been no research that examined the other interventions that could and should be used ‘up stream’ of an ASBO. It was felt that understanding the use of these earlier measures would be central to understanding any patterns in the use of ASBOs. To help inform the Review, the interviews were also an opportunity to identify any barriers to the use of the ASB measures and to identify examples of good practice.

3.3 This chapter describes the typical process used to deal with cases that are referred to ASB Units. It should be noted that while there are interventions in place to prevent ASB from occurring in the first place, these were not the focus of the interviews. It should also be noted that the use of ASBOs for under 16s was not part of the remit of this work. This was because to explore the use of this measure, we would need to interview not only the ASB co-ordinator but also social work and youth justice representatives.

3.4 An overview of the typical process used to deal with complaints of ASB is provided in a flowchart at Figure 1 at the end of this chapter. Each of the stages in this process are discussed in turn below.
Early Officer Responses

3.5 Problems with ASB may be identified by a number of agencies and officers including local police community beat officers, community wardens, environmental health officers or (where the source of the problem is the social rented sector) housing officers. It will usually fall to these agencies/officers to make early efforts at addressing the ASB before the case is passed to the ASB unit. The exception is where the victim is being targeted for a particular reason (e.g. race, religion or sexuality).

3.6 The standard approach used by housing officers would be to issue a verbal, written and then final warning. Other remedies that may be tried at this early stage include tenancy warnings, referrals to housing support, victim support and mediation (informal and formal). One co-ordinator explained that at this very early stage, even the simple threat of a referral to the ASB unit might be enough to prevent further ASB.

3.7 Once referred to the ASB unit, the first response is to investigate the ASB and collect the necessary evidence. This is usually done by investigating officers but one local authority mentioned using community wardens (when the behaviour is occurring within a premises of a private landlord or an owner occupier) and another also expected the Housing Officers to begin collecting evidence while they were dealing with the case by, for example, issuing incident diaries to neighbours and witnesses. Although ASB units will have access to information from the police, it is crucial that they collect evidence of how the behaviour is impacting on others to demonstrate that the behaviour has caused ‘fear, alarm or distress’.

3.8 One co-ordinator also mentioned carrying out mail drops in the vicinity of where ASB was prevalent. This has a two fold affect. Firstly, it alerts residents that ASB Investigators are working in the area thereby providing reassurance and possibly identifying new witnesses. Secondly, it alerts perpetrators that investigations are taking place which is sometimes enough to stop antisocial conduct.

A lot of the time it is a heads up, and the guilt comes out and it stops. That is enough. Occasionally you get some of the neighbours phoning up saying “what are you doing accusing me of ASB for” so we have got to quickly explain that it is not. But it is a cheap and effective way of getting witnesses, getting reassurance into the area, and possibly stopping the ASB very, very quickly.

3.9 Another co-ordinator mentioned that issuing victim diaries at this stage can sometimes help the complainer to see the problem in context and make them realise that perhaps the problem is not worth the intervention of an external agency.
Warnings From The ASB Unit

3.10 The typical first intervention from the ASB unit is to issue warnings to the perpetrator. Even if written warnings have already been issued by the housing officers, the ASB unit is likely to issue its own warnings. They do this because these warnings may carry more weight and be taken more seriously than those already issued.

In some cases it does work. People think “oh my goodness, I was only dealing with housing before but this looks a bit more serious”.

3.11 Normal practice is to issue a range of warnings (verbal, written, final and, if appropriate a tenancy warning). The use of these warnings and the order in which they are used will depend on the individual circumstances such as the attitude of the perpetrator as well as the nature and circumstances of the behaviour. In more serious cases (such as those involving harassment), it will be appropriate to move straight to court action without waiting to issue warnings.

3.12 At least one of these warnings will be issued face to face. This helps to ensure that the perpetrator fully understands what he/she is being told. In some areas these warnings and/or initial visits may be undertaken jointly with the police. The value of demonstrating this level of coordination with partners was emphasised by one co-ordinator as follows:

Joint visits are quite common now. We do some joint visits so that the police and ourselves or investigator and a housing officer will go and visit someone who we have got concerns about. It shows the people that we’re talking, I think, and the people that are offending that they can’t tell lies.

3.13 Warnings will spell out exactly what could happen if the behaviour continues. One of the ASB units interviewed use a format which sets this out very starkly. Rather than being set out in a letter format, it is summarised in the form of ‘one-liners’: the behaviour that is presenting a problem; the consequences; whether children are involved; referral to social services. They refer to this as an Unacceptable Behaviour Notice (note that the term Unacceptable Behaviour Notice is used to refer to something else in other areas).

3.14 The warning stage will also be an opportunity to engage with the perpetrator to identify support needs. This seemed especially the case in areas that make infrequent use of Acceptable Behaviour Contracts. A range of support was mentioned there including tenancy support or referrals to social work or mental health professionals.

3.15 Having to address mental health issues were raised by a number of co-ordinators. The interviewees in two areas commented that, as a result of the policy on care in community, they are increasingly having to deal with cases where either the perpetrator or the complainer is suffering from mental health issues. Where the perpetrator is suffering from mental health problems
then the case will not progress to other enforcement measures but the priority for the team will be to engage them with appropriate professionals.

3.16 ASB co-ordinators in many of the areas visited explained that there was a different system for warning young people. The priority in these cases is to make sure that the parents are aware of their child’s behaviour and the potential consequences. Warnings for young people were variably referred to as parental warning letter, letters of concern or youth notices. Again, these will normally involve a face to face visit and this is also an opportunity to identify any support needs. Co-ordinators believed that, with young people, these early warnings were effective and the following quotation helps highlight why:

“Using a home visit option as an early intervention tool when dealing with the behaviour of young people has been well received in [this area]. We know that if early intervention methods are used and we do more of this type of work to engage parents at an early stage, whilst challenging the young person’s behaviour, it has a positive impact. Working with young people and their parents, offering support where necessary, often prevents the young person involved in low level ASB becoming involved in more serious ASB… ‘The parents have been very, very supportive’.

3.17 Views of the effectiveness of warnings generally (as opposed to those used for young people) were mixed. While some believed that the proportion of perpetrators who headed the warnings was low, others believed this was over 50%. One co-ordinator explained that warnings were less effective where the problem had a long history. He explained that some people endure problems for a while before reporting them and these are more difficult to resolve with a warning. It therefore seems important to encourage people to report problems as early as possible. This is perhaps something that needs to be encouraged through publicity campaigns.

Recommendations\textsuperscript{15} for improving practice in the early response to ASB

To help ensure that problems do not become intractable before the ASB unit has an opportunity to intervene, victims should be encouraged to report problems as early as possible.

The use of joint warnings (involving both the ASB unit, housing officers and, where appropriate, the police) should be encouraged to help emphasise to the perpetrator that agencies are sharing information about the problem and are all resolved to address it.

Given the increasing number of cases involving those suffering from mental health, ASB units should ensure that they have clear protocols for sharing information with and referring relevant cases to mental health practitioners as early as possible.

\textsuperscript{15} These are recommendations from the research that were considered by the review in drawing together the National Actions and Local Recommendations.
Mediation

3.18 Mediation may be used as soon as the case comes to the attention of either the Housing Officers or the ASB team and even before warnings are issued. Mediation was considered particularly useful for neighbour disputes (such as boundary disputes or lifestyle clashes) but has also been used to address problems caused by young people hanging about. One co-ordinator commented that mediation was particularly useful for cases where the perpetrator is unaware of the impact that their behaviour is having on other people.

3.19 In most local authorities mediation is provided by SACRO but some do run the service in-house. Using SACRO was considered, by some of the ASB co-ordinators, to be expensive but it allows an independent third party to be involved who has no prior involvement in the case. There was also a concern that in-house mediation could be slow if the trained mediator (normally a housing officer) was busy with the ‘day job’.

I have been involved in in-house mediation things and what you find out is that you train the Housing Officers up to be mediators, and then they would realise that they have to mediate, but they would still have their own job. And so people would try and do it either very quickly or try and not do it at all. So you would have ten trained up mediators and, when you would try and refer them a case, their manager would come in and say “they are too busy”.

3.20 While mediation appeared to be considered routinely in all the local authorities that were visited, there were some differences in the extent to which case progressed to mediation. There were a number of factors that seemed to be key to progressing the case from the suggestion of mediation to actual engagement with the mediators. The first is using it at the earliest stage in the process before relationships have broken down. One co-ordinator explained that some cases do reach a ‘sell-by date’ by which time the case has progressed too far for the parties to agree to mediation. Another expressed frustration that housing management officers do not refer cases to mediation in the early stages of a dispute when the likelihood of a successful result is greatest.

3.21 A second factor in securing referrals to mediation was ensuring that all staff dealing with ASB have some mediation awareness training. The mediators in one area (with whom we were able to speak) explained that they had presented to the police recently and that this had resulted in an increase in referrals.

3.22 Being able to take mediator’s advice about appropriate cases also seemed useful in securing referrals. This early exchange was facilitated by co-location of mediators and ASB unit in some local authorities and by mediators routinely attending multi-agency meetings in another local authority. There was, however, a note of caution about this sort of proximity from one
co-ordinator (from an area in which mediators were not co-located) who believed that having some distance from the ASB unit helps the mediators to emphasise that they are not working for the ASB team and to help convince clients of their impartiality.

3.23 Finally, allowing the mediators to make the approach to the relevant parties to encourage them to agree to mediation was also key to success. In one area, the investigators had originally suggested mediation themselves but had found that they had not been able to persuade the parties to agree to it. Their current practice is now to invite the mediators to make the approach and that has resulted in a better take-up rate. The mediators there commented:

The ones we do see that say “no I am not going in a room with them, we can’t do that”, normally by the time we have been in there with them for 40 minutes -we can’t force them to do it because it’s voluntary- but there is a way to persuade them and show them what the results can be for others- “why don’t you try it, what have you got to lose?”.

3.24 The value of allowing the mediators to make the approach was also highlighted by another co-ordinator:

I wouldn’t try and sell the service. I would ask the person ‘Can SACRO contact you?’ We try not even to use the word mediation, we say ‘There is an organisation called SACRO that intervenes in neighbour disputes. Can we forward your details? All you are committing is for them to contact you and they can explain how they can help’. Because they are bound to be able to sell it better than a Housing Officer can, because even if a Housing Officer has good awareness of mediation, it’s not really their job and the questions about successes and problems, they are not really equipped to answer.

Barriers

3.25 Getting people to agree to mediation was cited as the main barrier to the use of this intervention. There can be a reluctance to engage in mediation because complainers want to remain anonymous or they expect enforcement measures to be used. The co-ordinators in two areas explained that, to maximise the use of mediation, they make it clear to complainers that the case may not necessarily be passed to enforcement if mediation is not attempted. They try to explain to complainers that, in certain cases, mediation should be used as an option and think that the number of parties agreeing to a referral has increased as a result of this. There was however a word of warning about this from a co-ordinator who explained that complainers can protest about this - ‘That’s when they contact everybody, their Councillor, who then comes back and says why are you not using the legislation?’

3.26 One local authority also explained how one perpetrator had used mediation as a stalling device when she had no intention of engaging in the process. She (the perpetrator) did not keep appointments with the mediator but in the meantime was continuing to present problems. Although the ASB
team were initially reluctant to interfere, they eventually had to move the case on to the next stage in the enforcement process.

**Effectiveness**

3.27 Where parties do engage, mediation is regarded as effective, at least in the short term.

*It’s probably safe to say that the majority of the cases are resolved through mediation without having to progress onto ABC’s and ASBO’s. That is just based on the stats.*

3.28 Although there were co-ordinators who believed that mediation was successful in the long as well as short term, others believed that it was less effective in the long term.

*The amount of cases that we have had where they have used mediation, that there has been a repeat complaint further down the line, but they have been to mediation and it’s been fine at that time, but the cases have flared up again, it’s really quite high actually.*

3.29 There was also some frustration about the lack of feedback from SACRO about the outcome of mediation. For reasons of confidentiality feedback was often limited to a statement that the parties had come to some agreement with little or no information about who had agreed to what. This made it difficult to monitor adherence to the agreement and hence to assess long term effectiveness.

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<th>Recommendations(^\text{16}) for improving practice in the use of mediation</th>
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<td>Mediation should be routinely considered at the earliest possible stage in a complaint. To ensure this happens, local housing officers, community wardens and the police (as well as the ASB units) should be briefed by their local mediators on their role and what their service can offer.</td>
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<tr>
<td>ASB Units should aim to develop a close dialogue with their local mediation team to ensure that potential referrals can be discussed with and pursued by the mediators personally.</td>
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<tr>
<td>To help encourage parties to agree to mediation, ASB units should, where the circumstances are appropriate, consider requiring complainers to attempt mediation before their complaint is progressed to the next stage in enforcement. The appropriateness of this approach would depend on the complainer(s) not being placed at risk by revealing their identity to the perpetrator.</td>
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\(^{16}\) These are recommendations from the research that were considered by the review in drawing together the National Actions and Local Recommendations.
The long-term effectiveness of mediation needs to be monitored more systematically if the benefits of this form of intervention are to be recognised. Service level agreements with SACRO should include some agreement about the sort of information required to assess this. It may also be worth the Scottish Government commissioning some research on the effectiveness of mediation, the results of which could be disseminated centrally.

Acceptable Behaviour Contracts

3.30 After warnings and mediation, the next measure that is normally used is an Acceptable Behaviour Contract (ABC). This is a voluntary agreement that is negotiated with and signed by the perpetrator and sets out the behaviours from which he/she should desist and, where relevant, the support that will be offered to help ensure that problem behaviour is addressed. In some areas these agreements are referred to as Acceptable Behaviour Agreements to reflect the fact that the agreement is voluntary and does not have a legal status. For ease, the term ABCs will be used in this paper to refer to both.

3.31 Where the perpetrator refuses to sign an ABC, they may be issued with a Unacceptable Behaviour Notice (UBN) which sets out what aspects of their behaviour are considered antisocial, the evidence of this behaviour, what behaviours they need to avoid and what will happen if the behaviour continues.

3.32 ABCs was the measure around which there was most variation in use. There was variation not only in the numerical use but also the circumstances in which it was used.

3.33 There was very low use of ABCs in some local authorities. In one of these areas the interviewee explained that perpetrators were the barrier (because they saw signing the agreements as an admission of guilt) and in another the local authority prefers to rely on preventative and restorative interventions. At the time of the interview (August 2007), use had also been low in another area because they had only recently introduced a policy on ABCs.

3.34 With regard to the circumstances in which ABCs were used, in some areas ABCs were used to deal mainly with young people and in one of the areas visited they were used only for adults. The co-ordinator in this area did, however, explain how they had recently managed to assist a social worker in the drafting of an ABC and with the initial contact with a 15 year old. Although at a very early stage (the first week, at the time of the interview), this had been very successful in that it was ‘the first time ever, the mother and the daughter cooperated’.

3.35 It is also worth mentioning an innovative example from one local authority in which an ABC was used to good effect to sign-up a parent (rather than the child, who had been presenting the problems) to an agreed form of behaviour. In this case the local authority had been considering using a
parenting order but wanted to provide evidence to the court that they had tried other interventions first. In this case, the ABC had been successful and they had not had to request a parenting order.

**Effectiveness**

3.36 There was a suggestion in the interviews that ABCs had sometimes been used simply to provide evidence to the courts that all other options have been exhausted and/or to get the perpetrators to admit that their behaviour had been antisocial and ultimately to make it easier to obtain an ASBO. However, it was also clear that co-ordinators had some faith in their potential for addressing ASB. Many interviewees mentioned that they had worked in circumstances in which they had not been expected to work (where, for example, there had been a long history of ASB).

3.37 There was also a sense that some perpetrators actually welcomed being made subject to an ABC. Two of the co-ordinators interviewed explained that some perpetrators found it useful to have boundaries that helped them to manage the behaviour of house visitors. One particular example involved a young woman who was able to insist that visitors to her home leave by a certain time by citing the terms of her ABC.

3.38 Where interviewees could estimate the proportion of ABCs that were effective, they tended to estimate this at 50%. Although some co-ordinators estimated this to be higher, it is difficult to interpret this without knowing exactly how selective these areas were in signing people up to these agreements. (As already stated, the variation in numerical use of ABCs suggests that while some are routinely making use of this measure, others are much more selective).

**The key to successful ABCs**

3.39 Key to the success of ABCs seemed to be the provision of support alongside restrictions on behaviour. It seemed to be normal practice to provide support alongside an ABC and one co-ordinator went further and described adding incentives alongside or, where there were no apparent support needs, as an alternative. Incentives might simply be the provision of a leisure activity as a way of acknowledging positive behaviour.

3.40 Two co-ordinators made the point that, to be successful ABCs have to be *negotiated* rather than *issued*. There was a perception that not all local authorities were approaching ABCs in this way but unfortunately, the interview questions were not designed to test this.

3.41 One interviewee explained that ABCs would remain effective only if breach was seen to result in an ASBO application. This interviewee made the point that it was therefore important that the conditions of the agreement were realistic enough to warrant an ASBO in the event of breach. By comparison, in other local authorities there seemed to be much more discretion about how a breach would be addressed. Depending on the circumstances of the
breach, this might result in a change in conditions, an extension of the agreement and/or the provision of additional support. It therefore seems important that ASB strategies make explicit where they see ABCs fitting into a graduated PIER\(^{17}\) approach and, when drawing up the terms of an order, make the boundaries of acceptable behaviour and the action to be taken in the event of breach very clear.

**Barriers to the use of ABCs**

3.42 Perpetrator reluctance to sign an ABCs has already been mentioned. One interviewee explained that resistance often came from the parents of a young person who had been presenting problems. This, the interviewee explained was because they were uncomfortable with their child admitting that they had behaved in an antisocial way.

*We have difficulty with some ABC’s in certain areas. Some of the more affluent areas, the parents are not willing to accept that their child requires this. A particular area in x that is an issue. We are having real difficulty with that. I think from ABC’s the biggest difficulty is parents.*

3.43 A number of interviewees mentioned social work resistance to the use of ABCs for young people. Resistance, they explained, could be due to the perception that an ABC would move young people up the ‘tariff’ closer to an ASBO. Social work, it seemed, preferred to sign young people up to their own agreements; sometimes called ‘working agreements’. These agreements have less formality in that they are negotiated only between the young person and their social worker (rather than a range of agencies) and breach does not necessarily result in an ASBO.

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<th>Recommendations(^{18}) for improving practice in the use of ABCs</th>
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<td>Those local authorities who were making routine use of ABCs believed that this measure was an effective intervention in tackling ASB. However, to demonstrate effectiveness to other areas, it would be helpful to undertake a systematic analysis of the outcome of a sample of ABCs across Scotland. This analysis should be co-ordinated and the results disseminated centrally.</td>
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<td>Given that ABCs are reportedly used with much success, local authority areas that are not routinely using this intervention to deal with either adults or young people may wish to consider whether better use could be made of ABCs as part of their PIER approach.</td>
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<td>Following the successful example in one local authority area which signed up the parents (rather than their child) to the terms of an ABC, ABCs could also be considered as means of requiring parents to take responsibility for addressing problematic behaviour of their children. This could be a useful</td>
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\(^{17}\) Prevention, Intervention, Enforcement and Rehabilitation.  
\(^{18}\) These are recommendations from the research that were considered by the review in drawing together the National Actions and Local Recommendations.
option where there is resistance from either the parents or other professionals requiring young people to sign an ABC.

To ensure that ABCs are seen as credible agreements designed to deter further ASB (as well as address relevant support needs), the boundaries of acceptable behaviour and the action to be taken in the event of breach must be considered very carefully in the drafting of the agreement and made explicit from the start. There should be a clear understanding that breach of the agreement will result in more formal enforcement measures and the nature of these measures. Any flexibility in terms of the agreement should be negotiated and agreed at the outset of the contract.

Multi-Agency Working

3.44 Typically, discussion with a range of agencies will have taken place (from the outset of a case) through regular problem solving or tasking and co-ordinating meetings hosted by the police and/or ASB unit. These meetings will discuss emerging problems as they arise and provide a means of sharing information about perpetrators. However, as the case progresses and enforcement options are being explored, cases will be discussed in more detail and a broader range of agencies may be invited to the table to help make a decision about next steps. These stakeholders might include Social Services, Housing, Youth Services, Education, Environmental Services, Health, Children’s Reporter and the Procurator Fiscal and Registered Social Landlords.

3.45 The most obvious option being discussed at this stage is an ASBO but other options that are available include revising an ABC, converting a tenancy to a Scottish Short Secure Tenancy (see below) and other more long term solutions such as referral to intensive family support projects. While support will have been considered earlier in the process, solutions can be more effective when they involve a range of agencies and the multi-agency case conference is an opportunity to identify who should take the lead and who can access various resources. These ‘case management’ discussions were therefore credited with opening new communication lines and options. The multi-agency nature of these meetings can also add extra weight to the decision, which in turn may help strengthen a potential application to the court and help encourage the perpetrator to engage with decisions. Two comments from an ASB unit that piloted multi-agency case conferencing, help illustrate this point.

The courts are very supportive whatever they do. They actually complimented us on the multi-agency working because, by the time it goes to court, all the evidence has been dealt with, all the support needs have been dealt with and

19 For example the Breaking the Cycle projects that were being piloted or the Dundee and Aberdeen Family Support Projects.
the whole thing is put in front of the Sheriff. Rather than us putting somebody up in court and saying, by the way, the child has ADHD. We know all that and it’s all been argued between the partners, and as I say, it’s very effective when all the partners agree that an ASBO or an eviction is the only option. That’s very strong evidence for a court to consider.

People [perpetrators] do get very anxious that they are being discussed at a case conference and who’s there. Social services tell them who is attending and then come back and say ‘we have all agreed to take action against you’. They [perpetrators] will look to some organisation to protect them, but social services are saying “no we are party to the decision, we think it’s necessary and appropriate”.

3.46 The interviewee also explained that even where the outcome of the multi-agency meeting is that court action is not yet necessary, it is useful to be able to emphasise to the perpetrator that this has been suspended only to give a particular agency further opportunity to intervene. This gives that agency more ‘authority’ by making it clear to the perpetrator that avoiding court depends entirely on him/her engaging.

You can say to the social worker ‘make it clear to the offender that the reason they are not getting punished is that they have to agree to work with you’ and that gives social services a shoe in.

3.47 The same interviewee also commented that social services have now recognised that Housing officers, community wardens and the ASB unit are able to identify young people at risk at an earlier stage than they would. They now have a system that allows them to flag these cases directly to social services for further investigation and early intervention.

In the other areas I was working in, the only way Social Services became interested was if there was a crisis for their client…I did have situations, not in [in this area] but elsewhere, where I was trying to pass on information to social services but they didn’t want to take it - you know, you are trying to do an early intervention. Out here it is completely different.

Q = So the passing took place at the crisis stage not that early stage?

Yes. When it was going to impact on their client, social services would take an interest and normally that was too little too late and ended up in an argument about enforcement action.

Key to effective multi-agency working

3.48 Interviewees from two areas explained that for multi-agency working to be most effective, it was important that there was as much consistency as possible in those who attended the meetings. This allowed suspicion to be broken down and trust and respect for one another’s agendas and responsibilities to be built.
I think there was suspicion at the start because it was a new service in terms of ASB they thought we might be rampaging through [local authority area] prosecuting people, but when they see that’s not what’s happening, I think everybody got on board on that. And certainly now the links with Social Services are excellent.

**Tensions between agencies**

3.49 There was some evidence of conflict among partners and evidence of on-going debates about the use of ASBOs, particularly for under 16s. The key tension was between social work, who were operating in the interests of the young person and the ASB unit whose primary focus was the interest of the community. Where it proved impossible to reach an agreement at a case conference, the case is passed on to the relevant heads of service to resolve.

3.50 The philosophical tensions between ASB strategies and The Children Scotland Act were raised by more than one interviewee. However, some commented that working relationships with social work had greatly improved and others made the point that tensions did not prevent progress - they required parties to compromise and appreciating other people’s views. As one of the interviewees commented: ‘It’s better that we work together with conflicting opinions than working on two totally separate targets.’ Another stated: ‘It is actually breaking down resistance in departments, but I think ASB legislation gave us an in roads in that I think.’

**Areas for improvement**

3.51 At the time of the interviews, not all agencies were fully engaged in multi-agency working. Although the extent of engagement varied across areas, the agencies that were most frequently mentioned as yet to become fully engaged were Health, Education, Social Work and Youth Offending. There was a perception that Health colleagues did not recognise how they could contribute to the addressing ASB. However, the fact that ASB units are increasingly having to deal with cases where either the perpetrator or the complainer is suffering from mental health issues (see above) suggests that there is an urgent need to engage health professionals in managing these problems.

3.52 One interviewee believed that partnership working could be improved if other agencies had a better understanding of what an ASB unit can achieve (‘Maybe they expect too much’) and if funding silos were removed- ‘I feel there is a lot of silos despite words about great partnerships and golden friends and cross-working’. A similar point about professional silos was made by another co-ordinator:

*You have got an investigator, you have got a community warden, you have got a community constable, you have got a housing management officer, you have probably got a dog warden and a traffic warden. You join them together and give them a bit of community safety/ASB responsibility, and you will get a*
far, far better outcome than we have got at the moment - fragmented. That’s where I see it, the partnership bit, if the partners can move away from representing their own interests and think more strategically.

3.53 Whether the new funding arrangement with local authorities and the removal of ring fenced funding will allow these ‘silos’ to be broken down is yet to be seen. However, there is clearly more potential now for local authorities to think strategically about bringing together the management of services that are focused on the same local outcomes.

Recommendations for improving practice in multi-agency working

The value of multi-agency working was well recognised by ASB co-ordinators and it was also their perception that this value was also being recognised by some partner agencies. Not only does this engagement add weight to the enforcement process but it also opened up new avenues for the early identification of problems. Effective multi-agency working therefore seems central at all stages in the PIER approach.

It was clear from some of the comments that were made that overcoming suspicion about professional motives was key to effective multi-agency engagement. Building personal relationships between the professions did seem to help build trust. An obvious recommendation then is that there should be as much consistency as possible in those who attend the multi-agency meetings (both the regular problem solving meetings and the case conferences).

Despite the legislative tensions between youth justice and ASB professionals, it was clear from the interviews that the working relationships between the two were improving. However, limited engagement from Education and Health remained an issue and perhaps a first stage in drawing them to the table is to fully explain how they can contribute to addressing ASB problems.

Finally, the removal of ring fenced funding and the greater flexibility that this has brought to local authorities makes this an ideal time to consider how the management of relevant services can be brought together to ensure that they are working collaboratively on the same local outcomes.

ASBO Warnings

3.54 Local Authorities will issue one last warning of an ASBO before preparing the case for court. This final warning that court action is imminent was described by one co-ordinator as being a legal requirement that had to be issued before the ASBO application could be progressed. However, they described this as being ‘not very effective’ with only one or two resulting in an end to the ASB.

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20 These are recommendations from the research that were considered by the review in drawing together the National Actions and Local Recommendations.
Antisocial Behaviour Orders (ASBOs)

Circumstance of use

3.55 ASB co-ordinators were keen to stress that the number of cases resulting in an ASBO represents only a very small proportion of all ASB cases with which they deal. Although there are a very small number of cases that do go straight to ASBO, as the flowchart at the end of this chapter demonstrates, ASBOs typically come at the end of a series of other interventions. This means that most ASBO recipients are those on whom other interventions have been tried and failed. Support needs will therefore have already been identified and efforts made to address these before ASB co-ordinators begin making a case for an ASBO.

3.56 ASBOs are used to deal with a wide variety of people and for different types of ASB. See the DTZ/Heriot-Watt research for more detail (http://www.scotland.gov.uk/Publications/2007/09/19160705/0). Despite the media presentation, the main focus of ASBOs is not on young people. Home Office figure published on the crime reduction website this year showed by 2006, 40% of ASBOs in England and Wales were given to those under the age of 18. By comparison, The DTZ/Heriot-Watt research showed that in Scotland in 2005/06 only around a fifth of ASBOs were given to people under this age.

3.57 The types of behaviour attracting ASBOs included; city centre disorder; excessive noise from households; harassment; and tenancy-based issues. These are behaviours that may not necessarily be regarded as serious annoyance if they happened in isolation but, when they occur repeatedly and persistently, obviously have a serious impact on communities. Some of the other examples given were far more serious and could be defined as criminal behaviours. Housebreaking, retail crime, vandalism and assault were mentioned as behaviour that might attract what are termed ‘proactive’ ASBOs.

Proactive ASBOs

3.58 “Proactive” ASBOs are those where the police proactively disclose information to the council and ask them to consider applying for an ASBO - as opposed to merely providing information to the council investigation team in response to a request for data. These ASBOs are intended to address repeat criminal behaviour that is being or has already been pursued through the criminal courts. The intention is to try to disrupt patterns of behaviour by, for example, banning shoplifters from shopping centres in which they tend to operate. The interviews with the police suggested that use of these type of ASBOs have been increasing.

3.59 Local authority ASB co-ordinators had mixed views about the use of proactive ASBOs. Some co-ordinators said that the use of ASB interventions
to deal with criminal behaviour was a mis-application of the legislation and that criminal behaviour should be dealt with by existing criminal powers. Other authorities saw pro-active ASBOs as an integrated part of partnership working and were happy to apply for these as a means of preventing crime where there is also an antisocial element.

3.60 Judicial attitudes towards ASBOs were explored in research undertaken by Jane Donoghue in 2007\(^{21}\). Most of the Sheriffs interviewed as part of Donoghue’s research expressed some unease about criminal behaviour forming the basis of ASBO prohibitions. However, this seemed to be on the basis that this should be a matter for the police rather than local authorities. It is possible then that they would feel less unease knowing that the criminal behaviour was also being pursued through the criminal process.

Standards of evidence expected by the courts

3.61 ASB co-ordinators recognised that the courts rarely granted an ASBO unless there was clear evidence that early interventions had been tried and there had been some earlier attempt to address the underlying causes of the ASB.

3.62 There was a perception that although ASBOs can be used as a civil measure, courts were expecting a criminal standard of evidence. Some co-ordinators said that the standard of evidence is too high and legal departments were not applying for ASBOs in some cases because of this. Others simply commented that ASBO applications are made only if there is a very strong case against the perpetrator. This was especially the case in areas where the courts are very busy. The co-ordinator in one of these areas explained that because of the relatively serious nature of many of cases dealt by the local Sheriff Court, Sheriffs may test cases of ASB against the sort of cases that are brought before them in Criminal matters. This can lead to an almost unconscious “raising of the bar” in respect of the level of complaints that would be deemed serious enough to warrant an ASBO.

3.63 When asked if they had any messages for the review, one ASB co-ordinator suggested that there was a need to clarify expectations about the evidence required for an ASBO hearing. In particular, there was a suggestion that Sheriffs might benefit from guidance about the need for witnesses to appear in court and the extent to which evidence from professional witnesses and affidavits would suffice. The need for guidance on the standard of evidence was also raised in the results of a survey of solicitors involved in ASBO applications undertaken Donoghue in 2006/07. Over half of her survey respondents (10) stated that they were not clear on appropriate standards of proof for both full and interim ASBOs.

\(^{21}\) The results of which are to be published in Donoghue, J. (forthcoming, August 2009) ASBOs: A Culture of Control? London: Palgrave Macmillan.
3.64 There was also a perception, expressed by one co-ordinator, that more and more ASBOs were now being defended.

‘I think you will find increasingly people who say, two years ago would have delivered an ASBO without much of an argument. With evolution and a greater familiarity with the legislation it can be expected that individuals will be seeking legal aid, going to court, and they will be tying up court time trying to get ASBOs. Obtaining an ASBO is not the cost effective option it may have started out as.’

3.65 There was a perception, expressed by two interviewees in separate local authorities, that certain Sheriffs were opposed to the use of civil ASBOs altogether and that, for this reason, the case must be very well argued. Of one Sheriff, an interviewee explained:

*I don’t know what the technical term is, but he said “I’m not hearing that one today” …I think he personally doesn’t like the legislation. I think he is quite well known for that. There are some of them that will just grill you, which is their job. But you can tell they don’t like the legislation.*

3.66 Donoghue’s interviews with Sheriffs in early 2007 suggested that Sheriffs did have some reservations about the use of ASBOs but that these tended to relate to specific issues rather than the overall concept of ASBOs. Firstly, there was a concern among some Sheriffs that mitigating factors such as addiction and mental health issues might not be highlighted in court. A comparison was drawn between the practice in criminal sentencing of obtaining a social inquiry report before a decision was reached. Although one Sheriff suggested that it would be useful if a social inquiry report was provided as part of the application another thought that it might be too difficult to obtain a report in time. Overall, the majority of Sheriffs felt that a discretionary power to request a social inquiry report might be useful. Secondly, some Sheriffs objected to what they saw as disproportionate prohibitions (particularly those that contained broad geographical restrictions). There was a general view however that there had been an improvement in the drafting of prohibitions since ASBOs had been introduced.

**Interim-ASBOs**

3.67 Many co-ordinators welcomed the ability to apply for an interim ASBO because it allowed them to put prohibitions in place very quickly after agreement has been made between partners. This speed meant that local authorities could provide what they saw as a good service for the victims of ASB.

3.68 There were however concerns about the length of time that an interim-order was allowed to run before either expiring or being converted to a full ASBO.
I mean we can have an interim ASBO running for a year, which I don’t think is what an interim ASBO is all about. I always felt it should be 3 to 4 months, you then go for your full ASBO.

3.69 The case for converting an interim order into a full order as soon as possible was also strengthened by some of the comments made by Sheriffs who were interviewed in Donoghue’s research. Some Sheriffs, she reported, expressed concern about the prosecution of breaches of interim ASBOs. This was because the validity of the order had never been tested in court by the hearing of evidence. Donoghue concluded that ‘a significant proportion of Sheriffs interviewed felt that the prosecution of interim order breaches was a matter that needed to be addressed’.

**Effectiveness of ASBOs**

3.70 Both the police and local authority ASB co-ordinators were asked for their views on the effectiveness of ASBOs.

3.71 ASB co-ordinators were generally positive and believe they could be successful in the right circumstances. There were even examples of cases where they had been successful even in circumstances where success was assumed to be less likely. One co-ordinator described a case in which a group of people who had presented problems in their neighbourhoods for years received warning letters about the likelihood of an ASBO. Their ASB reduced dramatically. (The investigation team later discovered that the individuals thought they had received an ASBO).

3.72 One co-ordinator was keen to move the debate about ASBOs beyond the notion that they are regarded as ‘badges of honour’.

*One of the things I hate is this whole badge of honour thing, which I don’t think is really appropriate, because it’s…Did it work for the victim? Has it improved? Not the attitude, the bravado of the person…*

3.73 It is also important to bear in mind that the effectiveness of ASBOs should not be assessed simply by what they achieve in the specific circumstances in which they are used but also by their use as a sanction that can be threatened earlier in the problem-solving process. ASBOs may make other informal interventions such as mediation and diversion more effective by representing the seriousness of consequences that will follow if the individual does not engage.

*I suppose in [local authority] there is quite a big stick, because we haven’t got that many. Maybe there is that kind of awareness that “they don’t use ASBOs that often and I am getting threatened with one”.*

*Obviously Social Services don’t want all young people subject to ASBO’s so we do a lot of work to identify the ring leader, and it’s only the ring leader that*
we tackle and then we find that it disperses after that. So we take the action against the ring leader and the rest of them tend to realise, "oops we don’t want that to happen to us" and the group disperses.

3.74 The interviews with the ASB co-ordinators also suggested that the threat of an ASBO can encourage partner agencies to agree to an alternative course of action and perhaps to invest more effort and/or resources in dealing with a case that may result in an ASBO. The following quotations from co-ordinators help illustrate this point:

I think that they are effective in that they are a tool for us to be able to get people round the table and say “this is really serious and if we don’t do something about it the person is going to have an ASBO and we have to take it further”.

What we find is that we get to a point where we are looking to do an ASBO and we get them round the table and SW then say “wait a minute, this person needs support” and yeah they are right so what can we do about that?

Because you have the enforcement action, that means the other partners can up their game, there is a reason for them to allocate more resources to a case.

3.75 The view expressed by one police officer was that the main value of an ASBO is that, because breach is a criminal offence, they give the police the power to deal with persistent perpetrators through the criminal courts. The same point was made by some local authority ASB co-ordinators.

I think they are really effective when you think that somebody can be lifted for doing something by the police, that the police don’t need to know anything about what they are doing or whatever, they just need to know that this person has got an ASBO, they have breached it and done this, it is great for the neighbours it brings them relief.

3.76 Depending on the nature of the prohibitions, ASBOs therefore give the police considerable added power to arrest someone, not necessarily for committing a crime, but for behaving in a way that might lead to alarm or distress. As one co-ordinator highlighted at interview, this is a power that is open to abuse. This would particularly be the case if the prohibitions were not carefully considered and proportionate. The fact that the courts are expecting a very high standard of evidence before granting an ASBO should therefore be reassuring.

3.77 There was also a view that an ASBO can also encourage perpetrators to move on to a new area which in itself can provide some relief (at least to the community from which they have moved).

You get the scenario as well that people tend to flee, once they are subject to a court order, they will get themselves away from that area, which stops the
behaviour in that area for the people who are experiencing it. It might not stop the behaviour altogether, in the new areas, but at least it gives the people in the community that they were living in some respite.

We have had a few cases lately where it has been almost at the case of ASBO and we have said right “right if you don’t stop we are going for an ASBO” and they have moved themselves, so we have gotten rid of a couple of cases that way. They have gone into private lets. And it’s not to say that they won’t start causing trouble elsewhere, but it’s taking it away from those particular victims. And we know the name now as well so if that name or the new address crops up again we have a whole raft of evidence from the previous case that we can use. We just need to keep on top of things.

**Breach data as a measure of success**

3.78 The effectiveness of ASBOs has tended to be assessed by reference to breach data. However ASB co-ordinators were keen to explain that breach data should not be used to assess the effectiveness of orders. Some of them explained that breach data are misleading because they tend to count the number of breach incidents rather than number of orders that have been breached and it is not uncommon for one individual to breach the same order over and over again. As one co-ordinator explained ‘Rather than 40 people on an ASBO and 30 of them breaching you might find 5 or 6 of them breaching 2 or 3 times.’ The same point was also made by a number of ASB co-ordinators.

3.79 In an attempt to take account of multiple breaches of the same order, in-house research (see Chapter 7) tracked all 256 ASBOs imposed across Scotland in 2004/05. It reveals that 53% of these were reported by the police as a breach. This is a much higher rate than that previously estimated in the DTZ/Heriot-Watt research which estimated breach rate at around 30%\(^22\). The in-house research also shows that just over a fifth of these ASBOs were allegedly breached 3 times or more.

3.80 The high breach rate is unlikely to come as a surprise to ASB co-ordinators and the police. The view expressed was that by the time an ASBO is used, partners will have tried a range of interventions already and the fact that these have failed suggests that the subject’s behaviour has become entrenched. As one co-ordinator explained:

*Where early intervention has been tried and failed and where an ASBO has been obtained as a last resort, it should not be considered to have failed if breached. In reaching this stage you are almost guaranteed that you are dealing with the people who are not, or will not, or can not control their behaviour.*

However, this was not to suggest that ASBOs were always doomed to fail. Some co-ordinators could think of examples of where, despite successive breaches, there had still been improvements in behaviour.

“We have reviewed all of our current ASBOs. Some of them have been breached and then no further problems whatsoever, and no further complaints. There has been contact with the original complainers (in these cases) and they confirmed that things have improved.”

When it comes to the debates ASBOs don’t work because they are breached. But you have got someone who has got a noise complaint every night of the week, they get the ASBO, they have one party in six months and that’s a failed ASBO, because it was breached. But from the victim’s point of view that’s a huge change in their life.

One co-ordinator referred to ‘quiet’ breaches – those that do not attract complaints. He explained that the fact that they go unnoticed suggests that the subject has been able to control his/her behaviour to such an extent that it is no longer generating alarm or distress and that this in itself is a positive outcome.

Although one ASB co-ordinator believed that there was a high chance of ASBOs being breached, she also believed that once the perpetrator realised that the courts took breach seriously, this could be an effective deterrent to further breaches.

I think it is then when they find out what they implications of breaching it are, they then modify their behaviour.

A similar view was expressed by Lothian and Borders Police. This, they thought, is particularly the case in the Scottish Borders where breach of ASBO results in a swift court appearance and a significant penalty.

‘The message from the Borders is that they might breach their ASBO once or twice but then they realise that they’re getting a heavy penalty and that’s the wake up call.’

**Circumstances in which ASBOs are most effective**

Co-ordinators were asked if there were any particular circumstances in which ASBOs tended to be most successful in preventing further ASB. While they found they worked in a broad range of cases, one co-ordinators believed that ASBOs were particularly effective with owner occupiers:

It has quite an effect on them, it is maybe just people who have got a house have jobs and more to lose. Whereas somebody with nothing never had anything, never had a parent to bring them up even or send them to school, how do you pull the safety blanket away from them, because they don’t have one. Whereas the owners, if they go for another job, the ASBO might show up
in their disclosure, so that has an effect on people as well that it might affect their employment.....So it tends to make the penny drop.

3.86 Another local authority commented that ASBOs that included geographical restrictions as a way of preventing public space nuisance had been particularly effective in bringing relief to neighbourhoods. The very obvious nature of a breach of these orders also made them easy to enforce.

3.87 Some co-ordinators highlighted that ASBOs would not be effective without other forms of support alongside them.

The big thing about ASBO’s as well is that it depends what way you stand on it, they work a lot better if you address support needs as part of the process, the support and the enforcement go hand in hand. If you just do the enforcement, you really are fighting with one hand tied behind your back. It’s as simple as that. It’s a waste of... well not quite a waste of time, some will work, but your hit rate in terms of successful actions will be a lot less in my opinion.

Enforcement issues

3.88 Those made subject to an ASBO need to believe that action will be taken in the event of breach if they are to be effective in deterring further ASB.

3.89 Some ASB co-ordinators expressed dissatisfaction with the outcome of breach incidents. This concern was shared by one police force who believed that many ASBO breaches were resulting in a ‘no proceedings’ marking by the procurator fiscal. They thought that this could be because of confusion about the primacy (relative priority) that should be attached to the breach and the offence that constituted the breach. The concern was that the breach of ASBO may not appear as a charge in court. Another explanation was that the lawyers were offering guilty pleas in exchange for the breach of ASBO charge being dropped.

3.90 One police force also expressed some concern about the leniency shown by the courts. While in the past breach of ASBO was attracting custodial sentences, the interviewee claimed that this has changed and courts have since softened. The interview here speculated that the courts might be becoming more reluctant to imprison people for behaviour that would not be considered criminal if it were not a breach of an ASBO.

3.91 Jane Donoghue’s interviews with Sheriff’s revealed that Sheriff’s were reluctant to take seriously minor breaches of ASBOs because this would undermine the role of ASBOs in addressing ASB without having to resorting to criminal procedures. They also revealed that while there were some Sheriffs who believed that the breach of ASBO should increase the penalty for a crime/offence beyond that which would normally be imposed there were others who disagreed.
3.92 In-house research that has yet to be published reveals that breaches that are reported to the court are more likely than not to result in a conviction and that, once convicted for breach, there was a 1 in 4 chance of imprisonment. Of the 136 ASBOs that were reported by the police as having been breached, 61% were convicted for the breach in court and of these people convicted for breach, 27% were given a custodial sentence.

3.93 However, in interpreting data on convictions for breach of ASBOs it is important to remember that in Scotland if an individual breaches their ASBO by committing another offence such that is prosecuted, the ASBO breach is added only as an aggravation. Also, an ASBO breach may be 'pled out' as part of a plea bargain. This might explain why convictions for breach of ASBO are much lower than police reports of breach.

Recommendations for improving practice in the use of ASBOs

ASBOs do seem to be used in an appropriate, proportionate and timely manner in most local authority areas. The court’s robust attitude to ASBO applications should also ensure that this remains the case in the future. To help instil further confidence in the court’s position on ASBOs, Sheriffs should have the discretionary power to request a social enquiry report before granting an ASBO. This would help reassure Sheriffs and others that mitigating factors and needs are fully recognised in the drafting of the prohibitions and the provision of support.

There seems to be a need to clarify expectations about the evidence required for both full and interim ASBO hearings. In particular, there was a suggestion that Sheriff might benefit from guidance about the need for witnesses to appear in court and the extent to which evidence from professional witnesses and affidavits could suffice.

With the increasing use of proactive ASBOs, the public, local authorities and the judiciary will need reassurances that the criminal behaviour is also being pursued in tandem through the criminal as well as civil courts.

There should be a limit on the time that an interim orders can remain in force before either being converted to a full ASBO or being revoked.

The effectiveness of ASBOs as a tool for addressing ASB should not be assessed by reference to figures on the number of orders imposed or on the proportion of orders that are breached. Given the range of earlier interventions that can and should be used before an ASBO is considered, a low use of ASBOs is likely to be a sign that ASB strategies built around the PIER approach are working effectively. Provided the revised PIER approach (which places support and education at the centre) is in place, and ASBOs are used appropriately, after other interventions have been tried and failed, we should expect a high proportion of orders to be breached.

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23 These are recommendations from the research that were considered by the review in drawing together the National Actions and Local Recommendations.
Any assessment of the effectiveness of ASBOs should consider the extent to which the threat of an ASBO deters perpetrators from further ASB, the extent to which the multi-agency process of considering a possible ASBO helps mobilise further support and solutions; and (most importantly) the extent to which, once used ASBOs bring relief to the local community.

Although one co-ordinator highlighted that ASBOs would not be effective without other forms of support alongside them, ASBOs should not be regarded as a vehicle for addressing the underlying causes of ASB. Addressing this should be tried well before an ASBO application is made to the court. Given the likelihood that breach will result in imprisonment, ASBOs should be used only after earlier attempts to address underlying problems have been attempted and the relevant multi-agency group has agreed that no other options are open. Although ASBOs should not be the vehicle for providing support, where earlier support needs have failed, it may be worth retrying these in tandem with an ASBO.

The ASB co-ordinators who were interviewed offered further suggestions about how the use of ASBO powers could be made more effective. Firstly, they suggested that it would be useful to have some guidance and agreement on how ASBO prohibitions can apply across local authority boundaries. Secondly, they suggested that local authorities and not just Sheriffs be able to serve the ASBO (once it has been granted by the court). They gave some examples of long delays in the serving of ASBOs and suggested that if local authorities could serve the order on the subject of an ASBO this might speed the process. Delays in serving ASBOs, it was reported, were resulting in a loss of credibility in the system, especially where the media reports that an ASBO has been imposed but, because the order is not served straight away, the police are not able to arrest the subject for breach of the conditions. Finally, there was a perception that the police need to be better informed of their power of arrest in the event of a breach of ASBO.

Other Measures

3.94 Where the source of the problem is a property as well as an individual or groups of individuals, the use of a closure order may be considered after an ASBO has failed. This is a police measure and the effectiveness of these were discussed with representatives from each of Scotland’s police forces in a separate set of interviews. A summary of the findings from these interviews is also available in this volume.

3.95 Another alternative to moving straight to conversion to SSST and ultimately eviction, is to hope that the criminal courts will be more effective in resolving the ASB. They might achieve this through the penalties imposed in response to breach of an ASBO or, where the ASB could also be considered criminal, by pursuing this separately as a criminal matter.
Conversions To Short Scottish Secure Tenancy (SSST) And Eviction

Conversion to a Short Scottish Secure Tenancy

3.96 Conversion of a tenant’s Scottish Secure Tenancy to a Short Scottish Secure Tenancy (SSST) is an option open to social landlords (local authorities and registered social landlords) where an ASBO has been taken out against the tenant or a member of their household. Those made subject to a SSST have more limited rights than a Scottish Secure Tenant (SST) and, most importantly, where ASB continues, the tenancy can be ended quickly.

3.97 In some local authorities tenancies are automatically converted to SSST when an ASBO is imposed. In others the practice is for the local authority to move to a SSST only after it has become apparent that an ASBO has not worked. The argument for converting to SSST at the same time as imposing an ASBO is that it provides an additional incentive to the tenant to improve their behaviour and ensures they receive support to sustain a tenancy in a positive manner. By comparison, one co-ordinator in an area that uses SSST conversions only after an ASBO has failed, explained they do this because they do not want to use all their ‘guns at once’:

*If somebody hits you over the head you don’t care if it’s one stick or two, but if somebody hits you with one stick and says they are going to hit you with another one later on, it’s more effective.*

Effectiveness of SSST conversions

3.98 There was a general view that conversion to SSST was an effective measure in tackling ASB. One co-ordinator estimated that about 50% of perpetrators will desist from ASB at this stage to keep their tenancy secure.

3.99 Some co-ordinators believed that the threat of eviction can be a more effective measure than other legal actions including ASBOs. This may be especially true if the perpetrator already has criminal convictions and would not therefore be concerned about the effects of obtaining a criminal record.

*I think it is a greater threat at the end of the day. A lot of people nowadays aren’t bothered about being done by the police or whatever but if they take your home off you, that’s a bigger threat. That’s probably why they are so successful.*

3.100 One co-ordinator suggested that SSST conversions also make it easier to compel perpetrators to receive help through tenancy support.
Areas for improvement in practice

3.101 There was a suggestion from one interviewee that the power to convert to a SSST can be a reason for moving from an interim to a full ASBO since the powers are available only at the full ASBO stage. One interviewee recognised that SSST conversions were not being used consistently and suggested that more guidance on their use would be helpful.

Evictions

3.102 Landlords will issue a notice of intent before beginning proceedings to evict. According to one co-ordinator, in many cases, this was effective in halting problematic behaviour.

*In the majority of cases, that stops them in their tracks, they don’t want to lose their house. What we have done there is we have saved time by not taking it to an overburdened court* - as you can see, if you look at the comparisons of the number of NOI’s we have served and the number of evictions.

3.103 Although some areas have a policy of routinely evicting on the grounds on drug dealing and/or racist incidents, evictions are rarely used as response to other forms of ASB. Three barriers to the use of eviction were mentioned at interview. Firstly, the test of ‘reasonableness’ that a Sheriff has to apply to evictions make it particularly difficult for a landlord to evict on the grounds of ASB. Even if it is clear that the ASB has taken place, the Sheriff must consider whether it is reasonable to evict a family from their home in response. The second barrier is the length of time it takes to reach a decision. One co-ordinator cited an example that took 18 months from the summons to the final eviction and during that time the problematic behaviour continued. He explained that delays occur because of the entitlement to legal aid and the right of appeal. The third barrier is the homelessness legislation that entitles people to be re-housed. The tensions between ASB legislation and homelessness legislation was raised at interview by a number of co-ordinators.

3.104 Although one co-ordinator explained that registered social landlords do sometimes move to eviction rather than use the measures introduced by the ASB legislation, co-ordinators from three local authorities believed that since the introduction of the ASB legislation, evictions for ASB have become less frequent. They believed that this was because ASBOs have introduced an alternative to eviction. However, an alternative explanation suggested in the DTZ/Heriot-Watt research on ASBOs was that perhaps those subject to an ASBO are leaving their tenancy voluntarily rather than risk eviction. Certainly the last two quotations in the section entitled ‘Effectiveness of ASBOs’ suggest that some perpetrators are moving on when they receive or are threatened with an ASBO. One co-ordinator also made a similar observation and explained that many tenants leave properties once the eviction process begins and before they are formally evicted. The eviction figure will not therefore reflect the true number of tenancies that come to an end as a result of enforcement measures for ASB.
The point was made above that conversion to SSST is a measure that is available only where the perpetrator is living in socially rented accommodation. The same point was made about eviction and one co-ordinator highlighted that this means the enforcement system can be applied unevenly across those of different housing tenure.

You will never get a level playing field because the ultimate sanction on a council tenant will always be re-possessing the house, you can never do that with an owner occupier or a private let.

### Recommendations for improving practice in the use SSST conversions and evictions

Conversing a Scottish Secure Tenancy to a SSST and, to a certain extent, eviction are measures that can be applied only to those living in the social rented sector and it could be considered unfair that this group, to use the analogy applied above, be hit with two sticks at the same time - the threat of loosing their home as well as the threat of a criminal conviction. By comparison, those without a tenancy are only subject to the latter. While these measures are clearly a powerful tool to have at their disposal, local authorities should not be encouraged to make routine use of them and evictions should be a last resort. Again, it is reassuring that the courts are very cautious about approving evictions.

There was a suggestion that SSST conversions carry more weight when used after an ASBO has failed rather than alongside an ASBO. To ensure that the enforcement process is applied as evenly as possible, it does seem fairer to use SSST conversions only after an ASBO is breached.

The perception is that the introduction of other measures for tackling ASB has reduced the need for eviction proceedings. If this is the case, and fewer people are loosing their homes as a result, then an added benefit of the ASB strategy is that, as well as tackling ASB, it may also be helping to reduce homelessness. However, this suggestion needs to be thoroughly considered by research that tests how many tenancies are voluntarily terminated because of a fear that eviction proceedings will be the next step in the enforcement process.

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24 These are recommendations from the research that were considered by the review in drawing together the National Actions and Local Recommendations.
REFERENCES

Figure 1: Overview of Use of ASB Measures

- Early Officer Response
  - ASB Unit
  - Investigation
  - Multi-agency information sharing

Mediation

Warnings
- Verbal, Written, Final

ABC (UBC, ABA, UBN)
- Not all the same. Can be tied in with Social Work Working Agreements

Support measures

Case Conferences

ASBO (Interim/Full)

Other measures (closure order or criminal sanction)

SSST

Eviction

KEY:
- Direct Link
- Not necessarily a direct link
CHAPTER FOUR: THE USE OF THE ANTISOCIAL BEHAVIOUR MEASURES- A VIEW FROM THE POLICE

Introduction

4.1 Interviews with the Police were instigated to inform the review the national ASB policy by exploring aspects of the Antisocial Behaviour etc. (Scotland) Act 2004 that were and were not working well and what issues ought to be examined as part of the review. The analysis of the interviews therefore provides a useful overview on the use and effectiveness of the key measures included in the 2004 Act as well as some thoughts on where further improvements still need to be made.

4.2 Interviews with each of Scotland’s police forces were undertaken between August and November 2007. Interviewees were senior police officers who had strategic responsibility for tackling ASB across the police authority. Interviewees were nominated to us by each police force. In some cases the nominated interviewee was joined by other members of the force who were working alongside them on ASB. In Tayside we also spoke separately to the Divisional Commander for Angus because he had been the sponsor for Tayside’s fixed penalty notice pilot. Early in the programme of interview, we also spoke to the Chair of the ACPOS Joint Co-ordinating Group, then Deputy Chief Constable Norma Graham. Ms Graham was also the Chair of the PIER Balance sub-group of the Review’s Expert Advisory Group and is now Chief Constable of Fife.

Seizure Of Vehicles

4.3 Section 126 of the Antisocial Behaviour etc (Scotland) Act 2004 specifies the circumstances in which vehicle seizure warnings can be issued or vehicles seized. Under the terms of the Act not only must the driver of the vehicle be causing or likely to cause alarm distress or annoyance but they must also have contravened either Section 3 or Section 34 of the Road Traffic Act 1988. To contravene Section 3 the driver must be driving carelessly without reasonable consideration and to contravene Section 34 he/she must be driving ‘otherwise than on a road’.

Use of the measure

4.4 Vehicle seizures and warnings have varied markedly across Scotland’s police forces with use being particularly high in Tayside, Grampian, Fife, Lothian and Borders and Dumfries and Galloway.

4.5 The higher use of the measure in Tayside, Fife and Dumfries and Galloway could be explained by these forces taking an early interest in the powers in response to particular problems they were experiencing. Within Tayside, use has been especially high in the Angus area where an Inspector was given responsibility for examining the legislation, producing a standard operating procedure and briefing all officers in Angus on how it operates. This briefing made it clear that the Command
Team were supportive of officers making use of the new powers. The interviewee in Angus explained that they were using this measure to take a robust stance against antisocial driving because this had been a big problem in the area for over 30 years. ‘When I came here as divisional commander, this was raised in all the community meetings – When are you going to do something about these boy racers?’

4.6 Fife also said they fully embraced the power when it first became available and ‘stole a march’ on the rest of Scotland. Similarly, Dumfries and Galloway explained they ‘got into this reasonably early’. The interviewee stated that, while some police forces took the view that they should wait until the then Scottish Executive guidance had been finalised, they were happy to begin using the powers earlier. In Dumfries and Galloway, the ‘ease of implementing change in a smaller organisation’ was also cited as a reason why they moved quickly. ‘A sergeant had asked if he could try using them to address a recurring local problem and, because we have a relatively small workforce to brief and train, and overlapping roles in policy and operational management, I’m well nagged and managed from the frontline staff to respond’.

4.7 Training was also was regarded as central in promoting the use of the measure. Lothian and Borders stated ‘Organisationally we did a lot of training on this new power and this has paid off in the numbers that we’re getting’. By comparison, Northern Constabulary who had successfully used the legislation during operations to tackle identified problems within three towns during 2005/06, were revisiting their direction to area commanders to be more proactive in their use of these measures to tackle identified problems.

Circumstances in which the measure is used

4.8 The interviews revealed that the legislation was being used to deal with a wide range of problems: mini-motos; quad bikes; ‘boy racers’/ ‘cruisers’, revving engines, screeching wheels, loud radios, screaming horns, off-road cycling; wheel spinning, loud exhausts; inappropriate use of speed (the driver is not breaking the law but is travelling too quickly for the conditions); and other inconsiderate driving. One point that was made repeatedly (in Northern, Tayside, Grampian) was that it was most appropriate to use the legislation in response to public complaints and concerns. Tayside for example, explained that they were not being used for one-off misdemeanours but rather for addressing known community concerns that were pressing on police resources on a regular basis. Grampian also explained that, although they also use this measure in wide variety of circumstances, they use the legislation in areas where they have persistent complaints and use the public as a ‘gauge’ for how to respond. Dumfries and Galloway Constabulary agreed that public demand (together with the specific legislative provision) is a factor in deciding how to respond and Central Scotland Police cited an example of where they had used

25 However, it should be noted that not all police forces agreed that it was appropriate to use the vehicle seizure legislation to deal with some of these problems. Strathclyde Police mentioned that Section 3 or 34 of the Road Traffic Act 1988 would not be appropriate for revving engines, screaming horns, and loud radios if the vehicle was stationary. This last problem, they explained could also more appropriately be dealt with as a contravention of Section 54 of the Civic (Government) Scotland Act 1982.
vehicle seizures in response to community concerns about the monthly Falkirk Cruisers meeting (see below for more discussion of this).

**Barriers to the use of this measure**

4.9 All interviewees were asked if there were any barriers to the use of this section of the Act.

4.10 The requirement that, not only must the driver of the vehicle be driving antisocially but he/she must also have contravened either Section 3 or Section 34 of the Road Traffic Act was regarded as restrictive by some police forces. The key issue was that neither section 3 nor 34 applies to stationary vehicles.

*ASB vehicle seizures do not apply to stationary vehicles*

4.11 Three police forces (Tayside, Fife and Strathclyde) commented that vehicle seizures were restrictive because neither Section 3 nor Section 34 apply to stationary vehicles.

‘I think one of the key things for us is that if you have your boy racer with his or her suped-up car in the car park, revving engines, music blaring, speakers that are the size of the back seat, next to houses. I don’t think that anyone would argue that that is not antisocial. Seizure of vehicles does not cover that. It does not go anywhere near that because there is not a Section 3 or a Section 34 offence.

Strathclyde

4.12 Strathclyde further explained that this is because these behaviours will not necessarily be displayed while the vehicle is moving.

4.13 Tayside explained that although they are able to use other measures to deal with stationary ASB (standard warnings and breach of peace), they would find it helpful if the vehicle seizures legislation could be extended to stationary vehicles. Dumfries and Galloway, Grampian and Fife supported this view and further commented as follows:

‘A removal of the current restrictive link to Section 3 and 34 would be useful’.

Dumfries and Galloway

‘Using the legislation to combat loud music from cars would be a good deterrent’

Grampian

4.14 Fife commented that this would allow them to deal with ‘boy racers parked up with the stereos blaring all night’ and stated that although these could be prosecuted for Breach of the Peace, the procurator fiscal refuses to deal with them in this way.

*The cost of storing vehicles*

4.15 Another barrier was that the legislation requires that vehicles that have been seized must be kept for three months before being destroyed (if they are unclaimed). Although the recovery and storage fee has to be met by the owner of the vehicle, two
interviewees explained that these charges can quickly outweigh the value of a vehicle. In these cases, the police can anticipate that they will not be retrieved. This was raised as a particular problem with mini-motos which cost about £100 and are therefore cheaper to replace than to recover from storage.

4.16 One of the interviewees who raised the issue of storage charges explained that they apply a common sense approach and have the vehicles valued. If the storage cost is likely to outweigh the value then the vehicle is destroyed. They explained that they have never destroyed a vehicle that someone has later tried to recover and that, even if they did, it would still be cheaper for the police to pay the compensation rather than the storage.

*When the driver of the vehicle is not the owner*

4.17 Vehicle warnings and seizure notices have to be served not only on the driver of the vehicle but also the keeper of the vehicle (if these are different people) and the details of the driver and keeper need to be retained on the Police National Computer for monitoring over the next 12 months. Strathclyde say they found this administration time consuming and mentioned this as a reason why they prefer to seize vehicles under the RTA legislation (where applicable) rather than the ASB legislation (see below).

4.18 One police force also mentioned that there is a complication where the driver of the car is not the owner. If the owner claims that he or she did not know that the driver was driving antisocially and/or did not consent to it being used in this way, the owner may argue that they should not be liable to pay the storage costs when retrieving the car and these costs should therefore fall to the police. However, other forces take the view that if the owner allowed their vehicle to be used by the driver, then they should be liable for the storage charges.

4.19 Fife and Strathclyde also explained that the warning is issued to the car, as well as the driver and vehicle. This creates a further complication if the car is sold on.

*The need for further guidance*

4.20 In addition to the barriers mentioned above, there were also some areas where further guidance and clarification would be helpful.

*The status of a warning after the vehicle has been seized*

4.21 An area which seems to require some clarification is the status of a warning after the vehicle has been seized - whether the initial warning still stands or whether it expires with the seizure and another would have to be issued if the antisocial driving continued. Strathclyde had sought guidance from the Scottish Government on this and had been told that the original warning can stand for up to 12 months. Dumfries and Galloway Constabulary had also sought guidance from the Scottish Government but were lead to believe that once they seized a car, the original warning expired. Fife, Grampian and Tayside had a similar interpretation and believed that the warning stayed in force for 12 months or until the vehicle is seized.
**The practice of obtaining corroboration**

4.22 There were also differences in the practice of obtaining corroboration for contraventions of Section 3. The Antisocial Behaviour Act states that vehicle seizures or warnings can be used where a police officer has ‘reasonable ground for believing’ that there has been a contravention of Section 3 of the Road Traffic Act 1988 (c. 52). One of the issues that was raised at interview was whether the same standard of proof should be applied as would be applied in court - in other words, whether there should be corroboration of inconsiderate/careless driving.

4.23 The view was that by using the term ‘reasonable ground for believing’, the legislation does not require that there be corroboration. However, there was difference in practice across forces – with some considering it to be good practice to have some corroboration of the contravention.

4.24 Lothian and Border’s explained that (although this is not a requirement under the legislation) their own force policy is that there is no need for corroboration when issuing a vehicle seizure warning but that corroboration was required to make a seizure. They explained that when they seize a vehicle under the ASB legislation, they also reported the driver for a contravention of the Road Traffic Act (and so the same burden of proof must be applied). However, they went on to say that the practice of obtaining corroboration was not a barrier because we were ‘very used to working like this’.

4.25 Likewise, Tayside did not find the need for corroboration of the contravention of Section 3 to be a barrier because police can act as eye witnesses providing corroboration. They explained that a warning could follow an incident witnessed by a single police officer and if another single officer witnesses further bad driving then the two incidents taken together provide sufficient corroboration to seize the vehicle. In practice, officers are more often than not working in pairs and thus have the necessary corroboration.

4.26 Strathclyde Police accept that the legislation refers to “reasonable grounds for believing” and corroborated evidence is not required to utilise these powers. However they do consider it advantageous to have corroborative evidence when issuing a warning or seizing a vehicle.

4.27 By comparison, Dumfries and Galloway, who have made high use of seizures, took the view that seizures issued under the ASB Act ("in a quasi-civil law situation") have a lower threshold of proof and do not require corroboration. ‘It still has to be

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26 The expression corroboration refers to circumstances where the evidence of an apparently reliable witness is supported by the evidence of a further eye witness or evidence equal to that of another eye witness and this is the standard of proof is required to prove a conviction in Scottish Criminal Law for any offence.

27 Another police force (Fife) who took the same approach explained that charging the driver with Section 3 offence as well as using vehicle seizures can be risky because you have to be confident that the court will interpret the driving offence in this way (rather than, for example, a breach of Section 2). If the court does not interpret the offence as a breach of section 3 then the vehicle seizure warning and/or the seizure could be challenged. By comparison Tayside Police would not normally seek to charge a driver with careless driving and seek to seize their vehicle at the same time. If the driving is bad enough, the most serious charge would always take priority.
equally bad driving but you don’t require the same standard of proof.’ The interviewee regarded this as one of the key advantages of vehicle seizures because it fills a gap by lowering the threshold of proof and allowing the police to intervene at lower levels of evidence. They did not therefore regard the requirement for a Section 3 offence as restrictive but recognised that other forces were more cautious about the level of corroboration needed.

4.28 Tayside Police acknowledged that there is a lot of confusion and that inconsistency in definition could be resolved by removing the requirement for a Section 3 or 34 offence altogether. Strathclyde Police agreed that this would help reduce confusion.

4.29 Fife stated that, although they found the legislation sufficiently clear, they commented that the requirement to issue a warning and prove a Section 3/34 does make seizures under the ASB Act ‘a bit cumbersome’. They pointed out that contravention of Section 3 is a serious offence in its own right and queried whether it should be dealt with through the ASB legislation. ‘I would prefer to see the Section 3 element taken away and the interpretation left to the local officer - that would be helpful and would allow us to make greater use of the legislation. It is too prescriptive and more flexibility would be helpful.’

The need for a complainer

4.30 By definition, ASB is behaviour that is causing or likely to cause alarm distress or annoyance. It is therefore implicit in the legislation that the vehicle seizures legislation should be applied only where there is a complainer. For most of the police forces interviewed (Strathclyde, Dumfries and Galloway, Tayside) police staff can evidence the likelihood of alarm or distress being caused and hence (in the absence of a civilian complainer) will act as the complainer when applying this measure.

4.31 As already explained above, vehicle seizures tend to be focused on known community concerns. The approach in other police forces (Central Scotland and Grampian) was therefore to consider the behaviour as antisocial if there is a standing complaint about behaviour in particular location. In these circumstances the police do not consider that they need to have a specific civilian complainer. Grampian further commented that if there is a specific complainer, then that strengthens the case, but this is not essential as procurator fiscal can act as complainer for Road Traffic Offences.

Alternatives to the use of vehicle seizures

4.32 To identify the extent to which the ASB vehicles seizures had filled a gap in enforcement, all interviewees were asked what other alternatives they had and were still available to them to deal with antisocial driving.

Section 165a of the Road Traffic Act 1988

4.33 Strathclyde advised that although they are making relatively low use of vehicle seizures under the 2004 Antisocial Behaviour Act, they are seizing over 300 vehicles a month under Section 165a of the Road Traffic Act 1988. These powers were
introduced in July 2005 and allow them to seize vehicles being used by uninsured drivers or drivers who do not have a valid licence. Because it does not require them to issue a warning, they find this a more efficient way of dealing with antisocial drivers. They therefore find this legislation much more immediate, efficient and easier to use. They also find that drivers who repeatedly drive in an antisocial way are often those who have no insurance or licence.

‘In Strathclyde we only introduced the ASB seizures in June/July of last year [the power came into force in July 2005], so we’re only talking about just over a year ago and then the new legislation came in. So we were starting to get used to it - we’d done all the training, everyone’s getting quite comfortable with it. We were issuing all these warnings then 165a comes in and suddenly lets take 300 a month – no warnings, we’ll just take it.’

4.34 Central Scotland also made similar comments. They explain that those who could be given a warning under the ASB legislation tend not to have insurance and so they will make use of section 165a in these cases. Following the introduction of powers to seize under Section 165a in Central Scotland in 2006, their ASB Seizures have therefore declined.

4.35 Although they all believed that ASB seizures do have a place, Tayside, Dumfries and Galloway and Fife indicated that they would seize for lack of licence and insurance rather than under the ASB Act if they could. Fife anticipate that their seizures warnings under the ASB Act will fall when they begin using the RTA seizures but Dumfries and Galloway and Tayside were not convinced that those who drive antisocially tend also to drive without insurance and/or driving licence tend also. At Tayside explained, ‘Most of these people [those without insurance/licence] have the sense not to draw attention to themselves by driving antisocially.’

Civic Govt Act and Breach of the Peace

4.36 Strathclyde also say that, as well as using Section 165a to deal (where appropriate) with antisocial drivers, they also use (again, where appropriate) Section 54 of the Civic Government Act 1982 or charge them with breach of the peace. However breach of the peace did not seem to be a realistic option for all forces given the likely response of the Procurator Fiscal. One force commented ‘Our fiscal is less interested in breach of the peace even if that breach of the peace is committed by the same person time and time again’.

Charge under Road Traffic Act

4.37 One obvious option for dealing with antisocial driving is to charge the driver with reckless driving under the Road Traffic Act. However, (as with charges for breach of the peace) some forces were cynical about the likelihood of these cases

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28 By way of illustration, Strathclyde provided figures on vehicle seizures between 1/10/07 and 31/3/08. During this period they issued 28 vehicle seizures warnings under the Antisocial Behaviour Etc (Scotland) Act 2004 yet seized 2440 under the provisions of Section 165 of the Road Traffic Act 1988.

29 That is where, after being asked to do so by a police officer, they fail to desist from playing music that gives reasonable cause for annoyance.
reaching the court. ‘Revving engine and speeding off in a car park could arguably be considered reckless but I don’t think we would succeed in a prosecution for that.’

4.38 Another police force commented that, even if the case was prosecuted, the penalty might be 3 penalty points or a £100 fine. ‘Not having your car is a massive sanction in comparison. So it’s a very effective tool probably more so than prosecuting careless driving through the courts.’ The immediacy of the sanction was also mentioned by police as a reason for using the vehicle seizures legislation rather than charging the driver with reckless driving. The view expressed was that, because this is a more immediate remedy than having to wait for a case to reach the court, it drives home the message that the behaviour is unacceptable.

**Warnings**

4.39 Finally, verbal warnings were mentioned by two police forces (Lothian and Borders and Central Scotland) as being the way antisocial driving tended to be dealt with before vehicle seizures were introduced.

4.40 Although there were other options for dealing with antisocial driving, the view is that the ASB seizures legislation does seem to be filling a gap.

‘Unless they were really reckless in their driving or committing a breach of the peace, we were really limited in our options. Now we’ve got something we can make use of.’

Tayside

4.41 There was, however, a note of caution from the interviewee from Northern who explained that while the legislation has introduced ‘easier’ options, these might not necessarily be the right ones and the danger is that vehicle seizures could be used as a knee-jerk reaction to deal with young drivers.

**Longer-term solutions to antisocial driving**

4.42 It seemed clear from the interviews that, in most areas, longer-term solutions had been considered and tried before or alongside vehicle seizures. In Tayside, for example, chicanes and additional lighting had been used in an attempt to design out antisocial driving and Strathclyde operate a Quad bike scramblers club with North Lanarkshire Council. In Fife, the police had worked with the roads department to develop a specific strategy for addressing boy racers. The strategy includes hosting a variety of public events, whereby all parties aired their views and mutually acceptable solutions were developed. Local prohibitions were introduced to restrict the hours which many car parks may be utilised, whilst other more remote parking areas away from residential dwellings were identified to the ‘cruiser’ community as a more acceptable solution. Also, young drivers were directed towards greater use of the ‘Pass plus scheme’ and directed towards Knockhill as a venue to congregate and participate in the various diversionary schemes promoted by them.

4.43 There were also examples of efforts to deter antisocial driving. Tayside have been particularly proactive in this respect. They have experimented with a ‘markings’

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30 A ‘s’ bend in the road layout intended to slow or reduce vehicular speed.
scheme modelled on a similar scheme in Merseyside. While the seized vehicle is awaiting uplift and on the way to the pound, the police mark it with large yellow signs which state clearly that the vehicle has been seized by police and for what reason. This acts as a deterrent to others, and, according to the interviewee in Angus, the Merseyside scheme along with other enforcement activity resulted in 35,000 extra applications for insurance within the year in that area. Tayside also explained that because so much antisocial driving is carried out by young people in high performance vehicles that have been accessorising with unnecessary parts, one way of tackling the problem is to try and encourage insurance companies to penalise these drivers. Tayside have therefore written to insurance companies and suggested that they may not want to insure people who have added inappropriate accessories because it suggests something about how they will be driven or maintained. As a result, they say that one or two cars have been refused insurance and some have attracted increased premiums. Finally, as part of an educational road safety programme the police in Angus show young people cars that have been damaged in accidents.

**Views on the effectiveness of vehicle seizures**

4.44 Despite the barriers mentioned above, those who were interviewed in almost all areas were positive about the value of the ASB vehicle seizures legislation. Some police forces provided examples of where seizures had made a difference to the area. Anecdotal reports in the Angus area were that ‘boy racers’ had stopped coming to Angus because of the approach to vehicle seizures and warnings. In Grampian, vehicle seizure warnings have reportedly contributed to improvements at the Beach Boulevard. Grampian Police have also used evidence of vehicle seizures to obtain an ASBO banning a particular driver from entering the Beach Boulevard following this person having his vehicle seized on two occasions and failing to desist his antisocial driving.

4.45 Lothian and Borders were particularly positive about vehicle seizures.

‘One of the tremendous measures of the ASB Act’... ‘Feedback from officers on the street is that it’s a great piece of legislation. I don’t know how easy it is to measure impact on behaviour but I think it’s having an impact. Word spreads among young people. It’s a very well drafted piece of legislation that’s well balanced from either side.’

4.46 Central Scotland Police who had used vehicle seizure warnings to deal with antisocial driving at the Falkirk Cruisers meeting at the Central Retail Park in Falkirk believed that this had an affect on young drivers, who valued their cars both as a means of transport and as a personal statement. ‘The last thing they want to do is lose their car.’ However Northern Constabulary were less positive about the measure and commented that ‘the legislation and powers conferred by it are relatively weak, ineffectual and difficult to apply’. By way of example, they explained that after being caught twice in a year an antisocial driver who has his/her car seized will pay £105 and a storage charge and get his/her car back without question. He/she is then free to commit such acts again.
**Conclusions on vehicle seizures**

It was clear from the interviews that there were differences in opinion and practice around the circumstances in which vehicle seizures should be made. It would therefore seem sensible that, as part of the review of the national ASB policy, the Scottish Government (in consultation with local procurators fiscal) clarifies: (a) Whether, in terms of good practice, to warn a driver and/or seize a vehicle under the ASB Act, there should be corroboration of the breach of Section 3/34; (b) The status of the initial warning after a vehicle has been seized.

It might also be appropriate to consider whether the legislation should be amended to allow seizures to be used to deal with stationary offences. However, this would involve removing the requirement for a contravention of Section 3 or 34 altogether and if these requirement were to be removed, antisocial use of vehicle would have to be more clearly defined and guidance would be required about whether and when the ASB legislation should be used as an alternative to other relevant legislation (such as Section 54 of the Civic Government Act and Sections 3 and 34 of the Road Traffic Act).

Finally, it should be noted that, as explained above, the ability to seize vehicles under the Road Traffic Act is likely to impact on the figures for ASB seizures. Given that RTA seizures are likely to be increasingly used to deal with antisocial driving, it might be worth publishing these RTA seizures alongside the ASB seizures to help ensure that relative changes can be interpreted accordingly.

**Closure Of Premises**

4.47 Part 4 of the Antisocial Behaviour Etc. (Scotland) Act 2004 gives senior police officers the power to serve a closure notice on a premises where he/she has reasonable grounds for believing that it has been the venue for ASB within the last three months. The closure notice prohibits access to the premises by any person other than a person who habitually resides in the premises or the owner of the premises. There is a requirement that the Local Authority be consulted before a notice is served. On the first court day after the notice has been served an application for a closure order for that premises must be made to the Sheriff. A closure order is an order that the premises are closed to all persons for a period not exceeding 3 months. Failure to comply with a closure notice or order amounts to an offence.

**Use of closure orders**

4.48 Fife, Dumfries and Galloway, Strathclyde and Tayside have all made some use of closure orders. At the time of interview no orders had been imposed in

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Northern and the interviewee explained that closure orders were considered there as a 'last resort of last resorts'. While no orders had been made in Central Scotland at the time of the interview, they had been considered but resolved through other means.  

4.49 Some of the interviewees highlighted that closure orders are considered an appropriate intervention only if it is the premises that are causing the ASB rather than clearly identifiable individuals. As the statement from Northern in the above paragraph suggests, it was also clearly considered as a last resort. Tayside further explained that closure was used as a last resort once a problem has been recognised as regular occurrence. Fife emphasised that removing someone from their home was a useful tactical option, to be utilised only after careful consideration of the circumstances and when other options had failed to alleviate the problem.

4.50 The most common situation in which closure orders have been used is to deal with properties being used as ‘drinking dens’ and/or ‘party houses’. In some of the cases described at interview the resident of the property was a young person who was finding it difficult to restrict access to the property and/or control the behaviour of visitors. Closure orders were also being applied to properties used in the illegal supply of drugs. In these cases the behaviour was considered antisocial because syringes were being left lying around in the vicinity and visitors to the property were disturbing neighbours. There were also two examples of closure orders being used to deal with a brothel. Finally, Lothian and Borders provided an example of what they described as an ‘innovative’ use of the closure powers. They had received intelligence that someone was at risk of being shot by a rival but, even after being informed of this, the individual had not been prepared to move to safety. The police therefore closed his premises for his own safety as well as that of his neighbours.

Alternatives to the use of closure orders

4.51 As already mentioned in relation to other ASB measure, the interviewees emphasised the importance of ensuring that they could present a sound ‘audit trail’ of evidence to the court when applying for a closure order. The importance of this was especially highlighted in Grampian where one of the orders had resulted in an appeal and two days back in court. While part of this audit trail is the recorded complaints, many of those interviewed emphasised that it is also important to demonstrate that other options for dealing with behaviour have been tried first.

The main thing that I consider with closure orders is, of all the antisocial behaviours, it is probably the most difficult to get because they involve a Sheriff, and it is a Sheriff taking somebody’s house off them if you like, so they really are, and quite rightly so, hard to get hold of.

Lothian and Borders

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32 In one case (involving drug dealing), a closure order had been prepared but criminal proceedings and a resulting prison sentence resolved the problem. (The Local Authorities in the area served by Central Scotland have a policy of evicting tenants if they are convicted of the supply of drugs.) Central Scotland had also considered using a closure order for a registered club that was selling outwith licensed hours and admitting non-members. However, the Sheriff withdrew the licence instead.
4.52 An interviewee at Grampian explained that the Sheriff who had granted the first closure in Aberdeen had stated openly that he was not in favour of this legislation and believed that the problem could be dealt with through other means. At interview, the police were therefore asked what other options could be considered first.

4.53 With regard especially to the drug dealing, the obvious alternative is to try to prosecute the case through the criminal courts. This was mentioned by most of the interviewees as an approach that would be tried either before or alongside a closure order. However, it may not be possible to collect sufficient evidence for a criminal prosecution. Dumfries and Galloway described an example where neighbours were reluctant to give statements to the police and police searches of the house did not generate enough evidence. Lothian and Borders, explained that although they had succeeded in a prosecution that resulted in a prison sentence, they had found that there were always others who were prepared to step in and deal in drugs from the same premises when others had been removed. Strathclyde also emphasised that although criminal conviction may result in a prison sentence, a closure order can be a more immediate solution.

4.54 The powers of eviction were also mentioned by some interviewees. However this is clearly not an option where the property is owner-occupied. Another obstacle to eviction that was mentioned was the length of time this takes. Where the property is rented from a private landlord, one option is to work through that landlord and Fife described a case in which simply informing the landlord that the property could be closed (with a resulting loss of rent) prompted him to address the problem. In this case, following discussion with the tenant, alternative accommodation was arranged that removed the family from 'unruly influences'.

4.55 Grampian, Central, Tayside and Fife mentioned trying an ASBO before a closure order, provided it was possible to identify individuals who were responsible for the ASB. The interviewees in Fife and Central Scotland believed that ASBOs could be more effective than closure orders because behaviour could be managed through the conditions that are attached.

4.56 The interviewee in Northern emphasised that it is far better to deal with the real cause of the problem than to impose a closure order and believed that with a bit of imagination problems can be dealt with in a different way. He mentioned, for example, laying a carpet down to help sound proof a flat. Mediation was mentioned by Tayside as another method of addressing the underlying problem but again, this could be used only if there was an identified individual who was causing the problem.

4.57 Other options mentioned included seizing noise-producing equipment, using fixed penalty notices, joint visits with the council, written warnings and, with regard to public houses, withdrawing a license.

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33 Another Sheriff in the Strathclyde area had expressed unease at the short timescale applied to concluding a closure order (14 days). This could be a barrier to obtaining effective legal representation for those made subject to the orders.
Barriers to the use of closure orders

4.58 All interviewees were asked if they had encountered or envisaged any barriers to the use of closure orders. The requirement to re-house the residents of the property was cited most frequently. Interviewees explained that the Local Authority has a duty to find accommodation for those made homeless. Northern, Central, Tayside and Fife also expressed a concern about simply moving the problem to the area when the tenants were re-housed. Central Scotland cited this as a reason why one particular closure order had not been pursued in their area. An interviewee from Tayside also described the problems of stigmatising the community in which the residents are re-housed, particularly because of the media interest that closure orders attract.

“There’s a whole public perception about social standing and where you live in Scotland and there’s nobody wanting to be at the bottom end so when you take somebody from [x] and put them in a scheme in [y] ….. there’s an outcry in that scheme because we’re labelled as the dumping zone.’

Tayside

4.59 The time required to prepare the case for a closure order was also mentioned as a barrier. The interviewee in Dumfries and Galloway explained that the legal process was complex and social work colleagues had to be consulted to make sure there are no vulnerable children in the household. Fife estimated that it would take a minimum of two weeks to gather information, write the report, speak to solicitors, arrange a date in court and serve the notice and Lothian and Borders explained that witnesses have to be prepared to give a statement even if they are not willing to come to court to give evidence. Strathclyde too highlighted the costs incurred in the legal process and suggested that some mentoring or best practice guidance would help Legal Services Departments with less experience and/or capacity to pursue closure orders.

4.60 The need to work closely with partners to put in place provisions while the order was in force was emphasised. Fife mentioned, for example, the need to work with the homelessness team to help re-house, council officials to board up the house and turn off the water and gas, and other agencies to put in place the relevant support and treatment to address underlying problems. Strathclyde added the costs of managing the property while empty including taking responsibility for its inventory and insurance34.

4.61 Another barrier that was mentioned was the risk of raising expectations within the community that the problem had been resolved.

‘If I was the neighbour and police came to me and said they were closing down the house and having them put out, I’d be “yes- thank you very much”. You come back to me 3 to 6 months later and say they’ll be back tomorrow, I think that would make them worse. I’d be devastated that I’d been let down so much’.

Tayside

34 These costs can be claimed back from those made subject to the order but the police have to cover these costs in the meantime.
Finally, the interviewee in Northern referred to the potential effect on other people (neighbours or elderly relatives and children also resident in property) who are not causing a problem. This was cited as being the key reasons why these orders have not been used by this police force. Similarly, Fife mentioned the effect on the wider community of closing a business premises. They had given some thought to using a closure order for a problematic off-licence but had not pursued this because they of the likely impact on the community and on the livelihood of those who worked there.

**Effectiveness**

Most of those who were interviewed could provide examples of where a closure order had been effective. Indeed some (Grampian and Fife) were able to provide examples of where the mere threat of such an order had worked to resolve ASB. An interviewee in Grampian Police believed that the potential stigmatisation of being hounded out by neighbours could be enough to temper behaviour or even prompt people to move on voluntarily. In the case mentioned above in which Fife Constabulary had considered using a closure order for a problematic off-licence, they found that just discussing the possibility of such an order with the management had resolved the problem.

Once in place, closure orders were considered (by Grampian, Strathclyde and Tayside) to be very effective in providing short-term relief to neighbourhoods. Tayside Police described how one household had generated 92 calls to the police in three months and how the closure order had therefore given the community much needed respite.

There were also some cases in which the closure order had resulted in long-term improvements (at least for the community in which the closure had been imposed). Fife Constabulary believed, at the time of interview, that their closures orders had all been worthwhile. The majority of those who were subject to an order had moved away and (according to police information) had not created the same problem in their new neighbourhoods. Those who had returned had also desisted from creating the same problems. They explained that one individual made subject to a closure order was quite grateful because he had been struggling to cope with the people who were using his house while his father was away. Grampian, Strathclyde and Dumfries and Galloway could also provide examples of where those made subject to a closure order had moved away from the property after the order had come to an end. Two of these cases involved brothels.

There were, however, examples where there had been no long-term improvements. In Strathclyde, drug dealers who had been subject to a closure order had since returned to their earlier activities and, in Tayside, the household who had generated 92 calls to the police in three months were now ‘as bad as ever’ and police are still having to deal with complaints. Grampian Police were also concerned about a case in which earlier behaviour had resumed.

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35 A similar example was provided by Glasgow Community Safety Services during another set of interviews.
'What does that say about the police and their partners? Closure brought the problem into sharp focus but ultimately we've let the public down there'.

Grampian Police

4.67 Grampian Police therefore emphasised the importance of trying to address the underlying causes before the perpetrator's return and developing a long-term strategy with other partner agencies. While they emphasised the need for a more sustainable solution, they stated that if underlying causes could not be addressed, the option of doing nothing is not an alternative.

The need for long term solution

4.68 The need for longer-term solutions was mentioned by most of those interviewed. Lothian and Borders, for example, believed that closure orders should not be the end of the process but that other interventions should also follow. Both Tayside and Fife explained that not only does the closure order provide respite for the neighbourhood but it also provides an opportunity for agencies to intervene. One interviewee provided a useful example of a vulnerable young person who was living alone following the death of his parents. He was unable to control who was gaining access to his home and to manage the behaviour of these people while they were there. It was clear that he would have benefited from support but he was unwilling to accept what had been offered in the past. Being subject to a closure order made him accept the offer of supported accommodation and he is now coping much better than he did while living alone. (However, Strathclyde did point out that it took 18-24 months to consider all the other options before eventually obtaining a closure order.)

4.69 To help ensure that behaviour can be managed after the closure order ends, Fife Constabulary found it useful to have an ASBO in place when the individual returns to the premises. This would allow the police to respond quickly if the ASB resumes. Grampian, Dumfries and Galloway and Strathclyde also explained that local authorities do not have the power to convert tenancies to a SSST as result of a closure order but that they do have the power to do this if an ASBO has been imposed. Grampian therefore found it useful to seek an ASBO alongside the closure order to allow tenancies to be converted in this way and hence remove antisocial tenants more quickly if the behaviour continues. They explained that they also found the ASBO useful in preventing a return to the behaviour at the temporary address or a return to the local area for the length of the closure order.

Conclusions on Closure Orders

Removing households from their home through the use of closure orders was recognised as being a drastic enforcement measure that was seen very much as a last resort. Although regarded as a last resort after other options had been tried, it is clear that efforts to address the underlying problems do not stop after the order has been imposed. It could be argued then that, provided the necessary support is put in place, this enforcement measure can also help tackle these underlying problems.

It also seems clear that closure orders are filling a gap in provision for dealing with ASB, especially where it is not possible to identify specific individuals who are responsible for causing the alarm or distress to neighbourhoods.
Although the time and work involved in preparing a closure order case was mentioned as a barrier to their use, given the impact that this measure has on households, it does seem essential that sufficient time is given to prepare cases thoroughly and in collaboration with partner agencies. Strathclyde Police pointed out that evidence gathering can begin weeks or even months before the order is presented to the court. However, to assist those with less experience of obtaining orders it might be helpful if some best practice guidance was made available.

Dispersal Orders

4.70 A full and thorough evaluation of the use of dispersal orders was undertaken by Ben Cavanagh of the Scottish Government between October 2006 and October 2007. The interviews analysed here were undertaken shortly after this report was published and so the discussion of dispersal orders formed only a small part of the interview. Nevertheless, it is still worth summarising the comments that were made, if only to help reinforce some of the findings from the full evaluation and to provide a short up-date on view and perceptions on barriers to the use of dispersal orders.

The use of dispersal orders across Scotland

4.71 At the time of the interviews (August to November 2007), dispersal orders had been used by all of Scotland’s police forces except Tayside and Fife.37

4.72 Both Northern and Central Scotland had used one dispersal order. Central Scotland Police had used a dispersal order in Sauchie, Clackmannanshire in response to persistent and vociferous public complaints about alcohol-related youth disorder in a residential area. Despite attempts to deal with the perpetrators through the criminal courts, the use of intensive policing and diversionary activities, the problem was described as persistent and significant and a ‘stand-off’ situation was developing with the young people responsible. Northern Constabulary had used a dispersal order in Dingwall to deal with ‘sustained youth disorder, often alcohol fuelled, with a high level of disturbance, damage, intimidation and indiscriminate and unprovoked assaults by groups of young people on innocent members of the community.’

4.73 Two dispersal orders had been used back-to-back by Grampian Police at the Beach Boulevard in Aberdeen (a traditional meeting place for drivers). Strathclyde Police had also made use of two dispersal orders: one in Knightswood (around a canal bank where youths from other areas were organised gang fights) and one in Denniston (in response to a range of ASB by local young people).

36 www.scotland.gov.uk/Publications/2007/10/24134057/0
37 Tayside Police had not, at the time of the interview, had the need to use or even to discuss the use of dispersal orders in any depth with each of its three divisions. Fife police had considered using dispersal orders for vehicle problems created by ‘boy racers’ in an esplanade in Kirkcaldy and some gatherings of young people within housing schemes and around an off-licence.
Four dispersal orders had been used in Dumfries and Galloway; two in adjoining graveyards where young people were hanging about drinking and damaging gravestones; another in a car park in Lockerbie that backed on to a residential area where people were shouting and creating noise with their vehicles and car stereos; and the fourth in a residential housing scheme where young people were gathering outside a shop. The latter was a restricted order that came into effect only after 9.30pm.

Lothian and Borders Police had used dispersal orders to deal with rivalry among young people in Mid Calder that had become so bad that it had culminated in an attempted murder and three times in Hunter Square in Edinburgh where there were prolonged problems with homeless street drinkers.

Almost all interviewees were cautious about the circumstances in which dispersal orders should be used and saw them very much a last resort.

'It is very much a last resort, that we would consider a dispersal order given the resource implications and the potential long term impact on the community in terms of it being stigmatised. Further, we have a preference to try and test all existing means before reverting to dispersal, as any failure thereof leaves little or no recourse other than to consider public order legislation.'

Perhaps the only exception was the interviewee in Dumfries and Galloway who described dispersal orders as a new tactic to deal with an old problem rather than necessarily being a last resort.

'I'll be honest with you, the staff quite rightly they just wanted to try it and see the extent to which we felt it was an effective tool to address the problems'.

All of the police forces who had used dispersal orders believed that they had to be used as part of a wider approach to tackling ASB and could describe a range of interventions and strategies that had been tried before the order. Typically, these measures had worked for only a short period of time and had not provided a sustained solution.

Both Tayside and Lothian and Borders Police explained that the obvious alternative to dispersal orders was increased policing. They explained that once a dispersal order is in place, it has to be intensively policed anyway so it makes sense to try increased policing in the first instance.

Dumfries and Galloway Constabulary mentioned extending foot patrols and overtime to deal with the problems that eventually resulted in them using dispersal orders. However, for them, the dispersal orders were simply 'quicker and cleaner'
and allowed them to tackle the problem using extra powers rather than extra officers (who were not always available to take on overtime). Central Scotland Police had also tried intensive policing (patrols in teams of 8 involving a mixture of community wardens and police officers) before their dispersal order in Sauchie but had found that it did not have an impact.

**Other ASB measures**

4.81 Some interviewees also mentioned making use of the other measures introduced to tackle ASB such as ASBOs, vehicle seizures, fixed penalty notices, warning letters, acceptable behaviour contracts, mobile CCTV and community wardens.

**Environmental interventions**

4.82 Some alternative environmental solutions had been tried by some of the police forces to ‘design out’ the type of problems that could culminate in a dispersal order. Tayside Police, for example, had tried a range of environmental interventions to discourage groups from gathering: ‘Mosquitoes’; bright lighting; prickly vegetation and; removing low walls that were being used to sit on. Fife Constabulary, who had not had cause to use a dispersal order, mentioned partnership approaches to designing out problems as being their preferred option. Grampian Police also explained that they had been discussing some fairly radical environmental solutions to the problem at the Beach Boulevard but had not been able to obtain enough council or public support for these. These suggestions had included closing the Boulevard at certain times of the day. They commented that while the local media believe the solution is more police presence the police believe that road engineering would provide the long-term sustainable solution that is required.

**Diversionary activities**

4.83 Grampian Police emphasised the need to work with other partners to find alternative activities for young people who were hanging around presenting ASB problems. There were plenty of examples of where this had been tried before a dispersal order was considered but interestingly, some of the interviewees commented that they had most success with diversion when it was used alongside a dispersal order.

4.84 In Grampian, one of the measures that had been tried to deal with drivers at the Beach Boulevard was consultation with the drivers to find another venue for them to meet. When this had not succeeded, it became necessary to resort to a dispersal order. There is also ongoing work involving SACRO. It is facilitating mediation work between a number of drivers who regularly use the Beach Boulevard and residents whose quality of life is affected. This strategy met with more success in Falkirk where Central Scotland Police had considered using a dispersal order to reduce ASB (noise and wheel spins) caused by the monthly meeting of ‘cruiser’s in a retail park in Falkirk. Before resorting to this, the police first suggested that the ‘cruisers’ meet at another car park at the Falkirk wheel (which was not close to a residential area). This, along with some physical changes of the retail park (erecting a barrier
across the part of the car park that bordered the residential area) was successful in encouraging drivers to move elsewhere.

4.85 Lothian and Borders Police explained that, while they had tried diversionary activities and educational drives (liaison with the schools, speaking to parents) in Mid Calder before resorting to the dispersal order, they found that these efforts were more effective in conjunction with the order. ‘The Dispersal order really ramped up the interest and everyone got on board.’ They described how midnight football became more attractive as a diversionary activity when the option of hanging about in groups outside was removed and once people began attending, they found that it was enjoyable. This diversionary activity, they believed, was the key to making the order effective and was still running at the time of the interview (around a year and a half after the order ended).

4.86 Northern Constabulary have also pursued a number of diversionary initiatives such as midnight football at various locations and blue light discos. Similarly, Central Scotland had found that the number of young people attending their Blue Light Discos38 ‘shot up’ when the dispersal order was imposed. Although the core trouble makers do not attend these discos, a lot of the ‘hangers on’ (girlfriends and spectators) had started to attend. Strathclyde Police also explained that even when they are issuing dispersal notices, they will use this as an opportunity to sign post people to diversionary activities and mediation.

‘We did see it as an opportunity. It’s not just “You’re dispersed, give us your detail”, it’s “You’re dispersed and we’ll talk to Glasgow Community Safety Services to see what kind of engagement we can get”.

Strathclyde Police

Effectiveness

4.87 All of those who had experience of using a dispersal order believed that they had been effective to some degree. Furthermore, despite being regarded essentially as a ‘respite’ measure, some interviewees could provide examples of more sustained impact beyond the length of the order.

4.88 In Grampian, police intelligence suggests that the problems at the Beach Boulevard are not as bad as they had been before the dispersal orders were used. At the time of the interview (almost exactly two years after the last order had come to an end) the police were still ‘feeling the positive effect’. The level of complaints were not as high as they were prior to the orders and some antisocial drivers continued to stay away from the area. Furthermore, as a result of the public consultation in the run up to the orders, the public developed a better understanding of the role of the police and recognise that they cannot provide a long-term solution. As result they are now less inclined to telephone the police and are now challenging the road department and their local MSP. The interviewee from Northern Constabulary also believed that the dispersal order in Dingwall had been effective and that post-order, the problem had not escalated back to previous levels. The Mid Calder dispersal order was also described as a success and that had helped ‘contain’ the problem

38 Blue Light Discos are organised by the police and provide an environment safe from alcohol and drugs.
and it was only around the time of the interview (a year and half after the order came to an end) that the problem was gradually building up again.

4.89 There were, however, some notes of caution. Although Strathclyde Police had noted that the two dispersal orders in Glasgow had a sustained impact on crime, they were not convinced that this type of impact would be felt again in the future. They described how the orders had attracted a lot of media coverage that would have contributed to its success and that even something as simple as the poor summer weather would have helped reduce ASB in the periods after the dispersal orders were used.

4.90 While Lothian and Borders Police believed that the Mid Calder dispersal order was ‘highly successful’ they compared this with the failure of the Hunter Square dispersal orders in Edinburgh (‘the fact we have had it two and three times afterwards, to me, I would say seems a failure’). The experience there had illustrated to them that dispersal orders are not a ‘panacea’ and that all that was achieved in Hunter Square was respite for the residents. They believed that there were key differences between the Mid Calder and Hunter Square orders that meant that the former was more successful than the latter. Firstly the geographical boundary of Mid Calder made it easier to disperse people from the area. The fact that people could stand on one side of the line in Hunter Square but not on the other made it easy to abuse the order. Secondly, those who were responsible for ASB in Hunter Square had addiction problems that (despite the work done by drug and alcohol charities) were not being addressed and hence the root cause of the problem there remained. Although there has been a problem solving approach to dealing with Hunter Square for many years, the view of those who were interviewed was that it was time to consider more sustainable solutions such as CCTV, changing the physical structure or ownership of the square.

4.91 The interviewee in Northern believed that thorough public consultation was essential to the effectiveness of dispersal orders. Indeed, he believed that the initial consultation that was required before an order could be imposed could itself be an effective mechanism for resolving the problem without the need for an order. He described how the police had consulted on a possible dispersal order in an area of Inverness in which children were daily shoplifting, damaging domestic and commercial property, smashing windows and vandalising cars, disturbing neighbourhoods and running in and out of gardens. In liaison with housing, education, social work colleagues the police had held a public meeting that was very well attended. He believed that the threat of a dispersal order and resulting sensationalist media reporting, galvanised action of various partners.

‘That meeting changed entirely the face of [the area] because responsibility was placed where it should be – within the community and that was essentially with the parents and those folk that could influence it’.

Northern

4.92 Strathclyde Police too described how talking about and applying for the Knightswood dispersal order was a catalyst for encouraging other agencies and the community to attempt to address the problem. In this case, an action plan (in partnership with council and Glasgow Community and Safety Services) was put in
place before the dispersal order was tried and, for example, the use of community wardens, CCTV and mediation with those at centre of the problem had some effect albeit short-term. Since then, they have considered dispersal orders in a number of areas and discovered that when they approached partners to explain this, other responses and solutions were triggered.

**Barriers**

4.93 All of those who were interviewed, including those who had not made use of dispersal orders, were asked if they were aware of any barriers to the use of this measure.

**Resource implications**

4.94 The resourcing implications of a dispersal order were highlighted by all of the police forces interviewed. Extra resources were required not only to police the orders when in place but also to prepare the ground for an order.

4.95 Preparing the ground involved advertising in the media, leaflets for local residents, businesses and drivers and consultation with the public and partners. Dumfries and Galloway Constabulary explained that the cost of advertising in the press was around £1,200 per advert and Fife Constabulary commented that by the time they have paid the advertising costs, they could have paid the overtime to put in extra high profile police resources in the first place.

‘If it costs you £5000 or £6000 to put all the paperwork side in place, that £5000 or £6000 could have deployed quite a number of officers on the ground. So there is the balance in that as well’

Fife

4.96 Central Scotland Police explained that there has to be enough officers on patrol to issue warnings to those who initially want to test the order. Grampian Police also described how two individuals set themselves up to breach their dispersal notice and involved the media in this. In these circumstances it is obviously important that the police are resourced to detect and respond to a breach to ensure that the credibility of the dispersal order is not undermined. The same point was made by Fife Constabulary who stated that a dispersal order which is not fully resourced will lead to a loss of credibility.

‘… even a simplistic dispersal order, you are probably going to need half a dozen officers around the clock, 24-7. Well how can we sustain that? We don’t have enough officers to go round as is.’

Fife

4.97 Lothian and Borders highlighted a similar problem of having to bring officers out on rest days and pulling officers in from other areas to resource the dispersal zone. Central Scotland Police described how they had resource the dispersal order by bringing in support from community wardens and ASB impact teams (involving officers that normally worked 9am to 5pm in office jobs but were redeployed to provide additional policing).
4.98 Central Scotland Police also made the point that where large groups are dispersed into smaller groups and spread (as they were as a result of the Sauchie dispersal order) across a number of towns/villages, there has to be enough officers to monitor this larger number of groups.

‘There is no point splitting a group off into two and then you have only got resources then to deal with one group, because the other group will just run mayhem, so you are really having to put quite a lot of resources into it and be sustained about it.’

Central Scotland Police

4.99 There was a suggestion however, from the interview with Strathclyde Police, that although dispersal orders had to be heavily resourced to begin with, there might be cases where resourcing could become less intensive thereafter. They described how resourcing to the Knightswood dispersal order was reduced after the first couple of weeks because of a drop in the number of people coming into the area. This is consistent with findings from the full evaluation of dispersal orders which noted that, in most locations, police only had to disperse individuals on the first few weekends of the order.

4.100 Northern Constabulary also recognised that while some saw the resource implications as a barrier to the use of dispersal orders, they believed that dispersal orders should be used in a more targeted way than they were at the time. The interviewee explained that the legislation gives police the power to disperse congregations of two or more people and does not have to be used necessarily for whole groups. His experience was that the problem tends to be created by one or two individuals and that, with the right intelligence, it would be possible to limit the enforcement of these orders.

‘…a dispersal order, certainly to the public and to a lot of police officers, and to the local authority, means clear the streets. I do not believe that that’s what dispersal order is...and I think it is that misunderstanding- that this is “clear the streets”, is why everybody shies away from using a dispersal order.’

Northern

Stigmatisation of the community

4.101 Fife Constabulary pointed out that dispersal orders had the potential to stigmatise a community when what is really required is to promote civic pride in an area. This will also have an impact on housing prices and local businesses and they thought that this was a reason why they had not had a request to consider an order.

‘I think you have got a problem first and foremost about stigmatising the community. What a lot of this is about is about social deprivation, regeneration, trying to put that community civic pride back into areas. Well you are never going to achieve that if you then slap a dispersal order on and say “this is a hell hole”. So I think we have to be smarter about how we apply dispersals.’

Fife

4.102 Lothian and Borders Police explained how residents in Mid Calder were initially resistant to the use of a dispersal order in their community largely because of
concerns about the impact on house prices. However, after the order had been in place views were unanimously positive and the community did not want the order to end.

Pressure from other partners

4.103 Pressure from other partners could be of two sorts: pressure not to use dispersal orders (resistance) or pressure to use orders in other areas.

4.104 The interviewee in Northern Constabulary mentioned that social work colleagues were keen to avoid the use of dispersal orders. Although they have no right of veto, they could slow the process down and create tension. Grampian Police too mentioned resistance from local politicians. They explained that where the local council is dominated by a political party that did not introduce this national policy then they may not be supportive of its use. Although the police do not get involved in the political debates, comments by politicians are picked up in the local media and affect public views.

4.105 Lothian and Borders, by comparison, mentioned political pressures from the council and communities to use dispersal orders in the same areas again or in other areas.

‘Did we go for the dispersal order because the public wanted that? Or did we go for the dispersal order because we thought it was appropriate? I think there was a bit of both.’

Lothian and Borders

Displacement of the problem

4.106 Those who had made use of dispersal orders were asked if they had experienced any displacement of the problem to other areas. However the responses suggested that this was not a particular problem. Grampian Police believed that there might have been some mild displacement but that this was dispersed across the north east rather than to residential areas in the city. As already mentioned, Central Scotland Police also discovered that young people were dispersed over a number of villages as a result of the Sauchie order but, because they were dispersed into smaller numbers, this did not create a problem. Dumfries and Galloway Constabulary also commented that although activity had been displaced it had been displaced to areas where it was more suitable for young people to gather.

Conclusions on Dispersal Orders

Clearly the police in Scotland are using dispersal orders as a last resort after trying a wide range of other interventions and strategies. A number of interviewees made the point that having to resort to a dispersal order is really a sign that other interventions, including traditional policing, have failed. It seemed clear that, at that stage, dispersal orders were a means of providing some respite to communities. Strathclyde Police were particularly realistic about this. They explained that there was a view from local politicians that dispersal orders would solve the problem. However, for them, dispersal orders were ‘respite care not open heart surgery’ and
the causal factors could only be addressed through early intervention and diversion. Nevertheless, there were some who believed that dispersal orders could offer longer-term improvements particularly when used alongside other measures to generate longer-term improvements. The experience in some areas had also been that the process of consulting partners about the potential use of a dispersal order could successfully motivate partners and communities to find alternative solutions to problems and that, once in place, dispersal orders could make diversionary activities a more attractive option for young people.

The views and experiences that were shared at interview did not suggest any obvious action points for the review of the national ASB policy. However, some of the comments did underline some of the recommendations of the full evaluation of the use of dispersal orders, in particular that dispersal orders should be regarded as a short-term means for authorities to ‘get a grip’ on a problem by breaking established patterns of behaviour and offering a period of relief to communities whilst other longer-term solutions are considered.

**Antisocial Behaviour Orders (ASBOs)**

4.107 Each of the eight police services that were interviewed were asked two open questions about ASBOs. They were asked firstly for their views on whether ASBO applications were being made appropriately in their area and secondly, whether the enforcement of ASBOs was causing any difficulty. Since they have the primary responsibility for ASBO applications, more detailed questions about the effectiveness of ASBOs were put to Local Authority representatives in a separate series of interviews.

4.108 While Local Authorities are the applicant body, the police clearly have an important role in supporting these applications. The police interviewees explained their role in helping to identify who might make an appropriate subject for an ASBO, initiating some ASBO applications and, in particular, providing the intelligence to support an application to the court. A concern expressed by two police forces (Northern and Lothian and Borders) was that partners did not yet have sufficiently robust systems for recording who is presenting repeat problems and reaching the threshold for an ASBO. For this reason, the police took a key role in providing this intelligence.

**Variation in the use of ASBOs**

4.109 Variations in the use of ASBOs have already been well documented in research published in 2007. Lothian and Borders police suggested that at least part of this variation in use could be due to differences in the threshold of evidence that local authorities consider must be reached before they apply for an ASBO. Fife Police also explained that the increase in the use of ASBOs in their area is due to improved quality control in relation to the standard of information being submitted to the council by the police to trigger an ASBO application.
Pro-active ASBOs

4.110 Fife Constabulary also explained that their use of ASBOs had increased over the last year because they have refined what they call their ‘proactive ASBO process’. The term ‘Proactive ASBO’ stems from the fact that the police are themselves initiating the ASBO process, by pro-actively disclosing information that could result in an order, as opposed to merely providing information to the council investigation team in response to a request for data.

4.111 These ASBOs are intended to address repeat criminal behaviour that is being or has already been pursued through the criminal courts. The intention is to try to disrupt patterns of behaviour by, for example, banning shoplifters from shopping centres in which they tend to operate. They described this use of ASBOs as being creative and compare them with the traditional council ASBOs that they tend to prohibit only the behaviour that has been causing alarm or distress. Proactive ASBOs instead prohibit behaviour that has been shown in the past to lead to an individual persistently creating alarm or distress and, as such, allow the police to intervene before a criminal act has been conducted. Using these proactive ASBOs to modify the conduct of the offender, they say, provides greater protection to the victim. Fife Constabulary obtained at least 20 proactive ASBOs in the last year to deal with repeat offenders such as shoplifters, street beggers and those who commit hate crimes. Fife also commented that there might be merit in exploring the police service becoming an applicant body. This would enable the police to apply directly to the Court for ASBO’s pertaining to criminal behaviour without the need to involve the council housing service.

4.112 While emphasising that the majority of ASBOs are being used to deal with tenancy issues, Grampian Police also explained that they have become more creative in their use of ASBOs over the last two years. With the support of the council they are now using ASBOs to tackle issues in the wider community that the courts have tried, unsuccessfully, to tackle. For example, in October 2006 they obtained an ASBO to deal with someone who, under the influence of alcohol, was routinely assaulting people. This person had previously received a fine for his behaviour but this had not prevented him from re-offending. Together with the council, the police had therefore obtained an ASBO to prevent him from being in the city centre from 7pm to 5am on Friday night/Saturday morning and Saturday night/Sunday morning.

4.113 Almost a year later, he had not breached that order. This tactic is used to combat serious and violent crime in the city centre of Aberdeen. Similar ASBOs have been obtained for three or four others and have also been successful. Grampian Police say that they are now identifying people at an earlier stage and using ASBOs for less serious aggressive breaches of the peace within the city centre. Subjects are identified by interrogating court lists on a daily basis with warning letters and procedures being explained whilst the subject is still in Police custody. The warning letter is added to his or her property. These warnings have themselves been very effective (the police say that of 25 -30 warnings, only two have resulted in re-offending).
4.114 Dumfries & Galloway Constabulary also described how they are using ASBOs in a ‘proactive’ way much, they say, in the same way as bail conditions are used.

‘Where I like to see ASBOs being used is in a preventative way e.g. bar someone from going into to car parks where the person has a history of breaking into cars. Officers are bereft of powers to deal with people in public places even when you can have a fair guess that they are there to annoy or upset but you can’t do anything until they’ve committed offences. Whereas this is a preventative measure that allows you to tackle individuals and their behaviour.’

Dumfries and Galloway

4.115 Used in this way the interviewee in Dumfries and Galloway believed that ASBOs are a useful device but recognised that the prohibitions need to be reasonable. Reasonable prohibitions might include not having tools that can be used to steal cars or not keeping the company of acquaintances with whom the perpetrator is known to commit crimes. Again, he pointed out that, used in this way, the ASBO can provide more reassurance to victims.

4.116 Tayside Police also mentioned using proactive ASBOs to curb criminal activity and gave an example of prohibiting known housebreakers from wearing gloves. They commented that this was now mainstream practice.

The effectiveness of ASBOs

4.117 Although the police interviewees were not asked for their views on the effectiveness of ASBOs, some interviewees volunteered their views anyway.

4.118 The view expressed by two interviewees from different areas was that ASBOs were unlikely to change the behaviour of those made subject to them. One interviewee (Tayside) explained that because ASBOs are used to deal with persistent ASB perpetrators, then the likelihood is that ‘we’re setting that person up to fail’. The other representative (Central Scotland Police) explained that by the time an ASBO is used, partners will have tried a range of interventions already, including Acceptable Behaviour Contracts and voluntary work to address problems. That these have failed suggests that the subject’s behaviour has become entrenched. ‘By the time you go for an ASBO, you’ve lost it anyway’. This interviewee’s view was that the main value of an ASBO is that it ‘gives you a recourse to deal with the behaviour’ through the courts. Nevertheless, they were still very favourable about the role of ASBOs.

‘I think they are quite good actually. I genuinely think they should be last resort but I wouldn’t want to be without them’.

Central Scotland Police

4.119 The interviews with Local Authorities confirm that it is common practice to issue an Acceptable Behaviour Contract or an Unacceptable Behaviour Notice before considering an ASBO. These would normally make it clear that an ASBO would be the likely implication of failure to adhere. Strathclyde Police pointed out that, at this stage, the simple threat of an ASBO can often be effective in deterring
perpetrators from further ASB. Fife Constabulary also highlighted the effectiveness of joint visits between police and council staff to the homes of individuals being considered for ASBOs. In many cases providing the persons concerned with an explanation of what may occur should they continue with their course of conduct, in particular as to how it may impact upon their tenancy should an ASBO be granted, can have the positive effect of modifying behaviour.

4.120 Another view expressed by Lothian and Borders Police was that, even after they have been issued, ASBOs can be effective in giving some perpetrators ‘the wake up call’ they need. This, they thought, is particularly the case in the Scottish Borders where breach of ASBO results in a swift court appearance and a significant penalty.

‘The message from the Borders is that they might breach their ASBO once or twice but then they realise that they’re getting a heavy penalty and that’s the wake up call.’

Lothian and Borders Police

The enforcement of ASBOs

4.121 Interviewees from each of the police forces were asked about the enforcement of ASBOs.

4.122 Some concern was expressed, in an area which is making relatively high use of ASBOs (Tayside), that the volume of ASBOs was diluting the ability of the courts to deal with their breach and that this would, in turn, impact on their perceived effectiveness. In this area, breach was perceived to be a regular occurrence and the options for court in dealing with breaches may be limited.

4.123 Strathclyde believed that many ASBO breaches were resulting in a ‘no proceedings’ marking by the procurator fiscal and thought that this could be because of confusion about the primacy (relative priority) that should be attached to the breach and the offence that constituted the breach. The procurator fiscal may prefer to prosecute for the behaviour that resulted in the breach rather than the breach itself. One other police force (Fife) also expressed some concern about the leniency shown by the courts. While in the past breach of ASBO was attracting custodial sentences, the interviewee claimed that this has changed and courts have since softened. He speculated that the courts might be becoming more reluctant to imprison people for behaviour that would not be considered criminal if it were not a breach on an ASBO.

4.124 One police force (Fife) commented that where the original offence for which the order was granted was not a criminal matter (but merely nuisance behaviour), the use of a custodial sentence to deal with a breach of ASBO can undermine the credibility of ASBOs.

4.125 The court’s response to ASBO breach is considered in Chapter 7 of this report.

4.126 Finally, on the issue of enforcement, another interviewee (Tayside – Angus section) also pointed out that if there was a large number of orders in place in a particular police force area, this would make it more difficult for officers to know who
is subject to an ASBO and his/her associated conditions (and hence to recognise a breach). While all police services are able to search the police national computer to identify if someone is subject to an ASBO, this search is likely to be triggered by reports of offending behaviour. Given that some ASBOs prohibit behaviour that is not in itself criminal (not being in a given location, for example), it follows that maintaining a local knowledge of ASBO conditions, would make it easier for the police to monitor compliance.

**Barriers**

4.127 The police interviewees were not asked specifically about barriers to the use of ASBOs – this question was instead put to the local authority ASB Co-ordinator. However, Strathclyde Police did mention that a high number of ASBOs had in the past been issued without specifying the date of birth of the subject. Although there is no statutory requirement that this be specified, the details of the order cannot be entered onto the police records without this information. Guidelines have been issued in Strathclyde to encourage this information to be specified but they commented that having this a requirement would be helpful.

**Criminal ASBOs**

4.128 Fife Constabulary highlighted that their proactive ASBO process enabled them to table applications relating to criminal behaviour. Without being prompted to discuss CrASBOs, they and others (Angus, Grampian, Strathclyde and Tayside) expressed surprise that CrASBOs had not been used in greater numbers. However, as CrASBO’s are a sentencing option for use by the Sheriff it was appreciated that they fell within the domain of the court, and this was not an area where the police could intrude.

4.129 One interviewee (Tayside) explained that identifying a case that is appropriate for a CRASBO requires a change in mindset by the Sheriff. Sheriffs, he explained, are used to punishing only the crime that has been proven in court. However, CrASBOs are more appropriate for those who have demonstrated a repeat pattern of behaviour. Identifying these offenders requires the Sheriff to consider a sequence of earlier behaviours, some of which may never have resulted in a court appearance. Although some Sheriffs are taking the initiative themselves and opting for CrASBOs, identifying appropriate cases requires the procurator fiscal to present evidence of this pattern of behaviour. As many of the interviewees in this study pointed out, many procurators fiscal are reluctant to do this for fear that they will compromise judicial discretion.

**Conclusions on ASBOs**

Although some of the police representatives who were interviewed considered ASBOs to be a useful measure they did not necessarily agree about the particular contribution that ASBOs made. While some believed that, once in place, ASBOs would not prevent the subject from perpetrating further ASB, another interviewee believed that they do provide an effective ‘wake up call’. Others believed that the main value of ASBOs were that they gave police powers to deal with perpetrators of ASB after they had breached their orders and that the threat of an ASBO as a next
step in the process of dealing with a case was effective in deterring further ASB. Effectiveness was, however, regarded as dependent on courts taking strong action in the event of breach. As one interviewee pointed out, an effective sanction for breach is especially important for ASBOs which are imposed after a long history of behaviour that has repeatedly caused alarm or distress. If the use of ASBOs increases, it will be important to keep a check on both the police’s capacity to monitor adherence to the orders and the court’s capacity to respond appropriately to breach.

The interviews revealed that the police have become more creative in their use of ASBOs. Through the use of ‘proactive’ ASBOs, some civil ASBOs are being used much in the same way as it was envisaged CrASBOs would be used. This, together with the fact that many interviewees expressed surprise that CrASBOs were not being used in greater numbers, suggest that the police do see more potential for CRASBOs.
CHAPTER FIVE : THE FOCUS GROUPS WITH THE PUBLIC

Executive Summary

5.1 This report summarises the findings of 5 Focus Groups held with adults in various locations across Scotland. The Groups were to explore views on antisocial behaviour (ASB) and perceptions of the effectiveness of current policy. This was to be an input into the current review of the national ASB strategy.

Objectives

5.2 The Scottish Government’s review of national ASB policy started in October 2007. The aims were to see if the national policy could be improved and bring about greater community involvement in tackling ASB. As part of this process key stakeholders, including the community, were to be consulted. Two main groups were identified, adults and young people. This report outlines the views of the adult consultees. A separate report gives the young people’s views.

5.3 Five main issues were to be explored:-

* How perceptions of ASB were formed;
* Views on effectiveness of current preventative & enforcement measures;
* Opinions on how ASB should be tackled;
* How communities could become involved in dealing with ASB; and
* How policy awareness could be improved.

Methodology

5.4 The Focus Groups were held in Clackmannanshire, Dundee, Glasgow, Highland and Midlothian. These authorities were selected as the Scottish Household Survey (SHS) had found that they differed from the Scottish average in terms of such things as the severity of ASB or perceptions of agency effectiveness.

5.5 Those invited to attend were selected from SHS interviewees who had indicated that they would be interested in being involved in further research and lived in areas where ASB was common. Sixty people were invited to attend and 33 eventually participated.

5.6 The selection process meant that the attendees were not necessarily a representative cross section of the Scottish population. Many had to deal with the

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consequences of ASB on a daily basis. As such the largely negative picture that the report gives of the incidence and consequences of ASB is unlikely to be typical of Scotland as a whole.

Experiences Of Antisocial Behaviour

5.7 Three quarters of the attendees had personal experience of ASB in the last year. What was defined as ASB ranged from low level nuisance, such as children playing with balls in inappropriate locations, to criminal conduct. Although some behaviours, that were classed as ASB, could be seen as normal behaviour by children there was a fear that if they went unchecked then they could escalate into something far more serious. As such there was a view that ASB could be a transitional stage to more serious criminal behaviour.

5.8 Definitions of ASB were felt to be relative. For example, what might be considered as antisocial in one area would pass without comment in another, where the severity of problems might be far worse.

5.9 The perpetrators of ASB were not seen as being solely the young. It was seen as being something that spanned the age range from very young children to the middle aged and beyond. Local demographics influenced this, with residents of some areas identifying the culprits as being young people whilst elsewhere the behaviour of adults was the main problem.

5.10 Drink and drugs were felt to be the immediate causes of ASB. Drink was readily available with young children apparently having few problems in obtaining it. Whilst drugs were also easy to obtain, the consequences were far more difficult to deal with as users were often unaware of their actions.

5.11 Were drink to become harder to obtain then some felt that young people would turn to drugs, which were both readily available and cheap.

5.12 The lack of recreational facilities as a casual factor tended to divide the Groups. Some felt that there were sufficient facilities and these were often mistreated. Others, especially those with children, felt that facilities were limited, were often open at inappropriate times and were expensive.

5.13 However, underlying the obvious causal factors, such as drink, was a lack of respect and a lack of fear of any reprisals against those behaving antisocially. This was seen as something that started with young children and then continued as they became adults. The attendees were realistic enough to know that ASB was not new. Indeed many had behaved in an antisocial way when they were young. The difference today was that there were felt to be no boundaries or “rules” and that no one, including the elderly and women, were safe.

5.14 A variety of impacts of ASB were identified. These were:-

- Financial costs, including property protection and time lost from work;
Behavioural changes, for example people being unwilling to leave their home and avoiding certain areas when out;
Medical problems caused by stress and anxiety; and
Physical injury as a result of assaults.

5.15 For some ASB had come to dominate their lives as they were living in areas where social control seemed to have broken down and enforcement seemed to have limited impact.

Responses to antisocial behaviour

5.16 The responses by enforcement agencies were generally felt to be inadequate. It was felt that some sanctions, such as fines, were not enforced whilst others, such as Antisocial Behaviour Orders (ASBOs), were seen as having no impact, being described by one attendee as being “Like a Blue Peter badge”.

5.17 Views on the police were mixed. There was criticism for the apparent failure to respond to reported instances of ASB and the speed with which they attended incidents. There were also a number of examples where the response of the police had soured relationships, either as the incident was not treated seriously or the complainant was treated as if he was guilty.

5.18 However, there was also sympathy for the police. It was recognised that they did not have infinite resources and therefore had to prioritise their activities. It was accepted that it was unrealistic to expect the police to be able to solve every offence, especially minor incidents of vandalism. The lack of powers to deal with young people was also something that was seen as limiting police effectiveness.

5.19 There were however, some positive instances of interventions. One of these involved a community working in partnership with the police, fire and rescue, property owners and local councillors to resolve ASB problems in a small shopping centre. Another involved direct action, where the perpetrators had been confronted and the impact of their actions explained to them. In this instance the problem had been resolved. However, the effectiveness of such action depended both on interpersonal skills and the seriousness of the offence. As such it was not seen as being something that would always be appropriate.

5.20 There was limited interest in community involvement in applying sanctions and sentencing to those involved in ASB. Five main reasons were identified:-
◆ A fear of retribution;
◆ A feeling, based on experience, that the community would not want to become involved;
◆ A view that this was the responsibility of government not local communities;
◆ Cynicism about the motives of those promoting such action; and
◆ A view that, were the community to become involved in applying sanctions then, these were, based on past experiences, unlikely to be enforced.
5.21 The media was not seen as having much impact on influencing perceptions of ASB. largely as the Group attendees were experiencing ASB on a daily basis. What media reporting did do, however, was to increase anger and frustration when reported punishments seemed to be far too lax given the severity of the offence.

Solutions to ASB

5.22 The consensus was that there was limited desire to see new initiatives. What was wanted was enforcement of existing sanctions. One Group did, however, feel strongly that the sale of drink needed to be controlled and the number of outlets reduced.

5.23 There was a general desire to see punitive action taken against those responsible for ASB, in particular:-
◆ Making prison a punishment, rather than the soft option that many felt it currently was;
◆ Imposing (and enforcing) curfews on young people who behaved antisocially; and
◆ Financially penalising the parents of young people found guilty of ASB.

5.24 Underlying these suggestions was a strong desire to see a long term rebuilding of society, in which mutual respect and responsibility were core values. Parents and schools were seen as having key roles in this process so that young people knew what the boundaries of acceptable behaviour were.

5.25 Whilst it was accepted that this would not stop ASB, it was felt that devising more and more sanctions to punish ASB would be ineffective if only as experience had shown that they were not enforced.
Introduction

5.26 The Antisocial Behaviour etc (Scotland) Act received Royal Assent in July 2004. The Act provided local authorities and other agencies with a range of powers to enable them to tackle antisocial behaviour (ASB) more effectively. This was part of a wider national strategy that aimed to:-

- Protect and empower communities;
- Prevent ASB by working with children and families;
- Build safe, secure and attractive communities; and
- Provide effective enforcement powers.

5.27 In October 2007 a Review of the national strategy was launched to see where it could be improved and to bring about stronger community involvement. Whilst the objectives of the Review are wide ranging, there are some that are specifically relevant to this work, to:-

- Determine ways in which communities could become more usefully involved in tackling ASB in their own communities;
- Consider how community safety communications could raise public awareness of national policy and local service delivery; and
- Consult with and involve key stakeholders in determining future priorities. These stakeholders included, inter alia, community groups, young people’s organisations and the public.

5.28 This report covers part of these objectives. It summarises the findings of 5 Focus Groups held with adults in 5 different local authority areas (Clackmannanshire, Dundee, Glasgow, Highland and Midlothian). Those invited to attend the Focus Groups were people who had been interviewed by the Scottish Household Survey (SHS) and had indicated that they were willing to be involved in further research.

5.29 In addition to this primary selection criterion Group members had to meet either of 2 other eligibility criteria in that when they were interviewed for the SHS they felt that:-

- Two or more types of ASB were “Very” or “Fairly common” in their neighbourhood and they had personal experience of those over the last 12 months; and
- Two or more types of ASB were “Very” or “Fairly common” in their neighbourhood but they had no personal experience of these over the last 12 months.

5.30 It was also hoped to consult with those falling into the above 2 groups who also stated that they were “Very” or “Fairly satisfied” or “Very” or “Fairly dissatisfied” with the approach taken by local agencies to ASB in their neighbourhood.

40 A parallel piece of work was commissioned to explore the views of young people on ASB and its causes and solutions. See Hayton, 2008, op. cit.
41 Annex 1 explains why these authorities were selected.
In the event it was not always possible to meet these criteria, mainly as in some of the selected local authorities there were insufficient SHS invitees who met the selection criteria. Annex 2 gives details of the selection of the invitees, whilst Annex 3 gives details of the Focus Group attendees. What can be seen (Tables A3.7, A3.9 and A3.11) is that:

- 81% of attendees felt that ASB was a problem in their neighbourhood;
- 75% had personal experience of ASB over the last 12 months; and
- Of those who had reported incidents of ASB, 14% were “Very” or “Fairly satisfied” with the response and 79% were “Fairly” or “Very unsatisfied”.

Given this it seems that those attending the Focus Groups are skewed towards those with direct experience of ASB, who were unhappy with the response when this had been reported to the authorities. This may be inevitable in that these are the people who feel strongly about ASB and are therefore more likely to accept an invitation to give their views. Whilst this should mean that their views and opinions can be given greater credence, it may also give a biased picture of the prevalence and effectiveness of responses to ASB in Scotland.

### Methodology

The aim was to run the 5 Groups with a minimum of 10 members in each who meet the selection criteria outlined above. The Groups were to explore 5 main issues:

- How perceptions of the prevalence of ASB are formed and reinforced (for example is it based on personal experience or such things as media exposure);
- Views on the effectiveness of ASB preventative and enforcement measures, for example community wardens or Antisocial Behaviour Orders;
- Opinions of how ASB should be tackled in their neighbourhoods;
- How communities could become involved in tackling ASB; and
- How awareness of national ASB policy and local service delivery could be improved.

Once the sample frame had been selected from the SHS the individuals were contacted by telephone, with the telephone numbers being sourced from SHS’s records or from telephone directories. They were then asked if they were interested in participating in the Focus Group. If they answered positively then they were sent a letter of invitation which outlined the purpose of the Group, gave details of timing and the venue and the fact that an honorarium would be paid. The day before the event attendees were telephoned again to confirm attendance. Despite this, as Table 5.1 shows, the attendance was often disappointing. For some of the venues there were reasons for this. For example, there was a bomb scare in Glasgow City Centre an hour before the Focus Group was to be held. This caused traffic chaos in the City Centre that could have deterred some attendees. It is hard to know why attendance was low in some of the other venues. The events were generally held in the afternoon (2.00pm to 4.00pm). However, in order to ensure that those who were in work could attend one of the events (Midlothian) was held in the evening.
### TABLE 5.1  Focus group confirmed attendees and actual attendance

<table>
<thead>
<tr>
<th></th>
<th>Clackmannanshire</th>
<th>Dundee</th>
<th>Glasgow</th>
<th>Highland</th>
<th>Midlothian</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Number recruited</strong></td>
<td>12</td>
<td>12</td>
<td>12</td>
<td>12</td>
<td>12</td>
<td>60</td>
</tr>
<tr>
<td><strong>Confirmed attendees day before</strong></td>
<td>9</td>
<td>9</td>
<td>11</td>
<td>10</td>
<td>11</td>
<td>50</td>
</tr>
<tr>
<td><strong>Actual attendance</strong></td>
<td>5</td>
<td>5</td>
<td>8</td>
<td>7</td>
<td>8</td>
<td>33</td>
</tr>
<tr>
<td><strong>Actual attendance as percentage of confirmed</strong></td>
<td>55%</td>
<td>55%</td>
<td>73%</td>
<td>70%</td>
<td>73%</td>
<td>66%</td>
</tr>
</tbody>
</table>

5.35 The Focus Groups were structured around a topic guide that was used to guide discussion. In order to collect some factual information at the start of each Group attendees were asked to complete a short anonymous questionnaire. This asked for information on socio-economic characteristics and experiences of ASB. This gives some factual information on which to ground the opinions expressed.

**Characteristics of the Attendees**

5.36 Annex 3 shows the socio-economic characteristics of those attending the Focus Groups, drawn from the questionnaire responses. What can be seen is that over the 5 Groups:

- There was an even gender split;
- Around half of attendees were renting their home from a social landlord and 44% were home owners;
- In terms of economic status, 30% were working (self employed or full or part-time employees), around a quarter were permanently retired and a further quarter were permanently sick or disabled;
- Over a third were living alone and a further third lived with a partner and had no children;
- A third had dependent children, either being single parents or living with a partner; and
- Almost half of attendees were over 60 years of age and a quarter was in the 45 to 59 age group. However, around a fifth were 34 or under.

5.37 Overall we feel that the characteristics of the attendees, whilst biased in some areas (for example the over 60s), do include representatives from a variety of groups, such as those in work and those with children.

**Using Focus Groups**

5.38 What needs to be borne in mind is that those attending the Groups, and their views, do not necessarily exactly reflect the wider community. Focus Groups are not intended to be representative in the way that, for example, a telephone or postal survey can be. Focus Groups also differ from other approaches to gathering people’s views in that their essence is interaction. As such views and opinions may change as
attendees are exposed to the opinions of others. Again this is not something that happens in other types of information gathering exercises such as surveys.

5.39 It is also the case that people may hold views and opinions that have no basis in fact. Despite this, they needed to be taken account of as these views influence behaviour and reactions. Whilst the Focus Group facilitators might have tried to explore views and opinions, to gain a deeper understanding, they were not challenged.

5.40 The point made earlier is also worth repeating: the selection method for the Groups means that the attendees were not a representative cross-section of residents in each local authority area. They were often people who faced ASB on a daily basis. As such the picture that this report paints of ASB, its occurrence and responses in Scotland is largely negative.

Experiences Of Antisocial Behaviour

Introduction

5.41 This section draws on the Groups to outline what they feel ASB is, to look at their experiences of it and to consider views on the current policy responses. We start by drawing on the questionnaire to summarise experiences of ASB and responses to it.

Attendees’ Experiences of ASB

5.42 Annex 3 (Tables A3.7 to A3.13) summarises the experiences of ASB of the attendees. What can be seen is that overall:

- Four fifths see ASB as a problem in their neighbourhood and a third of these feel this has got worse over the last year, whilst 16% felt there had been an improvement;
- Three quarters had personal experience of ASB in the last year;
- Of the 45% who had reported ASB to the police or other agencies over three quarters were “Fairly” or “Very unsatisfied” with the response they got;
- Media reporting of ASB was said by 70% to make them more concerned for their personal safety; and
- There was reasonable awareness of the various responses that had been introduced to tackle ASB, with Antisocial Behaviour Orders (ASBOs), warnings and fixed penalty fines being recognised by over half of the attendees. However, what could be argued are more innovative approaches, that begin to deal with the causes of ASB (for example mediation and restorative justice), were far less likely to be recognised.

5.43 Overall what emerges from the questionnaire is that the attendees have direct experience of ASB and, when they had reported this to the authorities, they were generally not very satisfied with the response. The following sections of this Chapter now explore these issues in greater detail.
What is Antisocial Behaviour?

5.44 The 2004 Antisocial Behaviour Act defines ASB in Section 143 in a rather convoluted way. ASB is said to occur when a person acts in a way that causes, or is likely to cause, alarm or distress or if he or she pursues a course of conduct that causes or is likely to cause alarm or distress to at least one person who is not in the same household. A course of conduct is defined as being an occurrence on at least 2 occasions. A slightly more succinct definition is given in the English and Welsh Crime and Disorder Act 1998 where ASB is defined as:–

“Behaviour likely to cause alarm, harassment or distress to members of the public not of the same household as the perpetrator”.

Neither piece of legislation specifically defines ASB in terms of actions.

5.45 The starting point for each Focus Group was to discuss what, in the attendees’ experience, ASB was. The responses can be readily mapped onto the Home Office’s Research Development and Statistics Directorate typology (Home Office, 2004, p.4) which categorises ASB into 4 broad categories:–

- Misuse of public space;
- Disregard for community and personal well being;
- Acts directed at people; and
- Environmental damage.

Table 5.2 shows the types of behaviour that were identified in the Focus Groups.

4.46 Generally there is good correspondence between the types of ASB identified by the Home Office and the Focus Group attendees, with most seeing it as covering a wide range of behaviours from the petty to the far more serious. There are, however, some differences:–

- Importuning by men standing on the street for sex was an issue in one area, which is clearly different to the kerb crawling identified by the Home Office;
- Noise from business or industrial premises did not emerge as an issue in the Groups;
- Assault, often of quite a serious nature, was classed by several attendees as ASB. The nearest the Home Office comes to this is fighting; and
- Although the Home Office typology identifies urination in public as ASB (disregard for community/personal well being) at least one attendee had to deal with the consequences of people defecating in public spaces in their neighbourhood (stair wells and bin shelters).

4.47 Some of the types of ASB identified in Table 4.2 need some further explanation. For example:–

- One attendee had a neighbour who had taken photographs of visitors to her house, something that was felt to be both intimidating and obtrusive; and
- The same attendee had experienced her neighbour drawing pictures of her child on paving slabs. Again this was felt to be intimidating and obtrusive.
### TABLE 4.2 Attendees’ definitions of ASB

<table>
<thead>
<tr>
<th>Type of ASB</th>
<th>Misuse of public space</th>
<th>Disregard for community and personal well being</th>
<th>Acts directed at people</th>
<th>Environmental damage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cars:</td>
<td></td>
<td></td>
<td></td>
<td>Litter</td>
</tr>
<tr>
<td>- Speeding;</td>
<td></td>
<td>Fire raising</td>
<td>Violence</td>
<td></td>
</tr>
<tr>
<td>- Abandoned</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drug abuse:</td>
<td></td>
<td>Noise:</td>
<td>Intimidation (individuals or gangs):</td>
<td>Damage and vandalism:</td>
</tr>
<tr>
<td>- Drug dealing;</td>
<td></td>
<td>- Hotels and pubs;</td>
<td>- Bullying;</td>
<td>- Damage to telephone boxes;</td>
</tr>
<tr>
<td>- Drug paraphernalia; and</td>
<td></td>
<td>- Neighbours;</td>
<td>- Verbal abuse;</td>
<td>- Breaking windows;</td>
</tr>
<tr>
<td>- Taking drugs (hard and sniffing volatile materials).</td>
<td></td>
<td>- Dogs; and</td>
<td>- Menacing gestures;</td>
<td>- Damage to garden fences and furniture;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Cars and motorbikes.</td>
<td>- Photographing house visitors; and</td>
<td>- Damage to garden plants;</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- Drawing pictures of neighbours.</td>
<td>- Damage to cars;</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>- Theft of cars; and</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>- Graffiti.</td>
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<td></td>
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<tr>
<td>Nuisance behaviour:</td>
<td></td>
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<tr>
<td>- Urinating in public spaces;</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>- Defecating in public spaces;</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Throwing stones and other missiles;</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Climbing on walls and buildings; and</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Playing football in inappropriate locations.</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Fly tipping</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drinking in the street and related drunken behaviour.</td>
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<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rowdy behaviour, including fighting, shouting and swearing.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

5.48 Although the types of behaviour were not ranked, low level nuisance, such as children playing ball games in inappropriate locations and causing property damage and nuisance, tended to be cited frequently. However, what needs to be stressed is
that, although this can be dismissed as normal behaviour by children, it caused considerable alarm to some attendees (especially the more elderly) mainly as it was often seen as being a precursor to more destructive behaviour, such as breaking windows. It was also often taking place in parallel with more severe types of ASB. This type of behaviour also had other impacts as is outlined below. Related to this was a view that relatively low levels of ASB could, if unchecked, escalate and become far more serious. Indeed there was a view that ASB often was a transitional stage to criminal behaviour, with the distinction between the 2 often not being very obvious.

5.49 Although the experiences of the attendees, even within the same local authority varied, what emerged was that the ASB “baseline” was environmental damage, covering things such as litter, ball games, graffiti and property damage. For some this was their main, or only, experience of ASB. In other areas the severity of ASB was more extreme being defined by attendees as covering things that were more correctly defined as criminal behaviour: for example assault. Indeed there was a view that there was little distinction between criminal and ASB, as the following comments make clear:-

“I just think they are putting a nice little name on it. I just think that it’s still a crime”; and

“A crime is antisocial”.

5.50 There was also the view expressed in one group that the age of the perpetrator could influence the definition. The example given was of someone throwing a stone. If the person doing this was 28 then it should be seen as a crime. However, if the perpetrator was 11 then it would be classed as ASB, even though the action and the consequences might be the same.

5.51 What needs to be emphasised is that most of the attendees (reflecting the selection method used) were faced with a range of these behaviours, often on a daily basis. Typical comments included:-

“I thought I was moving to a semi but didn’t know that I was moving to Beirut”; and

“It is worse than a war situation in some cases”.

It also should be emphasised that those attending the Glasgow Group tended to be faced with conditions that were far worse than the other areas, with what many would consider to be extreme instances of ASB being the daily norm.

5.52 It was also emphasised, by some, that definitions of ASB are relative, as 2 attendees put it:-

“I think anything that offends anyone else is antisocial. I also think that it (the definition) depends on what is normal in your district or house”; and

“What is seen as antisocial in one area might be seen as normal in another”. This is an important issue that is returned to below when the causes of ASB are considered.

5.53 It would also seem that in some of the reported instances of the behaviour of neighbours mental health issues are at the fore rather than ASB per se. This might have implications for the responses taken by the authorities, although there was no evidence of this from any of the Focus Groups.
Some of the attendees in one of the Focus Groups lived in areas where refugees and asylum seekers had been housed. This was seen as bringing particular problems, although it is unclear if some of these might arise from cultural misunderstandings. The main issue related to groups of men standing on the street. Although this was described as “loitering” by one attendee it might reflect cultural differences, with the street being used as a convenient meeting place. Regardless of explanations for such behaviour, it was felt to be threatening and examples were given of such groups making inappropriate sexual remarks to women. There was also a view that the enforcement agencies (the police and traffic wardens being mentioned) were reluctant to take action against people from other communities, for fear of being accused of racism. This then tended to be linked to complaints that migrants received favourable treatment in terms of housing and other support. It is hard to know if such complaints are justified. However, what needs to be recognised is that those voicing these opinions believe them to be true. As such they impact on their behaviour and may, if left unchallenged, undermine community cohesion.

**ASB in Attendees’ Neighbourhoods**

The prevalence of ASB was widespread across the areas in which the attendees lived. Rarely was it a “one off” activity but was often occurring every night, with peaks at weekends, often associated with drinking. In some areas it intensified when events such as football matches occurred. It was also generally something that peaked during the school holidays, especially when the weather was fine, when it could occur at almost any time.

Those identified as the main perpetrators of ASB included children, often those who were very young, (with ages as low as 3 being mentioned), teenagers and adults up to middle aged and beyond. As one attendee commented, “I think it’s spread across the age groups”. However there were variations across neighbourhoods. In some areas the problem was associated mainly with adults, whilst in others it tended to be associated more with children. This may reflect the demographics of particular areas. There also seems to be a relationship with the severity of social exclusion. Those areas that had the most severe problems generally (although not always) tended to identify the perpetrators as being across the age spectrum, from young children to adults. The areas where the problems were less severe identified the main groups responsible as being the early teens, rather than younger children or adults.

What also emerged was that it was often a small number of people in a locality that were responsible for the majority of ASB. In some localities these individuals were known and could be named. A particular concern that emerged in a number of Groups was the blighting effect that drug users could have on a neighbourhood, causing “chaos” in the area or as another attendee put it:-

“Small pockets of individuals who don’t really give a damn about anybody else”.

When considering ASB by young people it was also felt that the majority did not cause problems. As one attendee commented:-
“It is possibly only about 10% (of young people), if it’s even that, that is causing the problem......If you can catch the 2% that was the leaders the other 8% would go to bed”.

Linked to this view, of a minority of people being responsible for ASB, was a desire to avoid “demonising” all young people because of the actions of a few.

5.59 However, it needs to be stressed that in Glasgow a different view was expressed. When talking about young people one attendee summed up the views of the Group with the following statement:-

“It’s not even the minority anymore. It’s like 60% to 70% of the young ones are doing it and they are not bad weans, they are just misguided”.

This was seen as reflecting the fact that, in some areas of the City, ASB had become the norm.

5.60 Although many attendees commented unfavourably on attitudes today with when they were younger many were realistic and pointed out that ASB was not new:-

“There has always been some sort of antisocial behaviour, almost back to the beginning of time”.

Many talked about their youth when they had been teddy boys, rockers or punks. However, the general views was it was far more prevalent today and that in the past it had taken place within a set of generally accepted rules. For example, you did not target your neighbours or the elderly. The difference today was that there were:-

“No rules anymore”.

What Causes Antisocial Behaviour?

5.61 Across all of the Groups 2 immediate causes of ASB were identified: drink and drugs. Drink was identified as affecting people across the age range from young children to adults. Drugs were generally seen as being a problem for teenagers and above.

5.62 The ready availability of drink through a large range of outlets (supermarkets to corner shops) was seen as a major problem by some. It was claimed that young children had no difficulties in getting adults to purchase it for them and examples were given of children as young as 11 being affected by it. In some instances young people were intimidating their elders and forcing them to purchase alcohol:-

“You are scared to say no because you know you will get kicked up and down the pavement”.

5.63 The consequences of drugs were felt to be particularly difficult to deal with as often those taking drugs tended to be unaware of their actions. In the words of one attendee:-

“I mean there is homemade valium and things that have got horse tranquillisers and that in it. The boys are up the shops and they are not taking one or 2 or 3, they are popping 18, 19, 20 at a time and they are out of their heads. They haven’t a clue what they are doing”.

5.64 In one area mention was made of the success of the handing out of methadone to heroin users in stopping them behaving in an antisocial way, for example stealing and begging. However, others highlighted the problems of
methadone being sold on if those to whom it was prescribed were not forced to take it in front of a responsible person.

5.65 Interestingly in one Group the view was expressed that the balance between drink and drugs, as the immediate causes of ASB, was price and access sensitive. It was claimed that drugs had become relatively far cheaper and that if Government either increased the price of drink, or made it less readily available, then those who currently abused drink would simply turn to drugs. How true this is, is difficult to know. It does, however, provide an interesting insight into current policy approaches.

5.66 Factors such as housing layouts were seen as exacerbating some ASB problems. For example, access routes through private property could cause tensions and the existence of space that was not overlooked meant that people could congregate to drink and take drugs. However, layout and design issues were generally not accorded much importance as causal factors.

5.67 Opinions tended to be divided on the provision of recreational and other facilities as causal factors. Some, often those who were older, felt that there were sufficient facilities for young people and those that were in place were often not treated with any respect. They were often able to give examples of facilities that had been vandalised and had to close down as a result. Others, especially those with children, felt that facilities were limited and that even when they existed the opening hours were often inappropriate: for example not being open at the weekends or at nights. Cost was also identified as a particular barrier, with a number of people across different groups mentioning the prohibitive costs of some council run facilities that they would have liked their children to have benefitted from but were unable to afford. This emerged as a particular issue with facilities that were run during the school holidays.

5.68 However, underlying these issues was a theme that emerged in all of the areas: a lack of respect and lack of any fear as to reprisals by those who committed antisocial acts as the following quotations illustrate:-

“I don’t think any of them care about getting caught anymore”; and
“The kids now have become untouchable”

5.69 This lack of respect was seen as starting with young children and then continuing as they got older. It was felt that often there was a lack of any parental control and that parents were not bothered about what their children were doing when they were out of the house. As one commented:-

“The parents don’t care as they have never been taught”. This relates back to the point made earlier about behavioural norms.

5.70 One consequence of this was that some children had no respect for their parents, other adults and those (such as police and teachers) who were in positions of authority. It was felt that this lack of respect then continued into adulthood with several attendees, who had experience of the courts, giving examples of the disrespect shown towards court officials and the justice process. This disrespect was also shown by parents to teachers. For example, one attendee talked about children at nursery school being disruptive. When this was reported to their parents they were automatically hostile, with reports of teachers being sworn at. One, who worked in
the security industry, gave the example of a 3 year old child who was taught to shop
lift by her mother. The child clearly did not know that she was doing wrong, but as
the attendee commented rhetorically:-

“What chance has she got in later life?”

5.71 Many contrasted what they saw as the attitudes of children and young people
today with the situation when they were young. Typical comments included:-
“I think a lack of responsibility in a lot of cases for people’s actions is what is
wrong”;
“It’s a total lack of respect for anybody else, regardless of who is doing it, what
age they are, whether they be 10 years old or whether they be 60”;
“We are a more selfish community than I can remember as a younger
person”;
“I think the trouble with children is that they all know their rights nowadays but
they don’t accept their responsibilities”; and
“There is no right from wrong; they haven’t been shown that they have done
anything wrong. I blame parents really for setting examples”.

5.72 Some felt that this lack of respect started in the 1970s and 1980s when
society began to become far more materialistic and everyone began to think more
about themselves. This resulted in the current attitude, when:-
“So many people seem to think these days that its “me” that matters, nothing
else matters”

5.73 Related to this was expectations of normal behaviour, something commented
upon earlier. The point was made that behaviour that people in some areas might
consider antisocial would, in others, be considered perfectly normal. The view was
that often young children were simply behaving in the same way as their parents so
that ASB was being passed down generations.

5.74 However, a number of attendees talked about their personal experiences that
demonstrated that the situation was possibly more complex. For example, two gave
examples of children in their families who had behaved in antisocial ways, often
exhibiting quite extreme behaviour. They were at a loss to explain this as they been
brought up and treated in exactly the same way as their siblings who had given no
cause for concern.

5.75 There was also some evidence that lack of respect was mutual. When talking
about solutions (something explored more fully below) one comment was that:-
“I think if you give them (young people) respect then most of them give you
respect back”.

The Impact of ASB

5.76 The impacts of ASB were often quite wide ranging and can be categorised as
follows:-

- Financial when the victims had incurred additional costs. These included
  repairing damage to property (garden fences, garden equipment, windows
  and doors all being mentioned), veterinary bills as a result of a dog cutting its
  paws on broken glass, time lost from work as a consequence of having to
come home to deal with disturbances and the cost of preventative action, such as the creation of off-street parking as a response to vandalism;

- **Behavioural changes**, included such things as not going out due to the presence of gangs of youths, inability to use one’s garden due to antisocial neighbours, not going out at night, sleeping during the day because of the fear of disturbances and property damage at night and avoiding certain areas or routes when out. Typical comments included:
  - “I’m a prisoner”;  
  - “I can’t go out after tea time and in the winter it’s worse because of the dark nights”; and  
  - “I’m an absolute flaming wreck”.

- People having to take **medication**, such as antidepressants, because of the stress caused by ASB or the fear that it might happen. Even when people were not taking medication, it was clear that stress and anxiety were widespread amongst those living in areas where ASB was common; and

- **Injuries** had also been caused to some attendees. For example, one had been assaulted in his own home whilst another had her nose broken in a street assault. Arguably these incidents should not be classed as ASB. They were, however, seen as being part and parcel of a nexus of ASB, often with the perpetrators of more serious offences being identified as the same people who were responsible for property damage and other lesser incidents.

5.77 When categorised, some of the impacts of ASB may seem relatively trivial. However, it was clear that the levels of stress and anxiety that some suffered from were considerable and that ASB had come to dominate their lives. If anything, what is impressive is the resilience shown by the attendees who are living in neighbourhoods where social control seems to have broken down and enforcement seems to have had limited impact.

**Conclusions**

5.78 What emerged from the Focus Groups was that the attendees were faced with a range of ASBs, some of which were severe and could more accurately be described as criminal conduct, such as assault. Some felt that ASB was a convenient label for what should be seen as crimes. The perpetrators were seen as coming from across the age spectrum.

5.79 Whilst the immediate causes may be complex drink and drugs were identified as key factors. However, underlying this was seen to be a general lack of respect for others and their property, This was seen as being something that was common in young people and which then influenced their attitudes as they became older. We will now turn to looking at the attendees’ views and experiences of responses to ASB.
Responses to Antisocial Behaviour

Introduction

5.80 One of the purposes of the Focus Groups was to explore views on ASB enforcement measures and to see to what extent there was interest in community involvement in applying sanctions and sentencing to those causing ASB. We start by considering what the attendees thought of the existing policy measures.

Views on Existing Policy Initiatives

5.81 The questionnaire found that awareness of such initiatives as ASBOs was quite high, although this was not the case for some of the more innovative approaches to tackling ASB. The effectiveness of these initiatives was explored with attendees.

5.82 The general view was that many of the responses to ASB did not work as they were not enforced. Examples included:

- Fines being levied and then not paid. One example of this was an attendee who had been assaulted in his own home. The offender had been taken to court, fined and ordered to pay compensation. Two years later neither the fine nor the compensation had been paid;
- ASBOs were held in wide contempt, being described by one attendee as “Like a Blue Peter badge”, whilst others commented that “When they get an ASBO they brag about it” and “It’s basically now a merit to the young ones”. Again examples were given of neighbours who had been given ASBOs which seemed to have had no impact and were not, as far as could be seen, enforced; and
- Someone who had been tagged but had removed the tag and continued to deal in drugs with apparently no consequences.

5.83 It was not possible to gauge views on the perceived effectiveness of other initiatives as attendees did not have direct knowledge or experience of them.

5.84 Although a minority view, one attendee felt that using such mechanisms as ASBOs contributed towards the criminalisation of young people, the view being that: “You are almost converting someone into a criminal by going down that route”.

5.85 Community service did, however, come in for some praise from some attendees who were aware of people in their neighbourhood who had been given community sentences. It was felt to be a deterrent that was, in their experience, enforced. However, there was a degree of scepticism as to whether it would result in any long term changes in the offender’s behaviour.
Agency Responses

5.86 Those who had reported ASB to the police and other bodies often felt that the response fell short of what was wanted, this being solutions to the problems. For example:

- Community wardens were mentioned in two Groups. It was felt that they had limited impact for operational and behavioural reasons. Operationally it was felt that they tended to patrol on set routes at set times so that they could be easily avoided. Behaviourally, in one area they were criticised for trying to be too friendly with young people. This was felt to result in a loss of respect so that they then had difficulties in taking enforcement action;

- Housing associations and housing authorities were often seen as being far too slow to take any action, with some contrasting the speed of response over late payment of rent with the difficulties experienced in getting action taken to deal with ASB. In one area a number of attendees had been involved in meetings convened by the housing association to discuss solutions to ASB. However, it was felt that little, beyond mentions in a newsletter, had resulted; and

- Other arms of the local authority received mixed responses. There was praise in one area for the speed with which the authority’s Fast Action Response Team had arrived to clean up needles and other drug paraphernalia left in a dustbin shelter. Others expressed frustration about the amount of evidence those with enforcement powers had to collect before they could take action. Those monitoring noise nuisance were given as an example, with the complainant eventually giving up due to the disruption caused by having to have noise monitors in her flat at night. There were also mixed views on social workers as these two quotations show:-

  “There are reasonably cool social workers in there (referring to a youth initiative) who are trying to build up some sort of relationship with the kids”; and

  “They (those responsible for antisocial behaviour) appear to be looked after......by the social work and all the rest of these agencies that manage to get them nice houses and places”.

5.87 Views on the police tended to be the most varied. A common complaint was that when things such as drug dealing and other antisocial activities were reported to the police nothing happened. However, others felt that, in their experience, although there might not be any immediate action, such reports were collated and were often, eventually, used in evidence when the perpetrators were charged. Whilst this may be true, attendees across a number of Focus Groups were unable to understand why the police had not taken action against drug dealers who were well known in the community. As one commented about taxi drivers taking fares to collect drugs from a dealer’s house:-

  “If the taxi drivers know then the police should know his address as well”.

104
A common complaint was the speed of the police response. Typical comments included:

“I phoned 999 and it took them four and a half hours to come”;
“They were never in a hurry”; and
“You ‘phone [x] police and you could wait for a week before they ever appear”.

These delays meant that by the time they arrived the incident was over or the perpetrators had moved elsewhere. Despite this, there was some degree of understanding about the resources that the police could deploy at any one time. One attendee had been told by the police, when she telephoned to complain about stones being thrown at her windows, that there were only 2 officers on duty and no one could be sent at the moment. The attendee accepted this, realising that when set against other incidents, her complaint was relatively minor, despite the fact that it was causing her considerable anxiety. The down side of this lack of resources was that a number of attendees now said that they no longer bother reporting incidents to the police as nothing happens. There was also at least one instance when dissatisfaction with the response of the local police to reports of drunken youths disrupting football practice had resulted in the complainant contacting the area police commander and the press rather than contacting the local police. The outcome was far more satisfactory.

There were a number of instances where the police response, regardless of its validity, had soured relationships with the complainant. One example was of an attendee who had been jumped upon by a teenage girl when walking down the street. Although not hurt, he was concerned that such behaviour could have serious consequences had it been done to an older person. When this was reported to the local police station the immediate response of the officer was to laugh. Although the incident was subsequently reported to another station, where it was taken more seriously, the initial response did little to enhance relationships. Another incident related to an attendee who had been assaulted by 2 youths in his house. This was reported to the police and the assailants were taken to court. However, the police apparently at one time considered charging the complainant with assault arising from his attempts to defend himself. Again this has resulted in a rather cynical attitude about the police and their motives.

Examples were also given of the police failing to take action when incidents of ASB were taking place in front of them as this quotation shows:

“If you go into Gregg’s the Bakers you’ll get the young ones in there and the police have parked at the door ‘cause they had to get their pies. The young ones come out and take their pies out of the poke and it’s just flung on the deck and the police don’t do anything about it.”

Again this may seem a trivial example but it all serves to build up a picture of a lack of coordination between policy makers and those responsible for enforcement.

There was also sympathy across the Groups towards the limited powers that the police had when dealing with very young children. One example given was of an 11 year old who was caught scratching cars and challenged the apprehender to call the police, saying that nothing would happen to him if they did. There was also a feeling that, even if the police did bring offenders to court, then the penalties were
often limited and even then could readily be avoided, something commented upon earlier.

5.93 However, there were examples when the police had taken informal action, for example talking to an antisocial neighbour about the effect of her and her children’s actions. In this instance there had been a short term impact in that the behaviour had stopped, albeit that it had subsequently reoccurred.

5.94 There was also some discussion about what it was realistic to expect the police to be able to do. Although there were complaints, for example, about the failure of the police to catch those responsible for vandalising cars, most agreed that it was probably unrealistic to expect the police to be able to solve this. It may therefore be that, in part, some of the dissatisfaction with the response of agencies was based upon unrealistic expectations of what could be done in a situation when some people lack what most would see as the normal social checks and balances that determine how they behave.

5.95 There was a general criticism that the police were often too reactive. However, they were also criticised when they were pro-active, for example targeting specific areas or types of behaviour. In such cases it was felt that there was no lasting impact, with the problem being temporarily displaced to other areas. It may therefore be that the police cannot win regardless of the actions they take, if only as some of the problems they are attempting to deal with are deep rooted and may not be capable of resolution by enforcement action, given current resources.

**Positive Responses**

5.96 There was, however, one example given of a positive community initiated agency response. This related to children playing at the back of a shopping precinct that abutted onto a mixed private and social housing residential area. The residents were concerned about children getting onto the shop roof and setting fire to material dumped in skips. The community had taken the initiative and worked with the police, fire and rescue, the retailers and local councillors to try to get a solution to the problem, part of which involved restricting access to the rear of the shops. The involvement of councillors has been seen as very important as they are said to:-

“Lend an extra oompf........because  they talk to the police as well as talking to the fire brigade........the councillors have agreed with the police that if, in our area, they get called they will respond to it.”

5.97 Whilst this is a positive instance of agencies working in partnership, that seems likely to eventually solve the problem, it needs to be stressed that, in the context of the other examples of ASB that were discussed in the Focus Groups, this was relatively minor. It may be that the less severe (and single issue) the problems then the easier they are to resolve, given agency willingness.

**Local Councillors**

5.98 The earlier example showed how, in one instance, the involvement of local councillors was seen as having an impact. Other examples were less positive. There was some general cynicism about the motives of councillors. For example:-
“All they are wanting is their money, their expenses, ‘til the next election is due”.

5.99 There were a number of instances where attendees had brought problems to their councillors’ attention and had been dissatisfied with the response. In one instance this involved complaints about drug users in a block of flats. The response had apparently been that nothing could be done as:

“They have human rights too”.

5.100 The general view, however, seemed to be that, as the councillors were not faced on a daily basis with the consequences of ASB, they did not take it very seriously. As one attendee said:

“It’s not affecting them as they don’t stay in the area”.

Self Help Solutions

5.101 There was some evidence of people taking action to solve ASB themselves. At one level this involved taking physical action, such as when a lock was put on a bin store by a tenant to stop the space being used by drug addicts and the homeless. In this instance this was also a protest against the seeming inaction of the housing authority to respond to complaints. Another attendee had reduced vandalism to her car by converting the garden to a car parking space so that it was no longer parked on the street.

5.102 There were also examples of solutions that were beginning to deal with some of the fundamentals of the problem, especially when the perpetrators were young people. This had involved the victim talking to the young people and making them aware of what the impact of their behaviour (for example kicking balls against windows) had upon them. It was felt that treating the young people as individuals and taking an interest in them was a way of making them aware of the consequences of their actions, which in some cases could simply be thoughtlessness. However, it was not felt that this type of direct action was something that was likely to have an impact against older perpetrators and more serious forms of ASB. It is also a type of intervention that is likely to depend for its effectiveness upon the social skills of the victim and as such is unlikely to be an option for everyone. As one attendee commented:

“Certain annoyances you can handle it yourself but.........you must be prepared to accept the responsibility if anything should turn against you”.

The Justice System

5.103 The justice system (covering the courts, children’s panels and local authority services such as housing and social work that have punitive powers) was not specifically considered in the Focus Groups. However, it continually emerged as an issue. The main complaint was that action was rarely effective or proportionate. Allied to this was a view that, especially when young people were being dealt with, “the bad ones get rewarded”. Examples were given of offenders being taken on holidays and bought clothes and leisure equipment: things that those who did not offend were denied. The general view is summed up in these quotations:-
“The guilty have more rights than the people who are having crimes against them; and
“Guilty parties seem to have more civil rights or human rights than the rest of us seem to have”.

5.104 Linked to this was a view that sanctions such as jail were no deterrent, as conditions were too easy. There was also a view that the way the justice system treated offences reflected a rather skewed value system. One example was given by an attendee who had been imprisoned for not having a television licence, whilst those who continually disrupted the neighbourhood through their ASB had no action taken against them. Another example was of people being fined £50 for dropping litter whilst someone else was fined £30 after an incident in which someone’s nose had been broken. The system of fines also resulted in some people being very cynical about the motivations underlying the justice system. For example, motorists were seen as easy targets for a variety of offences as they could be readily traced. However, those who committed ASB, that could be very disruptive to communities, were rarely punished. It was also felt that sentences were rarely of the “headline” duration, but that most of those sentenced would be released far sooner. Again this was seen as undermining the detrimental impact of prison. A range of typical comments on the justice system included:

“If they get to court they get their wrists slapped and are told not to do it again or they get a fine and they don’t pay the fine”; “British justice is one solicitor pitting his wits against another solicitor, that’s all it is”;
“You have lots and lots of lawyers, social workers and god knows what else standing up for the guilty”;
“If a child commits a crime and he is taken to the children’s panel they don’t do anything serious against him ‘cause they think that it will stop his chances of getting a job if he’s got a criminal record”.

Community Engagement in Tackling ASB

5.105 In 4 of the Focus Groups there was no interest in being involved in applying sanctions and sentencing to those involved in ASB. There were 5 main reasons for this:

- A fear of retribution were they seen to be involved in such activities. It was felt that many of those who were the main perpetrators of ASB had no, or few, boundaries and little fear of the police or other enforcement agencies. As such it was felt that they would have little hesitation in taking action against those it was felt were trying to take action against them. Some examples were given of the types of intimidation that attendees had experienced through reporting offences. These included attendees being stared at through their windows and being followed by a car at walking pace. Comments included:-
  - “You can’t say a word ’cause they will start turning on you”; and
  - “They would put my windows in”;  
- A view that the wider community would not be willing to become involved, with several giving examples of neighbours who were only too willing to agree in conversation that something should be done but were then unwilling to
become involved in joint action. In part this was because it was felt they did not want to become targets themselves;

- A feeling that dealing with ASB was the responsibility of government: the police and local authorities. To pass this off, even partially, to the community was seen as a way of these authorities evading their responsibilities. In the rhetorical words of one attendee:-
  
  "Why should the community have to do this when government is not doing anything about it?";

- Considerable cynicism about such actions. This was seen as being yet another initiative that was unlikely to have any impact in solving the problems but would give the authorities and individuals “brownie points” for seeming to do something; and

- A feeling that there was no point in the community applying sanctions and having a role in sentencing when the existing system was not enforced. The view was that any new system would be equally unenforced. As one attendee commented:-
  
  “Why are they making ..........more and more laws when they are not acting on the ones that we do have?”

5.106 A number of attendees had been involved in meetings convened by bodies such as the local housing association to discuss ASB. The general view was that nothing had come of such meetings. As such there was little enthusiasm for other initiatives as they were felt likely to become just another “talking shop”. The general view across the Focus Groups was summed up by one attendee:-

  "There is a bit of a gulf between the general public and the authorities and there is a kind of disbelief that anything really is being done so I can't really see how all this informal intervention (referring to community involvement in applying sanctions) is going to be successful in that climate”.

As another commented on wider community involvement:-

  “I like the idea but right now we are failing ...... there is an element of disorder at the moment which is starting at schools and seems to go on and on and some boys are quite nasty people just not being controlled at all. So I can't quit see how this ‘village elders’ style would work”.

5.107 However, in one of the Groups there was strong support for ASB offenders being forced to put something back into the community through community service, it being suggested that they should have to work on Friday and Saturday evenings when most ASB took place. However, even this Group did not express any desire to be involved in deciding what the appropriate sanctions should be. Again the possibility of intimidation or some more violent form of revenge was mentioned as a possibility.

5.108 There was also a widespread view that there were enough powers and initiatives. What was needed was for these to be enforced before new ones were introduced. This reflects the widely held view that the types of approaches used to tackle ASB (for example fines and ASBOs) were ineffective as they were not enforced.
The Media

5.109 Although a large majority stated on the questionnaire that media reporting of ASB made them more concerned for their personal safety this was contradicted to some extent in the Focus Groups. The view was that they were living in the midst of ASB that they experienced often on a daily basis. As such reporting was simply telling them what they already knew and as such had a neutral impact. As one attendee commented:-

“You are living in it so don’t need to be told about it”.

5.110 Media reporting was, however, said to cause concern to parents and grandparents as they became more fearful about what might happen to their children or grandchildren. However, one, perhaps unexpected, impact of media reporting of ASB was to increase anger and frustration when punishments seemed to be far too lax in proportion to the offence. This tended to increase dissatisfaction with the justice system, making people feel that it was far too weighted towards offenders rather than the victims. In the words of one attendee:-

“It’s the victims that always suffer”.

Awareness of ASB Policy

5.111 As has been shown earlier awareness of some ASB initiatives such as ASBOs was quite high. Generally attendees felt they knew enough about Government initiatives and there was no desire for further information. As one commented:-

“I want to hear about what they have done rather than what they are trying to do”.

Conclusions

5.112 The Focus Group attendees generally experienced ASB on a regular and frequent, often daily, basis. Often this had been long standing. Given this, it is perhaps not surprising that existing enforcement initiatives were felt not to work and there was often dissatisfaction with the responses and effectiveness of the various official agencies. Attitudes towards the police tended to be more ambivalent, with understanding being shown to the constraints that they were working under, although there were frustrations with the actions of individual officers.

5.113 Despite this rather negative view of actions and agencies, there was one example of effective partnership working, initiated by local residents that had the potential to impact on ASB. There were also examples of victims taking direct action and talking to the ASB perpetrators, in particular young people. This was seen as being effective and was helping to address the fundamental problems, rather than symptoms, in that it was about trying to influence and change behaviours by making people aware of the impacts of their actions.

5.114 The justice system was generally not held in high regard, as it was felt that it tended to favour the perpetrators rather than the victims. Given this, it is perhaps not surprising that there was limited interest in community based responses to tackling
ASB. This is not to suggest that there was no desire to find solutions, but that community based initiatives were seen as a way of passing responsibility to those who were affected by the problems, a way of the agencies avoiding taking action. However, as one attendee commented:

“We know what the problems are. We want solutions”.

Accordingly the next section looks at what attendees would like to come out of the Review.

Moving Forward: Solutions To Antisocial Behaviour

Introduction

5.115 The terms of reference of the Review were not discussed with the Focus Groups in anything but general terms at the start of each session. Accordingly, when attendees were asked what they would like to come out of the Review, in terms of tackling ASB, the responses tended to be wide ranging and generally not initiative specific. This needs to be borne in mind when considering the responses.

Proposals

5.116 Generally there was limited desire to see new initiatives, as one attendee commented, “Results are needed not more initiatives”. Generally the Groups found it difficult to think of solutions to the problems, there being agreement that it was easy to identify the problems but far more difficult to propose solutions. As a result much of what was proposed was an extension of existing initiatives that attendees were familiar with. For example:

- People whose cars had been vandalised proposed that CCTV should be introduced in their streets;
- Paradoxically some of those who lived in streets with CCTV proposed that it should work, there being a number of examples cited where cameras had not been able to pick up incidents as they were not working;
- Make greater use of community service so that those causing the problems were made responsible for solving them; and
- There was a demand for more speed bumps in areas where speeding was seen as an issue.

5.117 There was also a very strong view expressed in one Group that the sale of drink should be strictly controlled, with the number of licensed outlets being drastically reduced, it being felt that restricted availability would result in less ASB.

However, there was a strong desire across the Groups to see existing sanctions (for example fines and ASBOs) enforced. Allied to this was a wish to see more punitive action taken against offenders and action to limit the impact of ASB. Into the latter category was the wish to see those who were behaving in an antisocial way housed in one location rather than spread across residential areas.
Punitive action covered such things as:-

- Making imprisonment a hard punishment, rather than the soft option that many felt it to be, citing access to television, computer games and telephones as examples;
- Using the “sharp shock” approach for young offenders so that they were made to realise that their behaviour would no longer be tolerated;
- Imposing and enforcing curfews on young people who had behaved in an antisocial way; and
- Ensuring that, when young people were found guilty of ASB, their parents were penalised by having deductions made from their benefits. It was felt that only in this way would parents begin to take some responsibility for their children’s actions.

Whilst this may seem to be a right wing agenda, there was also recognition that punishments, such as jail, had to be linked to measures to rehabilitate offenders. A common view was that prison currently did little to reform people and often those who were imprisoned were worse when they were released.

There were also proposals intended to improve current practice. One was the setting up of an ASB telephone line\textsuperscript{42} to which instances of ASB could be reported, the justification for this being:

“Any attempts I have made to report things to the police you don’t feel it is going anywhere and you feel like you are just wasting their time when it’s obviously important because we are talking about the fabric of what we live in but you can’t report it in a meaningful way”.

However, underlying these initiatives was a strong desire to see a long term rebuilding of society, one in which respect and responsibility were core pillars. It was felt that parents and schools had a key role in this so that young people grew up knowing what the boundaries of acceptable behaviour were. As one commented:

“When I was young I didn’t not do things because I thought I would get fined or anything like that. There were just boundaries that I got from my parents and you got from school.”

It was accepted that this would not stop all ASB. However, it was felt that to continue down the road of developing more ingenious sanctions to punish ASB was not the way to go. This had proved to be ineffective in the past and the sanctions did not seem to be enforced. It was, however, accepted that the alternative could only be a long term solution.

**Conclusions**

In summary what was wanted were solutions to ASB. There were felt to be 2 strands to this:-

- Enforcement of existing sanctions; and

\textsuperscript{42} Given that such hotlines exist in most, if not all, local authorities this would seem to be an example of an initiative that needs to be more widely publicised.
• Long term action to ensure that young people were brought up in a society in which there was mutual respect for one another and of each other’s property.

There seems to be limited appetite for new punitive initiatives or for community involvement in imposing sanctions and punishment on offenders.

Overall Conclusions

5.124 The Focus Groups were to explore 5 main issues. Although the Groups differed according to a range of socio-economic and experiential factors (see Annex 3) there was consensus as to what was felt about each of these:

• In terms of how perceptions of ASB were formed and reinforced, this was invariably through personal experience. Indeed the selection criteria made this inevitable;
• The existing initiatives and agency approaches to tackling ASB were generally felt to be ineffective, although there were examples of approaches that seemed to have worked;
• Solutions were seen as being a mixture of enforcement of existing sanctions and long term action to make people change the way they behaved;
• There was no great desire for community involvement in tackling ASB. Indeed in many areas it was felt that this was only likely to bring about reprisals; and
• The general view was that people knew enough about policy. What was wanted was evidence that it was working. Such evidence would not come from research but from changes in the circumstances in their neighbourhoods, that is through the day-to-day experiences of residents.

5.125 The root of the ASB problems was seen as being a lack of boundaries as to what was acceptable behaviour linked to a lack of respect for others, their property and the enforcement agencies. Other factors, such as drink and drugs, were identified as important causal influences but had to be seen in the context of a minority of people who behaved in a way that was exceptionally selfish. Given this, drink and drugs could be seen as symptoms of ASB rather than causes.

5.126 The solutions proposed included enforcing existing sanctions, making more use of existing initiatives such as CCTV and controlling the availability of drink through licensed outlets, albeit at least one attendee felt that this might drive people to cheaper, and readily available, drugs. It was felt that these actions needed to be paralleled by longer term initiatives, essentially to rebuild society in those areas worst affected by ASB. This had to start through the education system so that children were taught to respect others and were made aware of their responsibilities. This would be a way of breaking what was seen as being a generational cycle through which antisocial behavioural norms in some families were passed onto children. For this to be effective it might be that action would be needed to change the attitudes of parents. This was not, however, something that was explored in the Groups.
5.127 The lack of interest in community involvement in solving ASB may reflect the severity of the problems in many of the areas in which the attendees lived. The example of effective action initiated by the community was against behaviour that, on the spectrum identified by the attendees, was not extreme. Given this, it may be that community initiatives might be a solution in those areas where the problems are not particularly bad. Elsewhere the military analogies used by several attendees would seem to place responsibility firmly with the existing enforcement agencies.

5.128 A number of instances were cited where attendees had taken direct action, in particular speaking to those responsible for ASB and making them aware of the impact it was having. This had often been successful. However, this type of approach clearly depends upon the willingness of the victim to become involved and their mediation skills. As such it is not something that would be appropriate for all, nor is it likely to be a solution to the more extreme forms of ASB.

5.129 What also needs to be borne in mind is that there was a degree of unhappiness about the effectiveness of existing actions and agencies and the proliferation of initiatives and sanctions that were apparently not enforced. Against this background, the evidence from the Focus Groups is that the introduction of new policy initiatives should be done cautiously. It is also the case that any attempt to introduce community based initiatives could create a backlash, as in those areas most affected by ASB this could be seen as a way of the agencies and Government passing off (if not abdicating) their responsibilities to those who are the victims.

5.130 Overall the Focus Groups have identified a relatively gloomy situation with communities having to face up to behaviours that most would not feel are acceptable. It seems likely that changing this situation will not be easy nor can it be done in the short term. It also seems to be something that needs coordinated action by a number of agencies and perhaps a greater concern for the rights of the victims than many Focus Group attendees feel has been shown in the past.

REFERENCES

Hayton, Keith, 2008, Interviews with young people to support the review of the national ASB strategy, Scottish Government Social Research, Edinburgh.
Annex 1  Selection Of The Local Authorities

The brief for the work stated that Focus Groups were to be run in 5 local authorities selected from 6: Clackmannanshire, Dundee, Glasgow, Highland, Midlothian and West Dunbartonshire.

Analysis of the 2005/06 SHS had found that those interviewed in Clackmannanshire, Glasgow and West Dunbartonshire were more likely than the Scottish average to say that various neighbourhood problems (for example noisy neighbours or loud parties and people drinking or using drugs) were “Very” or “Fairly Common” whilst the proportion who stated that they had experienced these problems was considerably higher than the average. In Midlothian the “Very” or “Fairly Common” proportions were higher than the Scottish average for most problems, whilst the proportion that had experienced these problems over the last 12 months was consistently higher than the Scottish average.

The 2005/06 SHS found that Dundee interviewees were more likely (than the Scottish average) to have said that neighbourhood problems were “Very” or “Fairly Common” in their area. However, the proportions stating that they had personal experience of these problems over the last 12 months were lower than the Scottish average. Dundee was also unique in urban areas in that a higher than average proportion of interviewees said that they were “Very Satisfied” with what the authorities were doing to address ASB.

The terms of reference for the Review stated that one of the Focus Groups would be in a rural area. The 2005/06 SHS found that, of the most rural authorities, Highland had the highest proportion of respondents who stated that neighbourhood problems were “Very” or “Fairly Common”. There were also more eligible respondents in this authority, thereby increasing the chances of being able to recruit a Focus Group that met the selection criteria.

When the numbers of SHS interviewees meeting the selection criteria were examined, and the characteristics of the 6 authorities assessed, it was decided not to use West Dunbartonshire. It was felt that its proximity to Glasgow (being essentially a part of the Clydeside conurbation) meant that it was likely to have similar characteristics to Glasgow. Accordingly the selection of the 5 authorities was: Clackmannanshire, Dundee, Glasgow, Highland and Midlothian.

43 Eilean Siar, Highland, Orkney, Scottish Borders and Shetland.
Annex 2  Selection Of The Focus Group Attendees

Those invited to attend the Focus Groups were drawn from SHS interviewees who had indicated that they were willing to be contacted for follow-up research. Within this group people who met 2 criteria were to be invited:

- Those who said that 2 or more neighbourhood problems were “Very” or “Fairly common” in their neighbourhood and that they had personal experience of these in the last 12 months (criteria A); and
- Those who said that 2 or more neighbourhood problems were “Very” or “Fairly common” in their neighbourhood but had had no personal experience of these in the last 12 months (criteria B).

In addition it was hoped that those meeting either of the above criteria would also express either clear satisfaction or clear dissatisfaction with the response of local agencies to ASB in their neighbourhood.

Given that it was thought that the numbers meeting the 2 neighbourhood problem criteria might be limited in some areas, it was decided to see how many additional interviewees indicated that one or more problems were “Very” or “Fairly common” in their neighbourhood. This was not, however, done for Glasgow as the numbers meeting the “Two” criteria were felt to be sufficiently large to generate an adequate response. Table A2.1 shows the results for the 6 local authorities. The numbers on the “Two” criteria are generally low.

The aim was to recruit 10 to 12 for each Focus Group. To get this number experience shows that around 25 at least would have to be approached. This is slightly more than would normally be invited, but the geographical spread of potential invitees across the authorities means that some may have to travel a distance that might result in participation rates being low.

However, following discussion with the client, it was decided initially to invite those meeting the “Two” criteria and if it proved impossible to generate sufficient positive responses from this group, to then go to the “One” group. For Clackmannanshire and Midlothian this would mean sending invitations to all of the SHS interviewees. For Dundee and Glasgow a sample had to be selected. Highland, because of its geography is a special case that is dealt with below.

**TABLE A2.1 SHS interviewees meeting the two and the one selection criteria**

<table>
<thead>
<tr>
<th>Authority</th>
<th>Two or more neighbourhood problems being “Very” or “Fairly common”</th>
<th>One or more neighbourhood problems being “Very” or “Fairly common”</th>
<th>GRAND TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Criteria A</td>
<td>Criteria B</td>
<td>TOTAL</td>
</tr>
<tr>
<td>Clackmannanshire</td>
<td>22</td>
<td>4</td>
<td>26</td>
</tr>
<tr>
<td>Dundee</td>
<td>24</td>
<td>12</td>
<td>36</td>
</tr>
<tr>
<td>Glasgow</td>
<td>138</td>
<td>34</td>
<td>172</td>
</tr>
<tr>
<td>Highland</td>
<td>15</td>
<td>4</td>
<td>19</td>
</tr>
<tr>
<td>Midlothian</td>
<td>16</td>
<td>7</td>
<td>23</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>215</strong></td>
<td><strong>61</strong></td>
<td><strong>276</strong></td>
</tr>
</tbody>
</table>
In the event, in Clackmannanshire, Dundee and Midlothian the response rate on both the “Two” and the “One” selection criteria was poor. Accordingly invitations had to be sent to some people who did not meet either criterion but had indicated that they were willing to be involved in further research.

Highland

Highland, because of its geography, posed particular problems in organising a Focus Group. Accordingly the home postcodes of those meeting the SHS eligibility criteria were analysed, as Table A2.2 shows. What can be seen is that there is a “centre of gravity” around Inverness on the following postcodes:-
- IV2 and IV3, both of which are in Inverness;
- IV6 Muir of Ord;
- IV12, Nairn;
- IV15, Dingwall.

In total 22 of the 38 eligible attendees lived in or around Inverness (58%).

Of the others some were too far from Inverness to make an invitation to attend sensible. For example:-
- IV22 is Achnasheen;
- IV40 is Kyle of Lochalsh;
- IV51 and IV55 are both on Skye;
- PH24 is Boat of Garten; and
- PH33 is Fort William.

<p>| TABLE A2.2 Highland SHS interviewees meeting the ASB selection criteria |
|---------------------------------|-------------------|-------------------|-------------------|</p>
<table>
<thead>
<tr>
<th>Postcode</th>
<th>Two or more neighbourhood problems being “Very” or “Fairly common”</th>
<th>One or more neighbourhood problems being “Very” or “Fairly common”</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>IV2</td>
<td>8</td>
<td>3</td>
<td>11</td>
</tr>
<tr>
<td>IV3</td>
<td>2</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>IV4</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>IV6</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>IV9</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>IV12</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>IV15</td>
<td>0</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>IV22</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>IV25</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>IV40</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>IV51</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>IV55</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>IV56</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>KW14</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>PH24</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>PH33</td>
<td>2</td>
<td>3</td>
<td>5</td>
</tr>
<tr>
<td>TOTAL</td>
<td>19</td>
<td>19</td>
<td>38</td>
</tr>
</tbody>
</table>

Given this geography, the 22 eligible invitees in the IV2, 3, 6, 12 and 15 postcodes areas were initially approached. In the event this did not generate sufficient positive
responses. Accordingly others in these postcode areas had to be approached who did not meet the selection criteria but had indicated that they were willing to be involved in further research.

Annex 3 Characteristics Of Focus Group Attendees And Experiences Of Antisocial Behaviour

Profile Characteristics

TABLE A3.1 Gender

<table>
<thead>
<tr>
<th>Gender</th>
<th>Clackmannanshire</th>
<th>Dundee</th>
<th>Glasgow</th>
<th>Highland</th>
<th>Midlothian</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>4</td>
<td>0</td>
<td>2</td>
<td>4</td>
<td>6</td>
<td>16</td>
</tr>
<tr>
<td>Female</td>
<td>1</td>
<td>5</td>
<td>6</td>
<td>4</td>
<td>2</td>
<td>18</td>
</tr>
<tr>
<td>TOTAL</td>
<td>5</td>
<td>5</td>
<td>8</td>
<td>8</td>
<td>8</td>
<td>34</td>
</tr>
</tbody>
</table>

TABLE A3.2 Housing tenure

<table>
<thead>
<tr>
<th>Tenure</th>
<th>Clackmannanshire</th>
<th>Dundee</th>
<th>Glasgow</th>
<th>Highland</th>
<th>Midlothian</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Own home¹</td>
<td>3</td>
<td>2</td>
<td>1</td>
<td>3</td>
<td>6</td>
<td>15</td>
</tr>
<tr>
<td>Social renting²</td>
<td>2</td>
<td>2</td>
<td>7</td>
<td>4</td>
<td>2</td>
<td>17</td>
</tr>
<tr>
<td>Renting privately</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>TOTAL</td>
<td>5</td>
<td>5</td>
<td>8</td>
<td>8</td>
<td>8</td>
<td>34</td>
</tr>
</tbody>
</table>

Note:-
1. Owning home includes owning outright and purchasing with a loan or mortgage.
2. Social renting includes renting from a local authority, housing association or co-operative.

TABLE A3.3 Economic status

<table>
<thead>
<tr>
<th>Status</th>
<th>Clackmannanshire</th>
<th>Dundee</th>
<th>Glasgow</th>
<th>Highland</th>
<th>Midlothian</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Self employed</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Working full time</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>2</td>
<td>5</td>
</tr>
<tr>
<td>Working part time</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>Looking after home or family</td>
<td>0</td>
<td>2</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>Permanently retired</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>9</td>
</tr>
<tr>
<td>Unemployed and looking for work</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Education or training</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Permanently sick or disabled</td>
<td>1</td>
<td>1</td>
<td>3</td>
<td>1</td>
<td>2</td>
<td>8</td>
</tr>
<tr>
<td>TOTAL</td>
<td>5</td>
<td>5</td>
<td>8</td>
<td>7</td>
<td>8</td>
<td>33</td>
</tr>
</tbody>
</table>
### TABLE A3.4  Household characteristics

<table>
<thead>
<tr>
<th>Household</th>
<th>Clackmannanshire</th>
<th>Dundee</th>
<th>Glasgow</th>
<th>Highland</th>
<th>Midlothian</th>
<th>TOTAL</th>
<th>Total</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single parent with dependent children</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>4</td>
<td>12</td>
<td></td>
</tr>
<tr>
<td>Live with partner and dependent children</td>
<td>0</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>6</td>
<td>18</td>
<td></td>
</tr>
<tr>
<td>Live with partner</td>
<td>4</td>
<td>1</td>
<td>1</td>
<td>5</td>
<td>5</td>
<td>11</td>
<td>33</td>
<td></td>
</tr>
<tr>
<td>Live alone</td>
<td>0</td>
<td>1</td>
<td>5</td>
<td>5</td>
<td>1</td>
<td>12</td>
<td>37</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>5</td>
<td>5</td>
<td>8</td>
<td>7</td>
<td>8</td>
<td>33</td>
<td>100</td>
<td></td>
</tr>
</tbody>
</table>

### TABLE A3.5  Dependent children

<table>
<thead>
<tr>
<th>Children</th>
<th>Clackmannanshire</th>
<th>Dundee</th>
<th>Glasgow</th>
<th>Highland</th>
<th>Midlothian</th>
<th>TOTAL</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>4</td>
<td>2</td>
<td>5</td>
<td>6</td>
<td>6</td>
<td>23</td>
<td>70</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>0</td>
<td>2</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>6</td>
<td>18</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>3</td>
<td>9</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>5</td>
<td>5</td>
<td>8</td>
<td>7</td>
<td>8</td>
<td>33</td>
<td>100</td>
<td></td>
</tr>
</tbody>
</table>

### TABLE A3.6  Age band of attendees

<table>
<thead>
<tr>
<th>Age</th>
<th>Clackmannanshire</th>
<th>Dundee</th>
<th>Glasgow</th>
<th>Highland</th>
<th>Midlothian</th>
<th>TOTAL</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>16-24</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>25-34</td>
<td>0</td>
<td>2</td>
<td>2</td>
<td>1</td>
<td>0</td>
<td>5</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>35-44</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>3</td>
<td>9</td>
<td></td>
</tr>
<tr>
<td>45-59</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td>3</td>
<td>8</td>
<td>24</td>
<td></td>
</tr>
<tr>
<td>60+</td>
<td>3</td>
<td>1</td>
<td>3</td>
<td>3</td>
<td>5</td>
<td>15</td>
<td>46</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>5</td>
<td>5</td>
<td>8</td>
<td>7</td>
<td>8</td>
<td>33</td>
<td>100</td>
<td></td>
</tr>
</tbody>
</table>

### Experiences of ASB

#### TABLE A3.7  Is ASB a problem in your neighbourhood?

<table>
<thead>
<tr>
<th>Response</th>
<th>Clackmannanshire</th>
<th>Dundee</th>
<th>Glasgow</th>
<th>Highland</th>
<th>Midlothian</th>
<th>TOTAL</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>4</td>
<td>5</td>
<td>8</td>
<td>4</td>
<td>5</td>
<td>26</td>
<td>81</td>
<td></td>
</tr>
<tr>
<td>No</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>3</td>
<td>2</td>
<td>6</td>
<td>19</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>5</td>
<td>5</td>
<td>8</td>
<td>7</td>
<td>8</td>
<td>32</td>
<td>100</td>
<td></td>
</tr>
</tbody>
</table>

#### TABLE A3.8  Has the prevalence of ASB changed over the last 12 months?

<table>
<thead>
<tr>
<th>Change</th>
<th>Clackmannanshire</th>
<th>Dundee</th>
<th>Glasgow</th>
<th>Highland</th>
<th>Midlothian</th>
<th>TOTAL</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Got worse</td>
<td>1</td>
<td>4</td>
<td>2</td>
<td>1</td>
<td>3</td>
<td>11</td>
<td>34</td>
<td></td>
</tr>
<tr>
<td>Stayed the same</td>
<td>3</td>
<td>1</td>
<td>5</td>
<td>5</td>
<td>0</td>
<td>14</td>
<td>44</td>
<td></td>
</tr>
<tr>
<td>Got better</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>3</td>
<td>5</td>
<td>16</td>
<td></td>
</tr>
<tr>
<td>Don’t know</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>5</td>
<td>5</td>
<td>8</td>
<td>7</td>
<td>8</td>
<td>32</td>
<td>100</td>
<td></td>
</tr>
</tbody>
</table>
TABLE A3.9 Over the last 12 months have you had personal experience of ASB in your neighbourhood?

<table>
<thead>
<tr>
<th>Response</th>
<th>Clackmannanshire</th>
<th>Dundee</th>
<th>Glasgow</th>
<th>Highland</th>
<th>Midlothian</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number</td>
<td>Percentage</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>2</td>
<td>4</td>
<td>8</td>
<td>4</td>
<td>6</td>
<td>24</td>
</tr>
<tr>
<td>No</td>
<td>3</td>
<td>1</td>
<td>0</td>
<td>3</td>
<td>1</td>
<td>8</td>
</tr>
<tr>
<td>TOTAL</td>
<td>5</td>
<td>5</td>
<td>8</td>
<td>7</td>
<td>7</td>
<td>32</td>
</tr>
</tbody>
</table>

TABLE A3.10 Over the last 12 months have you reported incidences of ASB to the police or other agencies?

<table>
<thead>
<tr>
<th>Response</th>
<th>Clackmannanshire</th>
<th>Dundee</th>
<th>Glasgow</th>
<th>Highland</th>
<th>Midlothian</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number</td>
<td>Percentage</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>3</td>
<td>2</td>
<td>14</td>
</tr>
<tr>
<td>No</td>
<td>3</td>
<td>2</td>
<td>4</td>
<td>4</td>
<td>1</td>
<td>9</td>
</tr>
<tr>
<td>TOTAL</td>
<td>5</td>
<td>5</td>
<td>8</td>
<td>7</td>
<td>6</td>
<td>31</td>
</tr>
</tbody>
</table>

TABLE A3.11 If you have reported incidences of ASB how satisfied were you with the response?

<table>
<thead>
<tr>
<th>Satisfaction</th>
<th>Clackmannanshire</th>
<th>Dundee</th>
<th>Glasgow</th>
<th>Highland</th>
<th>Midlothian</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number</td>
<td>Percentage</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Very Satisfied</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Fairly Satisfied</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Neither Satisfied nor Unsatisfied</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Fairly Unsatisfied</td>
<td>1</td>
<td>3</td>
<td>2</td>
<td>1</td>
<td>0</td>
<td>7</td>
</tr>
<tr>
<td>Very Unsatisfied</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>TOTAL</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>3</td>
<td>2</td>
<td>14</td>
</tr>
</tbody>
</table>

TABLE A3.12 When you read or hear about ASB in the media what impact does this have on you?

<table>
<thead>
<tr>
<th>Impact</th>
<th>Clackmannanshire</th>
<th>Dundee</th>
<th>Glasgow</th>
<th>Highland</th>
<th>Midlothian</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number</td>
<td>Percentage</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>More concerned for your personal safety</td>
<td>1</td>
<td>5</td>
<td>4</td>
<td>5</td>
<td>8</td>
<td>23</td>
</tr>
<tr>
<td>Neither more nor less concerned</td>
<td>3</td>
<td>0</td>
<td>4</td>
<td>2</td>
<td>0</td>
<td>9</td>
</tr>
<tr>
<td>Less concerned about your personal safety</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>TOTAL</td>
<td>5</td>
<td>5</td>
<td>8</td>
<td>7</td>
<td>8</td>
<td>33</td>
</tr>
</tbody>
</table>
TABLE A3.13  Have you heard of any of these responses to ASB?

<table>
<thead>
<tr>
<th>Response</th>
<th>Clackmannanshire</th>
<th>Dundee</th>
<th>Glasgow</th>
<th>Highland</th>
<th>Midlothian</th>
<th>TOTAL</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>An ASB Order (ASBO)</td>
<td>4</td>
<td>5</td>
<td>5</td>
<td>7</td>
<td>1</td>
<td>22</td>
<td>22</td>
<td></td>
</tr>
<tr>
<td>A warning</td>
<td>2</td>
<td>3</td>
<td>5</td>
<td>6</td>
<td>4</td>
<td>20</td>
<td>21</td>
<td></td>
</tr>
<tr>
<td>A fixed penalty notice fine</td>
<td>4</td>
<td>5</td>
<td>3</td>
<td>2</td>
<td>5</td>
<td>19</td>
<td>20</td>
<td></td>
</tr>
<tr>
<td>A vehicle seizure warning</td>
<td>2</td>
<td>3</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>11</td>
<td>12</td>
<td></td>
</tr>
<tr>
<td>Mediation</td>
<td>2</td>
<td>3</td>
<td>3</td>
<td>0</td>
<td>2</td>
<td>10</td>
<td>11</td>
<td></td>
</tr>
<tr>
<td>An Acceptable Behaviour Contract</td>
<td>2</td>
<td>1</td>
<td>0</td>
<td>5</td>
<td>2</td>
<td>10</td>
<td>11</td>
<td></td>
</tr>
<tr>
<td>Restorative Justice</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>3</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>17</td>
<td>20</td>
<td>18</td>
<td>22</td>
<td>18</td>
<td>95</td>
<td>100</td>
<td></td>
</tr>
</tbody>
</table>

Note:
1. Respondents were able to give more than one response
CHAPTER SIX: THE INTERVIEWS WITH YOUNG PEOPLE

Executive Summary

Introduction

6.1 This report summarises the findings of a number of interviews with young people in various locations across Scotland. The interviewees were to explore views on antisocial behaviour (ASB) and perceptions of the effectiveness of current policy. This was to be an input into the current review of the national ASB strategy.

Objectives

6.2 The Scottish Government’s review of national ASB policy started in October 2007. The aims were to see if the national policy could be improved and bring about greater community involvement in tackling ASB. As part of this process key stakeholders, including the community, were to be consulted. Two main groups were identified, adults and young people. This report synthesises a series of interviews undertaken with young people. A separate report gives the views of adults (Hayton Consulting and Research Resource, 2008).

6.3 The interviews were to explore a number of issues including:-
◆ Experiences of ASB both as victims and perpetrators;
◆ Views on the way bodies such as the police responded to ASB;
◆ Views on the effectiveness of such measures as Antisocial Behaviour Orders and vehicle seizures;
◆ The way the media portrays young people in relation to ASB; and
◆ Views on what could be done to prevent ASB.

Methodology

6.4 A total of 20 young people participated in interviews in 5 local authority areas: Clackmannanshire, Dundee, Glasgow, Highland, and Midlothian. The authorities were selected as the responses to questions asked about ASB in the Scottish Household Survey showed that they were atypical in some way. For example, the severity of ASB problems was often higher than the Scottish average.

6.5 It needs to be stressed that the interviewees were not intended to be a representative cross-section of Scottish youth. They were to include people living in some of the areas hardest hit by ASB and included those who had been guilty of such behaviour. As such the views expressed may be atypical.

6.6 The interviews were undertaken on behalf of the Scottish Government by Young Scot, using the same topic guide as was used for the Focus Groups undertaken with adults. Transcripts of the interviews were provided to Hayton Consulting who was responsible for producing this report.
Experiences Of ASB

6.7 The definitions of ASB used by young people tended not to include some things that were of concern to adults. Litter was the main example of this. There were also examples of ASB that seem to be unique to young people: for example using song to intimidate and provoke.

6.8 The type of ASB mentioned most frequently was noise, especially playing loud music. Gang fighting was identified as a key symptom of ASB in some areas. Drug abuse was not seen as a major problem, although a number of interviewees used soft drugs. This seems to be normal behaviour amongst the age group.

6.9 ASB was not seen as something that was caused solely by young people. Often adults were guilty of behaviour that was far more serious. However, it was felt that the definitions that were used tended to be so broad that everyone behaved antisocially at some time.

6.10 A number of interviewees had been involved in ASB, some of which was quite serious. This was seen as being normal behaviour for young people and little remorse was expressed for the consequences of their behaviour.

6.11 Some interviewees felt aggrieved that they had been called to account for their actions. This reflected two factors: firstly, they did not necessarily accept that their behaviour was antisocial and, secondly, the proportionality of the sanction, with similar sanctions being applied to behaviour ranging from that seen as trivial to the more severe.

6.12 The main reasons for young people behaving antisocially were felt to be drink and boredom. However, there was also a view that it was to some extent intrinsic to youth, with people behaving in an antisocial way as they wanted to stand out from their peers and rebel against society.

6.13 It was felt that if diversionary facilities and activities were provided, open at the times that young people wanted, and which provided the facilities needed (for males and females) then ASB would decrease. However, if such behaviour is part of growing up then providing facilities can never be a total solution to the problem.

Responses To ASB

6.14 The interviewees had varying levels of awareness of the initiatives put in place to tackle ASB. There was, however, a common view that ASB Orders (ASBOs) were ineffective and were used indiscriminately for offences ranging from the trivial to the more serious.

6.15 Those that had firsthand experience of ASBOs and other sanctions, such as warnings, felt they were ineffective as they were not monitored by the authorities.

6.16 There was a common view that if the police were more visible then ASB would be curbed as young people would be deterred from behaving antisocially. It
was felt that this would also stop young people being criminalised as currently their
first contact with the police was after they had committed an offence. What was
being argued for was for the police to become more pro-active.

6.17 Some felt that the media portrayed young people in a negative way,
associating them with such things as vandalism and drunkenness. Whilst some
behaved in this way, the majority did not. However, there was also a view that this
was inevitable as the media’s role was to report bad news. As such young people
faired no worse than many other groups.

6.18 It was felt that adults had negative views of young people, partly as a result of
media reporting. This was seen as a reflection of tolerance levels being lower,
possibly as a result of the publicity given to ASB and the recent policy initiatives
intended to counter it.

6.19 In part the problem was seen to be a lack of mutual respect between the
generations. One way of partially bridging this would be through such things as joint
involvement in running youth clubs and community centres.

Moving Forward: Solutions To ASB

6.20 Relatively few suggestions were made as to how ASB could be solved. In part
this reflected the fact that not all interviewees accepted that their behaviour was
antisocial.

6.21 There was a general view that new laws were not needed. One consequence
of new laws was that more young people would be criminalised.

6.22 The general view was that sanctions such as ASBOs should be used for more
serious offences whilst warnings and simply talking to the offenders might be more
effective for trivial offences. In parallel with, this attempts needed to be made to find
out why offenders behaved as they did so that the true problem, rather than its
symptoms, could be tackled.

6.23 There also needed to be appropriate diversionary activities and a visible
police presence, preferably on foot rather than in cars.

Conclusions

6.24 The interviews challenged some of the assumptions underlying current policy
approaches to ASB. For example, if such behaviour is intrinsic to being young then it
can never be solved as young people are, by definition, antisocial to some extent, or
would be seen as being so by their elders.

6.25 The definition of ASB was felt to be so wide that many young people behaved
antisocially. In part this might be responsible for sanctions such as ASBOs being
devalued as they were believed to have been used indiscriminately.

6.26 There were differences between the views of young people and adults about
ASB and its extent. Adults tended to have far wider definitions of what constituted
such behaviour. This might reflect the different stages in life cycles for the two groups, with adults being more settled and spending more time in their local communities.

6.27 Adults also did not see ASB as being inevitable. If existing sanctions were enforced then it was felt that the problem would be solved. Young people did not hold this view, seeing ASB as being inevitable. If this is the case, then perhaps policy needs to concentrate upon the more extreme forms of ASB, the assumption being that those guilty of trivial offences will grow out of this type of behaviour.

6.28 However, there was some common ground between both groups. For example:-
◆ ASB was seen by adults and young people as being something that crossed all age groups;
◆ The cause of much ASB was a lack of mutual respect;
◆ ASBO’s were not seen as being an effective deterrent;
◆ Policy was too reactive; and
◆ New laws and sanctions were not needed. What was wanted was enforcement of existing legislation.

Introduction

6.29 The Antisocial Behaviour etc (Scotland) Act received Royal Assent in July 2004. The Act provided local authorities and other agencies with a range of powers to enable them to tackle ASB more effectively. This was part of a wider national strategy that aimed to:-

- Protect and empower communities;
- Prevent ASB by working with children and families;
- Build safe, secure and attractive communities; and
- Provide effective enforcement powers.

6.30 In October 2007 a Review of the national strategy was launched to see where it could be improved and to bring about stronger community involvement. Whilst the objectives of the review are wide ranging, there are some that are specifically relevant to this work, to:-

- Determine ways in which communities could become more usefully involved in tackling ASB in their own neighbourhoods;
- Consider how community safety communications could raise public awareness of national policy and local service delivery; and
- Consult with and involve key stakeholders in determining future priorities. These stakeholders included, inter alia, community groups young people’s organisations and the public.

6.31 This report covers part of these objectives. It summarises the findings of a series of interviews with young people carried out in 5 local authority areas.
(Clackmannanshire, Dundee, Glasgow, Highland and Midlothian). The interviews were intended to explore young people’s:-

- Experiences of ASB, both as victims and as perceived or actual perpetrators;
- Experiences of local agencies, such as the police and local authorities and the way they go about tackling ASB;
- Views on the effectiveness of key measures designed to tackle anti-social behaviours, such as Anti Social Behaviour Orders (ASBOs), dispersal orders and vehicle seizures;
- Perceptions of the portrayal of young people in the media in relation to ASB;
- Views on the facilities and services they have in their community which help to encourage positive behaviour;
- Views on what they think the Government is doing to try to tackle ASB and promote positive opportunities for young people; and
- Views about what would prevent ASB and help improve their lives and the quality of their local communities.

6.32 To complement this work a series of Focus Groups were carried out with adults in the same 5 local authority areas. These are written up in a separate report (Hayton Consulting and Research Resource, 2008).

Methodology

6.33 The interviews with young people were carried out by Young Scot with the analysis and reporting being undertaken by Hayton Consulting. Originally 2 sets of paired interviews were to be undertaken in each local authority area but due to technical difficulties only one set of interviews were recorded in Midlothian and Clackmannanshire. As already explained, the young people interviewed were not selected to be representative of young people but to include young people from areas hardest hit by ASB. Table 6.1 shows the characteristics of those interviewed.

<table>
<thead>
<tr>
<th>Local Authority</th>
<th>Gender</th>
<th>Economic Status</th>
<th>Domestic Arrangements</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>M</td>
<td>F</td>
<td>Empl</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>oyed</td>
</tr>
<tr>
<td>Clackmannshire</td>
<td>1</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>Dundee</td>
<td>1</td>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>Glasgow</td>
<td>2</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Highland</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Midlothian</td>
<td>2</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>TOTAL</td>
<td>8</td>
<td>12</td>
<td>6</td>
</tr>
</tbody>
</table>

6.34 The selection of young people who took part was originally intended to be based on the extent to which they were affected by ASB (either as victims or perpetrators). Whilst all the young people interviewed were affected in some way by

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44 Annex 1 in Chapter Four gives the reasons for the selection of the 5 local authorities.
ASB, participants were not asked at point of recruitment whether they were perpetrators or victims. During the course of the interviews it was apparent that some had been victims and some perpetrators. Subjects were recruited through local organisations working with young people such as advice centres and drop-in centres for all young people but specifically young parents, hard to reach young people, minority ethnic groups and victims of bullying.

6.35 To structure the interviews, and to try to ensure that the results were comparable with those obtained through the Adult Focus Groups, the same topic guide was used. Young Scot engages young people in consultation, or a process of dialogue, and as such the interviews were not as in depth as social research interviews. In addition some young people interviewed found it difficult talking about ASB, and accordingly there are times in this report when it has not always been possible to explore some issues in depth. The interviews varied considerably in the perception and insight that was shown about ASB and responses to it. One of the Glasgow interviews stands out for the way that the participants challenged many of the underlying assumptions about young people and ASB and the way it should, and could, be tackled; other interviews were less perceptive. Accordingly this Report makes greater use of quotations than does the Adult Focus Group Report where the method allowed issues to be explored in more depth.

Experiences of ASB

6.36 This section draws on the interviews to explore what young people feel ASB is, to look at their experiences of it and to consider views on its causes.

What is ASB?

6.37 The 2004 Antisocial Behaviour Act defines ASB in Section 143 in a rather convoluted way. ASB is said to occur when a person acts in a way that causes, or is likely to cause, alarm or distress or if he or she pursues a course of conduct that causes or is likely to cause alarm or distress to at least one person who is not in the same household. A course of conduct is defined as being an occurrence on at least 2 occasions. A slightly more succinct definition is given in the English and Welsh Crime and Disorder Act 1998 where ASB is defined as:-

“Behaviour likely to cause alarm, harassment or distress to members of the public not of the same household as the perpetrator”.

Neither piece of legislation specifically defines ASB in terms of actions.

6.38 The starting point for each set of interviews was to ask the interviewees what they understood ASB to be. The following quotations give a good overview of what they felt ASB was:-

“Behaviour that isn’t acceptable to the public”;
“Any sort of behaviour that is disruptive to people in their normal lives;” and
“People disrupting their community and being a nuisance”.

6.39 These initial responses were then followed up in more detail in order to tease out exactly what the interviewees felt ASB was. Their responses can be readily mapped onto the Home Office’s Research Development and Statistics Directorate typology (Defining and measuring anti-social behaviour, Home Office Development

- Misuse of public space;
- Disregard for community and personal well being;
- Acts directed at people; and
- Environmental damage.

Table 6.2 summarises the results.

6.40 What is clear, when the Table is compared to the one in the Adult Focus Group Report, is that young people identified fewer types of behaviour as being antisocial. Whether this is because they have no personal experience of some types of behaviour, are more tolerant or simply do not think that some types of behaviour are antisocial is hard to say. However, as will be seen later, there is some evidence that the last explanation has some validity.

**TABLE 6.2 Attendees’ definitions of ASB**

<table>
<thead>
<tr>
<th>Misuse of public space</th>
<th>Disregard for community and personal well being</th>
<th>Acts directed at people</th>
<th>Environmental damage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cars:-</td>
<td>Fire raising.</td>
<td>Violence (gang fights).</td>
<td></td>
</tr>
<tr>
<td>• Loud noise.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drug abuse:-</td>
<td>Noise:-</td>
<td>Intimidation (individuals or gangs):-</td>
<td>Damage and vandalism:-</td>
</tr>
<tr>
<td>• Taking drugs (hard).</td>
<td>• Playing loud music;</td>
<td>• Verbal abuse;</td>
<td>• Damage to telephone boxes;</td>
</tr>
<tr>
<td></td>
<td>• Shouting out of windows; and</td>
<td>• Menacing gestures; and</td>
<td>• Breaking windows;</td>
</tr>
<tr>
<td></td>
<td>• Noisy cars and motorbikes.</td>
<td>• Intimidating songs.</td>
<td>• Damage to cars;</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Theft of cars; and</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Graffiti.</td>
</tr>
<tr>
<td>Nuisance behaviour:-</td>
<td>Physical abuse (assault).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Smoking in the street.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drinking in the street and related drunken behaviour.</td>
<td>Burglary.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rowdy behaviour, including fighting, shouting and swearing.</td>
<td>Theft.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

6.41 The type of ASB mentioned most frequently was playing loud music. This seems to have been the type of behaviour that a number of participants had been accused of, either by neighbours or by the police. As one said when asked what they understood by ASB:-

“Loud noise is the first thing that comes to mind”.

Generally this was playing loud music in the home, although there was one instance where music was being played in a car.
6.42 Gang fighting was identified as a key symptom of ASB in a number of areas, with gangs being identified with specific localities (“Every town in Clackmannanshire has their own gang”). There were often fights with the gangs from other areas, involving a wide range of weapons such as golf clubs, baseball bats and nunchucks. Interestingly possession of knives was rarely mentioned, with one interviewee, who claimed that in the past knives had been regularly carried in her school, commenting that she did not think that this now happened as her peers had: “Become aware that someone could get killed”.

6.43 One set of interviewees mentioned the use of song as a form of provocation and intimidation, with gang members: “Dissing someone up through a song and sometimes put people’s names into it”. This same group also mentioned the film “Grease” as an inspiration for some gang behaviour with one fight being described as: “Just like in Grease when you see the last fight”.

6.44 Interestingly none of the groups identified litter as an issue. This is in contrast to the Adult Groups where this was identified in every one. One of the interviewers raised this with one group and got the following responses: “I drop litter all the time”; and “It is easier to drop it than to walk to a bin and put it in”. This would seem to illustrate the differences in attitudes between young people and adults. The same interviewer did press the respondent and asked what the area would be like if everyone behaved like her. The response was that it would be “manky” and that she would not like it.

6.45 One interviewee also felt that smoking in the street was antisocial, although whether this reflects the greater intolerance of some young people or is an atypical response is hard to say. Likewise another felt that shouting at people from windows, something that she apparently did on a regular basis, was antisocial.

6.46 Drug abuse, as a symptom of ASB, did not figure prominently in the interviews. A number of interviewees used soft drugs on occasions and it seemed that this was common amongst the age group. As such it did not seem to be seen as a significant problem. Interestingly those who were dependent upon hard drugs (disparagingly termed “junkies”), as distinct from casual drug users, seemed rarely to be seen as the perpetrators of ASB. Rather they tended to be seen as nuisances, because of such activities as begging, who were tolerated and treated with a degree of contempt.

6.47 It was generally felt that ASB occurred mainly at weekends (especially Friday and Saturday nights) with particular peaks in some areas after licensed premises closed, with drink being identified as a key cause across all age groups.

6.48 The point was made that the types of ASB and its magnitude tended to vary between different areas. For example, one made the point that when he had lived in

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45 A nunchuck is a traditional Far Eastern martial arts weapon, consisting of 2 short sticks that are joined at one end with a chain or rope.
another town gang fights had never been an issue. Now that he was living in Glasgow they were quite common.

**Who are the Perpetrators of ASB?**

6.49 Most of the interviewees tended to associate ASB with young people, in particular teenagers. However, some saw it as being something that occurred across all age groups, making the point that often 40 year olds were as badly behaved as young people, with adults being responsible for more ASB, of a more serious nature, than young people.

6.50 There was also a view that the broad definitions that were used to define ASB meant that some felt that:-

“Everyone is guilty of antisocial behaviour at some time”.

**Involvement in ASB and the Consequences**

6.51 A number of those interviewed had been involved in ASB either as perpetrators or witnesses. Examples included:-

- The relatively minor such as playing loud music, setting fire to waste bins and breaking window panes in telephone boxes, schools and houses; and
- More serious activities such as assaults, stealing cars and breaking all the windows in a local primary school.

6.52 When the reasons for such behaviour were explored what emerged was a view that it was almost the norm. Typical quotations included:-

“It was normal drunken stupidity”;

“It is not acceptable ...........but it happens all the time”; and

“Somebody decided to kick in the Scotmid’s windows and steal all the Easter eggs that were all round the front of it and you just get used to it”.

6.53 Another attendee had witnessed an assault on a bus where a man had been hit over the head with a bottle by a teenager. When asked how this had affected him his response was:-

“I wasn’t really bothered by it to be honest.”

6.54 What, therefore, emerges from analysis of some of the interviews is a view that violence and vandalism (often on quite a serious scale) are normal behaviour for young people in some areas and of certain ages. This is not seen as being particularly exceptional nor was much remorse expressed for the consequences. However, it needs to be stressed that those being interviewed were not intended to be representative of young people generally. As such these views may be atypical. Indeed the next section gives examples of young people behaving in a more positive way. There was also a view that ASB was what young people did:-

“Young people being young people and that’s what our generation’s all about”.

6.55 What also emerged was a view that some felt aggrieved when called to account for their actions. Examples included a young man who was playing music very loudly in his car late at night and felt that the police should not have intervened
(which resulted in an ASBO) as he “wasn’t causing any problems”. The following quotation, from someone who was to be served with an ASBO as a result of a series of complaints over noise, drug taking and leaving rubbish outside of his house, sums up some of the contradictions and lack of insight that some interviewees have as to the impact of their behaviour:—

“I admit I was stupid but this time that was just having people in and the music wasn’t loud because I wasn’t drunk or I was drunk but I knew what was going on and things and I watched who was in my house but I didn’t know about the people in the back garden”.

6.56 Another young man, although he admitted breaking a window, felt very aggrieved that he then faced 3 charges:—

“I still got 3 charges for nothing when I only did one thing”.

He also felt “very annoyed” that the police had come to this home and that one police officer had shouted at him.

6.57 In part these grievances relate to a view that ASB, and the various sanctions that could be applied, was now being used as a catchall for any behaviour that did not match some undefined “norm”. Conflict arises when some young people do not accept that their behaviour is antisocial. Related to this was proportionality: with the same sanction being applied for “offences” that ranged from the trivial (throwing water over a dog being given as an example) to more serious (major vandalism incidents).

6.58 What also became clear in a number of the interviews was that some young people, who were in care, were not being especially well supported by the agencies concerned. For example, one young man was in a hostel for the homeless where drink and drugs seemed to be freely available. Likewise the example of the youth who was about to be served with an ASBO was someone who had been provided with a house through Social Work and would clearly seem to be having problems coping with independent living.

6.59 However, there were examples where the sanctions imposed for behaving antisocially had resulted in people changing their behaviour. For example, the young person caught after setting fire to a waste bin was taken to the police station and kept in the cells for a short time, although no charges followed. This seemed to have had an impact, with the advice being:—

“I wouldn’t say to anybody to do anything like that”.

Another interviewee, who had been involved in such activities as stealing cars, attended a Victim Support Group and Victim Awareness. As a result:—

“I realised that my actions actually did have consequences which made me buck up my ideas and change my ways”.

Likewise the young man who had been “very annoyed” (Paragraph 2.22) said that he had not subsequently been involved in any ASB (“It’s taught me a bit of a lesson”).

Why do Young People Behave in an Antisocial Way?

6.60 Two main reasons were advanced to explain why young people behaved antisocially. These are summarised in the following quotations:—

“Just through boredom and when they are drunk”.
“They were all (ASB incidents) alcohol related”; and “Once you get a bottle in you, you’ll take the world on”.

6.61 Although drugs were cited as a reason for ASB they figured far less prominently than drink. However, what did emerge was the unpredictability of drugs upon the user:

“They don’t really know what they are doing so they fight with one another or they fight with just random people”.

6.62 Both drink and drugs were felt to be easily available. It was relatively easy to persuade older people to buy drink and “some drugs aren’t expensive”. Those who were on benefits could easily do casual work (such as gardening) to earn sufficient money to be able to buy whatever they wanted.

6.63 However, some interviewees felt that ASB was intrinsically linked with youth. Whereas drink and drugs might exacerbate it, some people:

“Do it to be cool”.

Or, as another interviewee, rather grandiosely, put it:

“It’s a part of our culture”.

6.64 Given this it would seem that there is a view amongst some that ASB is all part of being young and rebelling against society. As such it is something that will always occur, regardless of sanctions. Part of the problem would seem to be that different behavioural norms are now being applied to young people. As one interviewee commented when talking about adults:

“They all forget that they were young too”.

This relates to the point made earlier about definitions of ASB being all-embracing. Given this, it seems axiomatic that most young people (and indeed adults) will behave antisocially at some time.

Youth Facilities and Activities

6.65 The provision of diversionary facilities and activities for young people to stop them being bored and engaging in antisocial activity has been a feature of policy for a number of years. Three things emerged from the interviews:

- In some areas there was felt to be an absolute lack of facilities;
- Often the facilities that were available were not open at appropriate times, especially at the weekends and late evenings; and
- However, others felt that there were facilities but that young people were not aware of them. It was argued that placing a notice on a board was not an appropriate way of communicating with young people. There was a need for more proactive outreach work to bring facilities to the attention of the target audience.

6.66 It was generally felt that, if there were facilities that young people wanted, that were open at the times they wanted, then ASB would diminish. Young people would have something to do in the evenings and would therefore stop using drink and drugs and behaving in antisocial ways, by fighting for example. One interviewee
mentioned the situation after a local youth club closed permanently when the number of fights between young people increased considerably. As another commented:

“Where I grew up there was nothing to do at all.......all you could do was really take drugs, get drunk and mess about”.

6.67 There was also a view that the type of facilities provided and their opening hours were things decided by the authorities, especially local government, with little or no consultation with young people. As such facilities were often not meeting needs and were not used.

6.68 Some female interviewees felt that activities tended to be male orientated and there was a need for things that were “not just football”, although what was wanted was not specified.

6.69 In one set of interviews a very strong opinion was expressed that money should not be spent on sanctions such as ASBOs but should be used to provide facilities for young people. Although not expressed in these words, what was being argued for was a move away from after the event sanctions to preventative action.

Conclusions

6.70 At a general level the definitions of ASB used by young people are very comprehensive. However, when these are explored in more detail it became clear that some things that were of concern to adults were not seen as being particularly antisocial by the younger age groups. Litter is the best example of this. Despite this there were specific types of ASB that seem unique to young people, in particular using song to intimidate and provoke.

6.71 Many of those interviewed felt that the definitions of ASB were so broad that all age groups were guilty of behaving antisocially at some time. Indeed it was argued that the perpetrators of some of the most extreme examples of such behaviour were often adults.

6.72 There is some evidence that the sanctions taken in response to ASB did have an impact on some of the perpetrators. They had learnt a lesson and subsequently changed their behaviour. However, it was also evident that some, who had received penalties for what was judged to be ASB, did not accept that their behaviour had been wrong.

6.73 Although many felt that boredom, drink and, to a lesser extent, drugs were causes of ASB, there was also a view that what was judged by some to be antisocial was “normal” behaviour for young people. This was even the case when the nature and the intensity of the incident had been quite serious. However, it needs to be stressed again that those being interviewed were not necessarily a representative cross-section of Scottish youth. As such this may be an overly negative finding.

6.74 Providing additional facilities for young people may be one way of diverting them from behaving antisocially. However, if such behaviour is “normal” then additional facilities can only be a partial solution. Indeed it may be that some level of
ASB has to be accepted as part of the normal process of young people growing up and challenging society.

Responses To ASB

Introduction

6.75 The interviews were also to explore awareness of antisocial sanctions and enforcement measures, views on the enforcement agencies (especially the police), perceptions of young people by adults and the media’s role in forming these. We start by considering what young people felt about existing ASB sanctions.

Views on Existing Policy Initiatives

6.76 Awareness of initiatives to tackle ASB varied considerably. A minority were aware of such things as Victim Support, warning letters, tagging and ASB Contracts. This was largely as they had either been involved in them or had friends who had.

6.77 Most however, had heard of such things as ASBOs but had little knowledge of how they worked or what the consequences were for those served with them. Despite this there was a view that ASBOs did not act as a deterrent. Some of the opinions expressed included:

“An ASBO makes you look like a big guy amongst the crowds”;

“Half the time it’s like medals for them” (referring to those given ASBOs); and

“It’s like a competition”.

6.78 There was a view that ASBOs were awarded indiscriminately, for “offences” ranging from the trivial to the more serious. This resulted in their value as a sanction being undermined and confusion about what they were served for. As one interviewee commented:

“ASBOs don’t work and you can get an ASBO for absolutely anything nowadays”.

6.79 Even those who had firsthand experience of such things as ASBOs and warnings did not feel they were very effective, mainly as they were not monitored. One example was of a girl in a hostel for the homeless who had a CD player confiscated by the police after being warned about noise. Apparently she was able to obtain another player and continued as before with no further action being taken against her. Another had been given an ASB Contract but felt that it had little impact as it was not monitored.

Agency Responses

6.80 A common thread across many of the interviews was the issue of police visibility, with the police being criticised for being reactive (for example arresting young people after they had committed an offence) rather than being pro-active and stopping offences being committed, as one commented:

“If more police were walking about the streets it might make younger people aware that they were actually being watched and that there could be consequences of their behaviour.”
Another young man, who had been a soldier serving in Basra, drew on his experiences there, where one of the aims of the army had been to “show presence” through visible patrols. He argued that policy should:

“Put more police on the streets walking about..... that would be a deterrent”

It was also felt that this would result in young people not being criminalised as at the moment their first contact with the police was after they had committed an offence. Greater police visibility would stop these offences being committed.

It was also felt that were the police to walk the streets, rather than drive around in cars, then this would have a greater impact. It was argued that it was relatively easy to avoid police cars, whilst a police officer on foot “could just come up on you”.

There was also a view that the police were often too ready to react:

“As soon as there is more than 3 people it’s assumed you’re a gang and are going to smash windows”.

One consequence of this was that it was felt that young people were often not treated fairly and were seen as being guilty even before any offences had been committed.

Another group complained that, when sitting in a bus shelter, they were approached by the police and accused of being “popper gobblers” albeit there was no evidence that they had been taking drugs.

Some interviewees felt that the police, as a body, often gave out inconsistent messages. For example, some officers told groups of young people to move on, whilst others said that it was acceptable to remain.

There were, however, examples of positive police intervention with young people, one being the police running a youth club for young teenagers. This was felt to be successful in giving the participants something to do as well as breaking down the stereotypes that both parties had of the other.

There was some awareness of other enforcement bodies such as community wardens. However, although it was felt that they tried to take action, they were judged to be relatively ineffective and were “laughed at” as they were:

“Not the police and they don’t get the same respect”.

Beyond complaints about the lack of facilities and their opening times, the role of local government did not figure to any great extent in the interviews. Mention was made of a mobile facility in Falkirk that took games consoles to different areas in the town where they were available for young people to use. This was seen as being a very effective way of engaging with young people. One set of interviews also felt that there was increased cooperation between the police and the local authority, although this was not explored in any more detail. There were also some disparaging comments about “muppet” youth workers, although no explanation was given for this description. It may be that the lack of comments about local government reflects
limited awareness of what local authorities do as well as an inability to distinguish between different service providers.

**The Media and Young People**

6.90 It was felt that the media generally portrayed young people in a negative way, reporting such things as vandalism and drunkenness. One group of interviewees argued that the media stereotyped young people either as “neds” or “proper children” with no middle ground. Their argument was that the media only presented positive portrayals of young people if they were “from well groomed backgrounds”, it being claimed that:

“It is the people from poorer backgrounds that seem to be picked on and get forced into the limelight as being antisocial”.

This resulted in those from poorer areas, such as the council schemes, being invariably portrayed in a negative way.

6.91 Whilst it was accepted that some young people did behave in an antisocial way, it was argued that many more, indeed the majority, did not and often contributed positively to their communities through involvement in such things as sponsored walks to raise money for charity. These positive images were rarely felt to receive any publicity.

6.92 There was, however, a view shared by a number of interviewees that the media’s role was to report bad news and as such it was inevitable that the portrayal of young people (along with others such as politicians and celebrities) was negative. As one said:-

“You don’t hear anything good on the news: news like that doesn’t sell”.

6.93 There was also a view that the media, and society generally, should highlight those young people who had committed antisocial acts, had served their sentence (for example community service or an ASBO) and had learnt something positive from the experience and would therefore not reoffend. This was seen as being positive reinforcement and praise for behavioural change that would also help to counter some of the more negative images of young people.

6.94 Negative reporting of young people had a variety of detrimental impacts. Some of these related to the way young people were perceived by others (which is explored in the next section). It was also felt that this made it harder for them to get jobs as they were “judged before they walk in” (for a job interview).

**Perceptions of Young People**

6.95 Partly as a result of media reporting, it was felt that adults saw young people as intimidating, cheeky and aggressive. Comments included:-

“They think we are terrorists”; and

“Stereotypes, all hoodies, all smashing windows”.

6.96 However, whilst it is relatively easy to blame these perceptions solely on media reporting, it seems as if some of them are grounded in a degree of reality as these quotations show:-
“I think ......OAPs can get quite scared because of young people throwing things and shouting stuff at them”; and
“Years ago when I ran about with my pals we did terrorise some people but not bad terrorism. We’d have a laugh and stand at their gate and we’d be told ‘Get away from that gate’. But we weren’t doing anything. They’d ‘phone the police though”.

6.97 It was also felt that tolerance levels of adults were now far lower, in part a reflection of the publicity given to ASB by young people and such policy initiatives as zero tolerance. As one interviewee said:-
“Now people jump to the conclusion that you’re up to no good so ‘phone the police and then it’s a lot of hassle”.

6.98 It was felt that one way of bridging the perceptual gap between the young and adults would be for there to be greater mutual involvement in running such things as youth clubs and community centres. Many of the attendees indicated that they would be willing to get involved in such activities but complained that they were rarely given the opportunity. It was also felt that if adults had such involvement then they would gain a better appreciation of the worth of the young.

6.99 One group of interviewees felt that the root of the problem was a lack of mutual respect:-
“If you want respect off young people then adults have to respect you”; and
“There is no respect between the generations. It’s not just a young person’s problem. It’s adults as well”.

6.100 It was felt that this was a widespread attitude with the point being made that often shops had signs restricting the number of schoolchildren who could be in the shop at any one time which:-
“Say automatically that kids are thieves”.
This then played a part in influencing perceptions of young people.

6.101 It was argued that these negative perceptions could be changed by engaging with young people and therefore getting to know them and realise that not all were bad. One made the point that if they were causing trouble outside of someone’s house and the police were called then it was likely that they would return later and cause more trouble. However, it the householder was to talk to them and explain what the problem was then it was felt that the outcome would be far more satisfactory for both parties. As one said:-
“It is no answer to get the police involved”.

Conclusions

6.102 Awareness of ASB sanctions amongst the interviewees was patchy. Some had been served with warnings and ASBOs. However, there was a widespread view, even amongst those without firsthand knowledge of these sanctions, that they had limited effectiveness. This was especially the case with ASBOs. It was felt that those receiving them saw this as something to be proud of whilst the indiscriminate way they were felt to be used had undermined any deterrent value.
6.103 The role of the police in tackling ASB would be far more effective, most felt, if they were more visible, especially through foot patrols. This would deter ASB and stop young people being criminalised. In effect this was seen as being a move from reactive to pro-active policing.

6.104 Views on the role and impact of other agencies were far more limited. It was felt that local authorities needed to provide more facilities that were open at the times young people wanted, whilst some felt that community wardens had limited impact.

6.105 The media were felt to portray young people in a negative light, although this was felt to be inevitable to some extent as “bad news sells”. In this respect young people faired no worse than other groups. In part the media was felt to influence wider public attitudes to young people which were often negative.

6.106 Underlying these perceptual issues was felt to be a lack of mutual respect between young people and adults. The way of overcoming this was through greater engagement between the 2 groups.

Moving Forward: Solutions To ASB

Introduction

6.107 The problem with asking young people for their views on solutions to ASB is that some of the most articulate interviewees did not accept the basic premise: that some of their behaviour was antisocial. Given this it is perhaps inevitable the range of “solutions” put forward was relatively limited.

Proposals

6.108 Amongst those who expressed an opinion the view was that the solution to ASB (if indeed there was one) was not to introduce more laws. As one said:—

“The problem is enforcing the laws that are there, not making new ones”.

6.109 One consequence of introducing new laws was that it was likely to result in more young people being criminalised. For example, suggestions that the age at which people could drink be raised to 21 would simply result in more young people having action taken against them, without there being any impact on the underlying causes.

6.110 For those who had committed a non-trivial offence the general view was that a fine or the confiscation of property was an appropriate response. The caveat was that:—

“If they got made to pay and not their parents”.

6.111 There was also a view amongst some that “the punishment should fit the crime”, it being felt that often such options as community service were far too lenient given the offence that had been perpetrated. It was also felt that penalties could often be out of all proportion to the offence. Accordingly what was being argued for the proportionality: the punishment matching the severity of the offence.
6.112 Closely related to this was the view that, rather than indiscriminately handing out sanctions such as ASBOs, attempts needed to be made to talk to offenders and find out why they behaved in the way they did. It would then be possible to give them support so that they did not reoffend. Comments included:

- “ASBOs label them as a bad young person”; and
- “ASBOs aren’t a solution. It happens after the offence has been committed”.

It was felt that there was a need to take preventative action and “deal with the problem” if solutions were to be found.

6.113 Whilst it was accepted that ASBOs should be retained for more serious offences, it was felt that the authorities should not:

- “Just give ASBOs for wee stupid things”.

Warnings might often be more appropriate for some types of offence or simply talking to the offender.

6.114 Provision of appropriate diversionary activities and facilities also had a role to play, although it was argued that the authorities needed to consult with young people in order to identify what they wanted. This would help to ensure that the correct types of activities (for males and females) were provided that were open at the times (especially late evenings and weekends) when there was demand.

Conclusions

6.115 As some of the interviewees felt that ASB was part of the normal process of growing up it is hardly surprising that it was not seen as being a problem that could be “solved”. If, however, there was to be even a partial solution this was not seen as coming through new legislation.

6.116 What was argued for was a threefold approach:

- The use of sanctions (for example ASBOs, fines or property confiscation) for more serious offences. This might also restore the credibility of ASBOs as a sanction;
- Dealing with trivial matters through other means, for example warnings or “talking too’s”; and
- Making attempts to find out why offenders had acted as they had so that the root causes of the problem could be tackled.

6.117 This would be set within the context of more appropriate diversionary activities and a more visible police presence on the streets. Both of these would result in fewer young people being criminalised.

Overall Conclusions

Introduction

6.118 The interviews with young people have challenged some of the underlying premises about ASB and its solutions. For example, if ASB is “what young people do” then “solutions” can only be expected to make an impact on the more extreme types of behaviour. The purpose of this final Chapter is therefore to draw some
broad conclusions and to compare the findings of this set of interviews with the Adult Focus Groups (Hayton Consulting and Research Resource, 2008), highlighting the similarities and differences.

Young People and ASB

6.119 Boredom, drink and drugs may be the obvious reasons for young people behaving antisocially. However, underpinning these factors may be more complex behavioural causes. ASB may be a way for young people to express themselves, to stand out from their peers (“be cool”) and to rebel against society. If this is the case then “solutions” can only ever be partially successful if, by definition, young people are, to some extent, antisocial.

6.120 The Adult Focus Group findings were that ASB was deep rooted and long standing, with many of the attendees having behaved antisocially in the past. The difference today, they argued, was that there were now no “rules”. There is some evidence from the interviews with young people to back up this view, with some quite extreme forms of ASB (for example assault and serious vandalism) being seen as acceptable.

6.121 However, there was also a view that the definitions of ASB were now so broad that many of the sanctions (such as ASBOs) had been devalued. They were viewed as being used indiscriminately so that their effectiveness had become limited. This definitional broadening might have become responsible for the perception that young people were increasingly behaving antisocially.

6.122 Yet, regardless of cultural explanations for ASB and the perceived indiscriminate use of sanctions, what is needed is action to curb the most extreme manifestations of such behaviour, such as assaults and extensive vandalism. The view was that ASBOs and such sanctions as fines have a role to play here, but only in the context of:-

- Less severe offences being dealt with by different means;
- Penalties being linked to counselling and support to explore the root causes of problems so that these, rather than symptoms, could be addressed; and
- Positive inducements, if only public recognition, being given to those who see the error of their ways.

6.123 Penalties such as ASBOs and fines should then be reserved for more severe offences.

6.124 However, these changes to the sanctions and penalty regimes are to be set within the context of:-

- More appropriate facilities planned in consultation with young people; and
- A more visible police presence to act as a deterrent thereby avoiding criminalising young people.

Yet even with these changes, if we accept the findings of these interviews, ASB will not be “solved”. It might be that the best that can be hoped for is to curb its most extreme manifestations.
How do Young People Differ from Adults?

6.125 There are a number of differences between the findings from the interviews with young people and the Adult Focus Groups. The first of these relates to definitions of ASB. Generally young people are far less concerned about some aspects of ASB than are adults, with litter being the prime example. Adults also see ASB as covering a far wider range of actions than do young people. In part this might reflect the different stages that the 2 groups are at in their life cycle, with adults being more settled in their communities and spending more time in the locality and within their home, whereas young people may be more outward looking and less interested in what happens in their immediate community. As such they are less conscious of ASB.

6.126 Adults also do not see ASB as inevitable. The assumption underpinning the Focus Groups was that appropriate action, in particular enforcing existing sanctions, could result in ASB being "solved". Young people did not hold this view. ASB was part of the process of growing up and as such would always exist. If one accepts this view, then it might be that policy needs to concentrate upon the more extreme forms of ASB by young people and all types of ASB perpetrated by adults. This assumes that most young people “grow out” of behaving antisocially, but that a minority continue into their adult lives. In these cases there may be more fundamental problems that need to be tackled.

6.127 These different views of the causes of ASB may be responsible for adults placing greater faith in enforcement of the existing sanctions regime whilst young people place greater stress upon identifying the causes of such behaviour and then taking action to resolve these. Adults also tended to have greater awareness of the justice system (in all its forms) and, perhaps as a consequence, were far more critical of it.

6.128 There were also some similarities between the 2 age groups, in particular both felt that:-

- ASB was not solely limited to young people but was spread across the age groups;
- Whilst drink and drugs might be the obvious causes of ASB, underlying them was a lack of mutual respect between age groups;
- ASBOs were not an effective deterrent;
- Policy tended to be too reactive with limited action being taken to stop problems arising; and
- Rather than new laws, existing ones should be enforced.

6.129 Overall the findings of the young people’s interviews tended to be more positive than the rather gloomy views expressed in the Adult Focus Groups. Whilst some of the views expressed by the young may be challenging, the greatest challenge for policy makers may be to take action that will improve the quality of life for those living in areas where extreme ASB is the norm without criminalising young people by implementing policies that are based on the assumption that the ASB problem can be “solved”.

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CHAPTER SEVEN: BREACHES OF ANTISOCIAL BEHAVIOUR ORDERS

Executive Summary

7.1 The proportion of ASBOs\textsuperscript{46} granted in Scotland that have resulted in convictions for breach is 28.6\%\textsuperscript{47}. This is less than the comparable rate in England and Wales which is 49\%\textsuperscript{48}.

7.2 Data suggests that ASBOs are used differently in Scotland to elsewhere in the UK. They are less often given to people aged under 18 and also less often given out as sentences on conviction for other criminal offences (known as CrASBOs).

7.3 Although around 71\% of all ASBOs have not resulted in breach convictions, evidence suggests that there have been a number of cases where police and local authorities were aware of breaches that did not result in convictions. This may be because in Scotland ASBO breaches cannot be prosecuted if the individual is also being prosecuted for a separate offence which occurred at the same time as the breach e.g. breach of the peace or assault. Also breach claims may be ‘pled out’ as part of a plea bargaining tool. For these reasons, court data may not be the most appropriate means of measuring ASBO breach.

7.4 Police data on a sample of ASBOs granted in 2004-05 suggests that police have recorded breach incidents against 53\% of people with ASBOs. Around 60\% of these individuals were convicted at least once for ASBO breach. The other 40\% of individuals may have been found not guilty of charges or they may not have been prosecuted for breach because of other offences committed at the same time, plea bargaining arrangements or a lack of evidence. Other cases may still be pending.

7.5 Breach information alone tells us little about whether an ASBO has been effective. Even when they are breached ASBOs can be effective in moderating behaviour. Qualitative research with local authority ASB coordinators suggests that perpetrators’ behaviour may improve only after they have breached their ASBO and/or been subject to a court penalty.

\textsuperscript{46} This includes both civil and criminal ASBOs
\textsuperscript{47} Persons proved in court to have breached their ASBO at least once From April 1999 to March 2007
\textsuperscript{48} Persons proved in court to have breached their ASBO at least once between 1 June 2000 and 31 December 2006
Introduction

7.6 This research considers the breach-rate for ASBOs in Scotland. It uses court ‘conviction’ data to provide a national breach-rate for all ASBOs since they were introduced. It also tracks a sample of ASBOs through criminal justice data systems to provide a more detailed account of breaches. It considers the views of ASB co-ordinators (presented in accompanying research) to establish what ASBO breach means and how it may or may not be used to demonstrate the effectiveness of ASBOs.

The ASBO breach rate in Scotland 1999-2007

7.7 From their introduction in 1999 until March 2007 (latest available figures), 1370 individuals were made subject to ASBOs in Scotland. Of these, 1359 individuals were adults and 11 were under-16s.

Table 7.1: ASBOs granted 1999-2007

<table>
<thead>
<tr>
<th>Financial Year</th>
<th>ASBOs on application (over 16s)</th>
<th>Total “ASBOs on conviction” (over 16)</th>
<th>ASBOs for under-16s</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1999-00</td>
<td>26</td>
<td></td>
<td></td>
<td>26</td>
</tr>
<tr>
<td>2000-01</td>
<td>57</td>
<td></td>
<td></td>
<td>57</td>
</tr>
<tr>
<td>2001-02</td>
<td>68</td>
<td></td>
<td></td>
<td>68</td>
</tr>
<tr>
<td>2002-03</td>
<td>75</td>
<td></td>
<td></td>
<td>75</td>
</tr>
<tr>
<td>2003-04</td>
<td>128</td>
<td></td>
<td></td>
<td>128</td>
</tr>
<tr>
<td>2004-05</td>
<td>205</td>
<td>34</td>
<td>1</td>
<td>240</td>
</tr>
<tr>
<td>2005-06</td>
<td>280</td>
<td>31</td>
<td>6</td>
<td>317</td>
</tr>
<tr>
<td>2006-07</td>
<td>437</td>
<td>18</td>
<td>4</td>
<td>459</td>
</tr>
<tr>
<td>Total</td>
<td>1276</td>
<td>83</td>
<td>11</td>
<td>1370</td>
</tr>
</tbody>
</table>

Source: Scottish Government returns April 2008

7.8 Of the 1370 people with ASBOs, 485 (35.4%) were prosecuted at least once for a breach of their ASBO and 392 (28.6%) people were convicted of at least one breach.

7.9 The rate of proven breaches for all ASBOs 1999-2007 (28.6%) is lower than the breach-rate in England and Wales which is 49% (Home Office, 2008). England and Wales has however historically seen far greater use of “ASBOs on conviction” where ASBOs are awarded as a sentence for another criminal offence. This may inflate the breach rate if those attracting ASBOs on conviction have a more entrenched pattern of offending. There is also far greater use of ASBOs for young people: 20% of ASBOs in England and Wales are given to people aged under 16 compared to less than 1% in Scotland. In England and Wales, 40% of ASBOs are given to people aged under 18 (Home Office, 2008) compared with around 13% in Scotland (Scottish Executive, 2007.) While the higher proportion of young people

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49 England and Wales figure is persons proved in court to have breached their ASBO at least once between 1 June 2000 and 31 December 2006

50 Estimation based on latest available figures of ASBOs granted in 2005-06
attracting ASBOs in England and Wales might not necessarily inflate the breach rate, it does suggest that comparisons north and south of the border should be made with caution.

7.10 ASBO breaches cannot be prosecuted if the perpetrator is prosecuted for a separate offence which took place at the same time as the breach e.g. if someone commits an assault or a breach of the peace in an area which their ASBO forbids them to be. In cases like these the ASBO breach would instead be added as an aggravation. There are therefore likely to be a substantial number of breaches where the accused has been prosecuted for other offences and where their ASBO breach has been added as an aggravation rather than as the main charge. These cases will not be included in the conviction statistics. In England and Wales, ASBO breaches can be prosecuted as well as other offences committed at the same time and this may be one reason for differences in conviction rates.

7.11 Table 7.2 shows the financial years in which the 392 breached ASBOs were first breached. The cumulative breach-rate shows an increasing rate of ASBO breach. This rise is to be expected because many ASBOs are of long or infinite duration. The annual breach rate includes both ASBOs that were awarded and breached in the same year as well as ASBOs from previous years that had been breached for the first time.

### Table 7.2: ASBO breach convictions 1999-2007 by financial year of first breach conviction

<table>
<thead>
<tr>
<th>Financial Year</th>
<th>Individuals Convicted of first breach</th>
<th>Cumulative total of ASBOs breached by the end of financial year</th>
<th>Cumulative total of ASBOs granted by end of financial year</th>
<th>Cumulative breach rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1999-00</td>
<td>2</td>
<td>2</td>
<td>26</td>
<td>7.7 %</td>
</tr>
<tr>
<td>2000-01</td>
<td>5</td>
<td>7</td>
<td>83</td>
<td>8.4 %</td>
</tr>
<tr>
<td>2001-02</td>
<td>16</td>
<td>23</td>
<td>151</td>
<td>15.2 %</td>
</tr>
<tr>
<td>2002-03</td>
<td>13</td>
<td>36</td>
<td>226</td>
<td>15.9 %</td>
</tr>
<tr>
<td>2003-04</td>
<td>16</td>
<td>52</td>
<td>354</td>
<td>14.7 %</td>
</tr>
<tr>
<td>2004-05</td>
<td>57</td>
<td>109</td>
<td>594</td>
<td>18.4 %</td>
</tr>
<tr>
<td>2005-06</td>
<td>105</td>
<td>214</td>
<td>911</td>
<td>23.5 %</td>
</tr>
<tr>
<td>2006-07</td>
<td>178</td>
<td>392</td>
<td>1370</td>
<td>28.6 %</td>
</tr>
<tr>
<td>Total</td>
<td>392</td>
<td>392</td>
<td>1370</td>
<td>28.6 %</td>
</tr>
</tbody>
</table>

Source: Scottish Government Court Proceedings Database

7.12 A large proportion of individuals with ASBOs (71.4%) have never been convicted for breach.

7.13 Table 7.3 shows the number of convicted breaches for each individual who was convicted of at least one breach. Of these, 56% were convicted for one breach, 22% were convicted for 2 breaches and 22% were convicted for 3 or more breaches.

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51 Row percentages indicate the proportion of ASBOs breached at least once compared to the cumulative total of ASBOs granted by the end of each financial year.
### Table 7.3: Number of convicted breaches per individual

<table>
<thead>
<tr>
<th>Number of breach convictions</th>
<th>Total</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>220</td>
<td>56.1</td>
</tr>
<tr>
<td>2</td>
<td>86</td>
<td>21.9</td>
</tr>
<tr>
<td>3</td>
<td>44</td>
<td>11.2</td>
</tr>
<tr>
<td>4</td>
<td>16</td>
<td>4.1</td>
</tr>
<tr>
<td>5</td>
<td>10</td>
<td>2.6</td>
</tr>
<tr>
<td>6</td>
<td>4</td>
<td>1.0</td>
</tr>
<tr>
<td>7</td>
<td>2</td>
<td>0.5</td>
</tr>
<tr>
<td>9</td>
<td>3</td>
<td>0.5</td>
</tr>
<tr>
<td>10</td>
<td>3</td>
<td>0.5</td>
</tr>
<tr>
<td>12</td>
<td>1</td>
<td>0.3</td>
</tr>
<tr>
<td>14</td>
<td>2</td>
<td>0.5</td>
</tr>
<tr>
<td>17</td>
<td>1</td>
<td>0.3</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>392</td>
<td>100</td>
</tr>
</tbody>
</table>

Source: Scottish Government Court Proceedings Database  
Note: Percentages do not add up to 100 due to rounding

**7.14** Table 7.4 shows the age of offender on the date of their first conviction for breach. Although 43.8% of people were under 25 when they first breached their ASBO this group have also received more ASBOs. The latest available figures said that 42% of ASBOs were given to people aged 25 and under (Scottish Executive, 2007.) This suggests that this age group are breaching ASBOs at a similar rate as other age groups. The average age of offenders at first breach conviction is 31.

### Table 7.4: Age at First Conviction for Breach

<table>
<thead>
<tr>
<th>Age</th>
<th>Number</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under 16</td>
<td>1</td>
<td>0.3</td>
</tr>
<tr>
<td>16-25</td>
<td>172</td>
<td>43.8</td>
</tr>
<tr>
<td>26-35</td>
<td>80</td>
<td>20.4</td>
</tr>
<tr>
<td>36-45</td>
<td>79</td>
<td>20.1</td>
</tr>
<tr>
<td>46-55</td>
<td>41</td>
<td>10.4</td>
</tr>
<tr>
<td>56-65</td>
<td>18</td>
<td>4.6</td>
</tr>
<tr>
<td>over 65</td>
<td>1</td>
<td>0.3</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>392</td>
<td>100</td>
</tr>
</tbody>
</table>

Source: Scottish Government Court Proceedings Database  
Note: Percentages do not add up to 100 due to rounding

### Court disposals for breach

**7.15** Table 7.5 shows the sentences for all individuals’ first breach conviction and for all breach convictions. These show that ASBO breach is attracting a high use of custody, either in prison or in a young offenders’ institution. On first conviction, this is the disposal used in just over a quarter (27%) of cases. When all cases are included it is the disposal used on just over a third of occasions (35%). This indicates that the severity of sentence is increased for repeat breaches of the same order. There is
also a notably high use of admonishment indicating a wide divergence in sentencing. This divergence may perhaps be explained by the fact that the severity of the court disposal following a conviction for ASBO breach is influenced by the circumstances of the breach. Court disposals may include sentences given for other offences for which the offender has been found guilty at the same time. Data on convictions is also limited in its usefulness because it does not contain the specific information about the individual cases. Sentences need to be understood relative to individuals’ past offending behaviour and other criminal behaviour which may have taken place at the same time as the ASBO breach.

Table 7.5: Sentences for individuals’ first breach and all breach incidents

<table>
<thead>
<tr>
<th>Sentence</th>
<th>Individuals’ first breach</th>
<th>All breach incidents</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total</td>
<td>%</td>
</tr>
<tr>
<td>Admonished</td>
<td>97</td>
<td>24.7</td>
</tr>
<tr>
<td>Community Service Order</td>
<td>10</td>
<td>2.5</td>
</tr>
<tr>
<td>Fine</td>
<td>98</td>
<td>25.0</td>
</tr>
<tr>
<td>Imprisonment</td>
<td>75</td>
<td>19.1</td>
</tr>
<tr>
<td>Probation</td>
<td>58</td>
<td>14.7</td>
</tr>
<tr>
<td>Restriction of Liberty Order</td>
<td>10</td>
<td>2.5</td>
</tr>
<tr>
<td>Young Offender Institution</td>
<td>31</td>
<td>7.9</td>
</tr>
<tr>
<td>Other</td>
<td>13</td>
<td>3.3</td>
</tr>
<tr>
<td>Total</td>
<td>392</td>
<td>100</td>
</tr>
</tbody>
</table>

Source: Scottish Government Court Proceedings Database.
Note: The percentage column does not add up to 100 due to rounding

7.16 The next section looks at other data sources from local authorities and the police to provide a more detailed account of ASBO breach.

A more accurate measure of ‘breach rate’

7.17 As well as court data on proven breaches this study looks at the rate of “alleged” breach incidents. These are occasions where people with ASBOs have been involved in incidents which police have recorded as a breach of an ASBO. These incidents will not necessarily have resulted in prosecutions or convictions but were simply occasions where police recorded the occurrence of an ASBO breach.

7.18 There are procedural reasons why a recorded breach may not result in prosecution or conviction. For example, as already explained, in Scotland if an individual with an ASBO commits another offence such as a breach of the peace or an assault and this separate offence is prosecuted, the ASBO breach cannot be prosecuted and will instead be added as an aggravation. Also, an ASBO breach may be narrated as part of a prosecution but then ‘pled out’ as part of a plea bargaining tool. These facts mean that conviction statistics may not present a wholly accurate picture of the frequency of ASBO breaches.

7.19 To provide a better understanding of ASBO breach incidence and the processes that follow, a sample of ASBOs granted in a 12 month period (April 2004 - March 2005) were taken. These ASBOs were individually tracked for the 2-3 years afterwards (to autumn 2007) through different information systems.
including local authority, police and courts databases. This showed how often ASBOs were "alleged" to have been breached and which of these incidents were then prosecuted and convicted.

**ASBOs granted in 2004-2005**

7.20 256 ASBOs granted in 2004-05 were tracked. Of these: 215 were “full” ASBOs, 74 were converted from previously granted “interim” ASBOs and 41 ASBOs were “interim” ASBOs that have never been converted to full ASBOs.52

7.21 Table 7.6 below is based on police data from summer 2007 (2-3 years since the 256 ASBOs had been granted.) It shows alleged breach incidents for all 256 ASBOs.

Table 7.6: Police data on alleged ASBO breaches of ASBOs granted in 2004-05

<table>
<thead>
<tr>
<th>Forces ASBOs (includes interim and full ASBOs)</th>
<th>Total number of individuals issued with ASBOs</th>
<th>Number of individuals who &quot;allegedly&quot; breached their ASBO at least once</th>
<th>Percentage of individuals who &quot;allegedly&quot; breached their ASBO at least once</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central Scotland</td>
<td>14</td>
<td>8</td>
<td>57%</td>
</tr>
<tr>
<td>Dumfries &amp; Galloway</td>
<td>19</td>
<td>4</td>
<td>21%</td>
</tr>
<tr>
<td>Fife</td>
<td>21</td>
<td>6</td>
<td>29%</td>
</tr>
<tr>
<td>Grampian</td>
<td>16</td>
<td>6</td>
<td>38%</td>
</tr>
<tr>
<td>Lothian &amp; Borders</td>
<td>58</td>
<td>43</td>
<td>74%</td>
</tr>
<tr>
<td>Northern</td>
<td>16</td>
<td>11</td>
<td>69%</td>
</tr>
<tr>
<td>Strathclyde</td>
<td>79</td>
<td>39</td>
<td>49%</td>
</tr>
<tr>
<td>Tayside</td>
<td>33</td>
<td>19</td>
<td>58%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>256</strong></td>
<td><strong>136</strong></td>
<td><strong>53%</strong></td>
</tr>
</tbody>
</table>

Source: Police command and control data provided to SG, 2007

7.22 The police recorded breach incidents against 53% of the individuals tracked in this analysis. This rate of “alleged breach” is around 20 percentage points higher than the previously estimated rate of alleged breaches in earlier published research (Scottish Executive, 2007) and is 16 percentage points higher than the proportion of ASBOs that result in a breach conviction (as reported above) Previous research estimated the incidence of alleged breach based on data reported to local authorities and the researchers experienced difficulties estimating breach prevalence using these data (Scottish Executive 2007: 61.)

7.23 Table 7.7 shows the number of repeat incidents of each individual ASBO. Police recorded 3 or more breach incidents against 40% of all the people who allegedly breached their ASBO and in one case they recorded 21 breach incidents for one individual.

---

52 The ‘full-ASBO’ figure is slightly higher than the number issued previously (Scottish Executive, 2006) because some local authorities’ returns included a small number of ASBOs slightly outside the year parameters. This does not affect the study which does not seek to provide annual figures but these data should not be used for any annual trend analysis.
Table 7.7: Repeat breaches of orders granted in 2004-05

<table>
<thead>
<tr>
<th>Number of Times Breached</th>
<th>Count of individuals</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>51</td>
<td>37.5</td>
</tr>
<tr>
<td>2</td>
<td>31</td>
<td>22.3</td>
</tr>
<tr>
<td>3</td>
<td>21</td>
<td>15.4</td>
</tr>
<tr>
<td>4</td>
<td>15</td>
<td>11.0</td>
</tr>
<tr>
<td>5</td>
<td>5</td>
<td>3.7</td>
</tr>
<tr>
<td>6</td>
<td>4</td>
<td>2.9</td>
</tr>
<tr>
<td>7</td>
<td>1</td>
<td>0.7</td>
</tr>
<tr>
<td>8</td>
<td>3</td>
<td>2.2</td>
</tr>
<tr>
<td>9</td>
<td>2</td>
<td>1.5</td>
</tr>
<tr>
<td>12</td>
<td>2</td>
<td>1.5</td>
</tr>
<tr>
<td>21</td>
<td>1</td>
<td>0.7</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>136</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

Source: Police command and control data provided to SG, 2007
Note: The percentage column does not add up to 100 due to rounding

**Convictions for breach**

7.24 Of the 136 people in the sample who allegedly breached their ASBO, 83 (61%) have been convicted for the breach in court. The ‘convicted’ breach-rate for the 2004-05 ASBOs is therefore 32%. This is slightly higher than the rate of proven breaches for all ASBOs granted 1999-2007 presented in Table 7.2 (28.6%). This may be explained by the fact that the numbers of ASBOs granted began to accelerate in 2004-2005. Some of these ASBOs granted in 2005-2007 have been in force for a shorter period of time and may yet be breached.

7.25 Table 7.8 shows the number of repeat convictions for breaches of ASBOs for the 2004-05 sample. Sixty-one percent of people who were convicted of breach were convicted only once and 19% were convicted of breaching their ASBO three or more times.
Table 7.8: Repeat convictions for ASBOs granted in 2004-05

<table>
<thead>
<tr>
<th>Individuals’ Total Convictions</th>
<th>Total</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>51</td>
<td>61.4</td>
</tr>
<tr>
<td>2</td>
<td>16</td>
<td>19.3</td>
</tr>
<tr>
<td>3</td>
<td>9</td>
<td>10.9</td>
</tr>
<tr>
<td>4</td>
<td>2</td>
<td>2.4</td>
</tr>
<tr>
<td>6</td>
<td>1</td>
<td>1.2</td>
</tr>
<tr>
<td>7</td>
<td>1</td>
<td>1.2</td>
</tr>
<tr>
<td>8</td>
<td>1</td>
<td>1.2</td>
</tr>
<tr>
<td>9</td>
<td>1</td>
<td>1.2</td>
</tr>
<tr>
<td>14</td>
<td>1</td>
<td>1.2</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>83</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

Source: Police command and control data provided to SG, 2007
Note: column percentages may not add to 100 due to rounding

Court disposals for breach

7.26 In total 22 individuals from the 2004-05 sample have been given custodial sentences. This is 26.5% of those convicted for ASBO breach and 8.5% of the people given ASBOs in 2004-2005.

7.27 Given that some of these individuals were convicted of ASBO breach more than once, we also identified the disposals for all ASBO convictions (as opposed to individuals). Table 7.9 shows the court disposals for all 162 breach convictions for the 83 individuals who were convicted of breaching their ASBO. Custodial sentences were the most common form of disposals for ASBO breach. “Imprisonment” or “Young Offenders Institution” was given following 36% (58 cases) of breach convictions.

Table 7.9: Sentences for convicted ASBO breach

<table>
<thead>
<tr>
<th>Court Outcome</th>
<th>Total</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Admonished</td>
<td>31</td>
<td>19.1</td>
</tr>
<tr>
<td>Community Service Order</td>
<td>1</td>
<td>0.6</td>
</tr>
<tr>
<td>Fine</td>
<td>34</td>
<td>20.9</td>
</tr>
<tr>
<td>Imprisonment</td>
<td>54</td>
<td>33.3</td>
</tr>
<tr>
<td>Probation</td>
<td>23</td>
<td>14.1</td>
</tr>
<tr>
<td>Remit children hearing</td>
<td>2</td>
<td>1.2</td>
</tr>
<tr>
<td>Restriction of Liberty Order</td>
<td>6</td>
<td>3.7</td>
</tr>
<tr>
<td>ROL</td>
<td>1</td>
<td>0.6</td>
</tr>
<tr>
<td>YOI</td>
<td>6</td>
<td>3.7</td>
</tr>
<tr>
<td>Young Offender Institution</td>
<td>4</td>
<td>2.5</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>162</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

Source: Scottish Government Court Proceedings Database
Note: Column percentages do not add to 100 due to rounding
Breach rate as a measure of success or failure of ASBOs

7.28 Research for the 2008 review of the national ASB strategy included qualitative research with police officers and local authority officials responsible for delivering ASB strategies. These officials were asked to describe where ASBOs fit into their approach for responding to local problems of ASB. The results of this work are presented separately but some of their comments were relevant to the understanding of breach-data and the evaluation of ASBOs.

7.29 Respondents generally felt that breach statistics were not useful for assessing the effectiveness of ASBOs. One of the reasons for this is that, once breached, the order can still be effective in moderating behaviour. ASB coordinators made the point that even where cases are breached, the problematic behaviour has often reduced to a level that represents a significant improvement for the community.

7.30 Evaluations of ASBOs also need to consider the use of ASBOs as a deterrent to continued ASB. ASBOs commonly feature at the ‘higher-end’ of a progression of non-criminal methods used by local authorities to tackle ASB. They also, however, contribute indirectly to the effectiveness of other measures such as warning letters and acceptable behaviour contracts by representing the ‘next step’ if the recipient’s behaviour does not improve.

Conclusion

7.31 Research from previous annual reports of ASBOs (Scottish Executive 2007) showed that, in terms of numbers, ASBOs are generally used sparingly in Scotland compared to elsewhere in the UK. In a great majority of cases ASBOs have not been proven to have been breached and even when ‘alleged’ breaches are considered, ASBOs were complied with in almost 50% of cases.

7.32 Accompanying research carried out for the review of the ASB policy has shown also that ASBOs are often used as a last resort after other interventions have been tried and failed. It is perhaps not surprising therefore, given the past behaviour of the individuals concerned, that around a quarter of ASBOs result in convictions for breach.

7.33 The high percentage of detected breaches that go on to result in convictions and the high percentage of convictions that result in custodial sentences shows that the courts are treating ASBO breaches seriously and the threat of serious punishment is firmly attached to the imposition of an ASBO.

7.34 ASBOs are used often in complicated and unique circumstances. Any assessment of their effectiveness needs to go beyond simple facts about compliance and breach.
REFERENCES

http://www.crimereduction.homeoffice.gov.uk/asbos/asbos2.htm


ANNEX A: KEY MESSAGES FOR THE REVIEW THAT WERE EXPRESSED AT INTERVIEW BY ASB CO-ORDINATORS AND THE POLICE

The interviews with the police and local authorities that were reported on in Chapters 2 and 3 provided an opportunity to collect views on what the review should examine. At the end of each interview, subjects were asked if they had any recommendations or messages that they would like to share with those involved in the review of national ASB policy. The key messages were as follows:

- Do not get rid of the enforcement measures (this was a reoccurring comment). They are considered valuable, effective and are making an impact of ASB.

- Do not repeal the legislation. Keep changes to a minimum.

- What is needed is less focus on tackling ASB and more on promoting community safety more generally.

- A clearer definition of ASB would be helpful.

- It would be helpful to have a more consistent approach amongst councils in how things are recorded so that progress can be benchmarked and good practice shared. This would require Scottish Government to be more prescriptive.

- Local and national reporting needs to reflect the full range of work underway, especially the diversionary.

- In any reporting there should be space to record the positive work and all the interventions that are tried before ASBOs are used.

- Lack of CRASBOs was raised as a concern. Interviewees thought these have a place.

Key messages from the police and ASB co-ordinators were summarised and presented to the Expert Advisory Group at its first two meeting.