

Antisocial Behaviour

Strategy



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1. Introduction

The Scottish Executive introduced its strategy for Antisocial Behaviour in its consultation document "Putting Our Communities first".

The Antisocial Behaviour etc. (Scotland) Act 2004, which resulted from this consultation, has introduced a number of controversial themes which includes, provisions to introduce Parenting Orders, Antisocial Behaviour Orders for 12 – 15 year olds, Electronic Tagging and greater powers for police to disperse groups.

The Scottish Executive has made significant levels of funding available to the Moray Council to allow it tackle antisocial behaviour coherently and in partnership with other agencies. The Building Strong, Safe and Attractive Communities funding for each of the next 2 years enabled schemes including Community Wardens, Community Mediation and an Intensive Support and Monitoring Project to be introduced to Moray.

The Scottish Executive has made tackling antisocial behaviour one of their main priorities and has committed £30m to local authorities to tackle antisocial behaviour, the poor quality of the environment and to help local people build strong, safe, secure and attractive communities. It has allocated £20m to extend community warden schemes more widely across Scotland and £10m for other initiatives to address antisocial behaviour.

Moray's Antisocial Behaviour Strategy aims to effectively tackle antisocial behaviour and so;

- Reduce nuisance and harassment in the communities in which we live and work,
- Improve the quality of life and create a safer environment for our communities and visitors,
- Reduce the time it takes to effectively deal with incidents of Antisocial Behaviour,
- Demonstrate our commitment to achieving continuous improvement in dealing with incidents of Antisocial Behaviour.

This will be achieved by adopting a range of measures that include:

- Using preventative, enforcement and rehabilitative action
- Working in partnership with other agencies
- Consulting with members of the community including Residents Associations, Community Councils and Dialogue Youth
- Promoting recognition of Antisocial Behaviour issues throughout all levels of management, policies and procedures across our organisations
- Providing witness & victim support
- Taking appropriate legal action (once all other avenues have been explored)
- Recording and monitoring incidents in standardised manner
- Providing relevant staff with appropriate training.

The Antisocial Behaviour Partnership seeks to ensure antisocial behaviour legislation will not be implemented because a person is merely different or have a different cultural lifestyle. When investigating complaints about antisocial behaviour, partner agencies will take into consideration whether the complaints are motivated by discrimination on the grounds of race, culture, religion, age or sexual orientation and must satisfy themselves that complaints are reasonable.

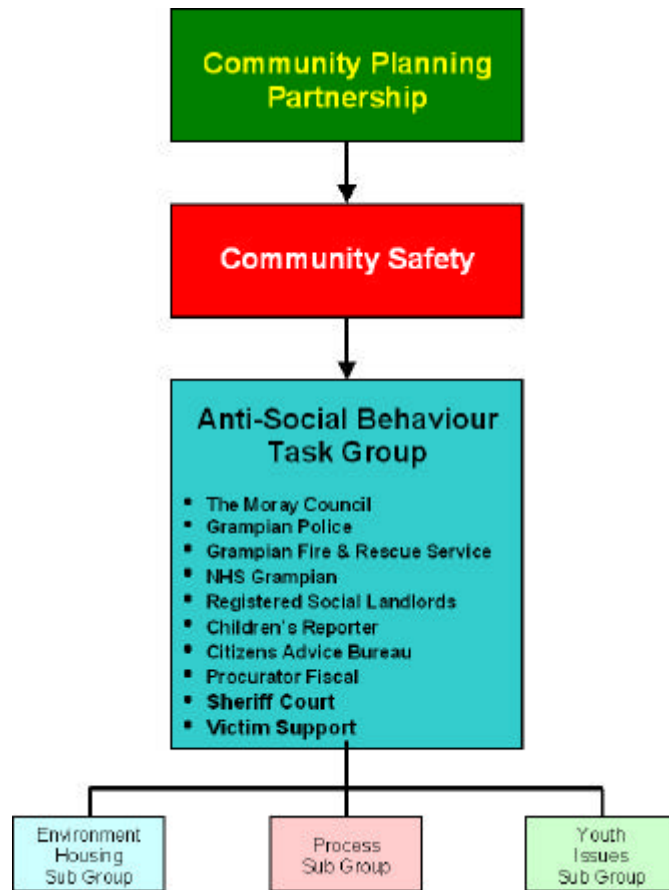
Antisocial Behaviour process will not be used to address behaviour which causes alarm or distress to others that is solely as a result of an individual's medical or developmental condition or a mental disorder.

The Human Rights Act 1998 makes it unlawful for a public authority to act or fail to act in a way, which is incompatible with the European Convention on Human Rights (ECHR). All partner services and agencies will comply with the ECHR at all stages of the antisocial behaviour process by developing all policies and procedures to ensure compatibility with ECHR.

The Partnership will ensure the promotion of equal opportunities by publishing information and documentation in different languages and other formats such as large print, tape and Braille as required. The Antisocial Behaviour Partnership will monitor specifically racially motivated incidents and access the information compiled by Grampian Racial Equality Council through the Racial Incident Monitoring Forms.

1.1 Structure

The Antisocial Behaviour Partnership is committed to addressing antisocial behaviour within Moray. The Community Planning Partnership has strategic responsibility for implementing the drive against antisocial behaviour and this is achieved and monitored under the direction of one of the themes of 'Achieving a Safer Community'. This will be achieved and monitored under the direction of the Moray Community Safety Partnership. The Antisocial Behaviour Co-ordinator, The Moray Council chairs the group and manages the development of services and initiatives.



REMIT OF THE WORKING GROUPS

◆ YOUTH JUSTICE ANTISOCIAL BEHAVIOUR SUB GROUP

This sub group has been established to look at the powers and measures contained in the Antisocial Behaviour etc. (Scotland) Act 2004 that are aimed at tackling the serious Antisocial Behaviour of children and young people. These powers are contained in parts 2, 9 and 10 of the Act and include ASBOs for under 16's, Acceptable Behaviour Contracts (ABC's), Parenting Orders and electronic monitoring under 16's.

This group will be linked to the Youth Justice Group, as there will be clear ties between the Youth Justice Strategy and the parts of the antisocial behaviour strategy that address young people.

The following organisations and service providers will be represented on this sub group: -

- Social Work
- Education
- Scottish Children's Reporter Administration
- Procurator Fiscal Service
- NHS Grampian
- Grampian Police

- Community Learning and Development
- Housing
- Aberlour Trust
- NCH

◆ **PROCESS SUB GROUP**

This sub group has been set up to look at the process for applying for an ASBO, a Closure Notice, ABC's or when applying to use the dispersal powers. This group will therefore deal with Parts 2, 3 and 4 of Antisocial Behaviour etc. (Scotland) Act 2004. This sub group will also look at developing an information sharing protocol for all partner organisations. This is of particular importance, as a partnership approach will be required to tackle antisocial behaviour in Moray. There must be recognition that all other steps have been taken address the problem before pursuing an application for an ASBO, closure notice or dispersal powers.

The following organisations and service providers should be represented on the group: -

- Legal
- Housing & Social Work
- Registered Social Landlords
- Grampian Police

◆ **ENVIRONMENTAL/ HOUSING SUB GROUP**

This sub group has been formed to look at the powers and measures that are aimed at protecting the environment, as provided in Part 6 of the Act. This will cover fly tipping, graffiti removal, dog fouling, litter, noise nuisance, mediation and neighbour disputes. This sub group will also look at the powers and measures to tackle noise nuisance, as provided by Part 5 of the Act.

The following organisations and service providers should be represented on the group: -

- Environmental Services
- Legal
- Housing
- Grampian Police
- Registered Social Landlords
- Social Work

1.2 Key Partners

The Antisocial Behaviour Partnership consists of:

- The Moray Council
- Grampian Police
- NHS Grampian
- Children's Reporter
- Grampian Fire and Rescue Service
- Victim Support
- Registered Social Landlords
- Procurator Fiscal

2. Definition of Antisocial Behaviour

Section 143 of the Antisocial Behaviour etc (Scotland) Act 2004 provides that a person engages in Antisocial Behaviour if they:

Act in a manner that causes or is likely to cause alarm or distress; or pursue a course of conduct that cause or is likely to cause alarm or distress,

to at least one person who is not of the same household.

Conduct includes speech; and a course of conduct must involve conduct on at least two occasions.

Antisocial Behaviour is not necessarily behaviour that is merely different, for example by reason of a medical or developmental condition or a mental health problem or because of a different lifestyle, culture or religion. In determining whether a person has engaged in antisocial behaviour any behaviour, which is shown, to be reasonable in the circumstances will be disregarded.

The following are examples of types of behaviour, which may fall within this definition. It should be noted that this list is not exhaustive and other types of behaviour may be defined as antisocial:

- **Noise** – e.g. noisy neighbours, cars/motorbikes; loud music; alarms; noise from pubs/clubs; noise from business/industry.
- **Rowdy Behaviour** – e.g. Shouting and swearing; fighting; drunken behaviour; hooliganism/loutish behaviour.
- **Nuisance Behaviour** – e.g. Urinating in public; setting fires; inappropriate use of fireworks; throwing missiles; climbing on buildings; impeding access to communal areas; games in restricted/inappropriate areas; misuse of air guns; letting down tyres.
- **Hoax calls**

- **Intimidation/harassment** – e.g. groups/individuals making threats; verbal abuse; nasty/offensive letters; obscene/nuisance phone calls; menacing gestures.
- **Criminal damage/vandalism** – e.g. graffiti; damage to bus shelters, phone kiosks, buildings, trees etc.
- **Litter/rubbish** – e.g. dropping litter; dumping rubbish; fly-tipping; fly-posting.
- **Drugs/substance abuse and dealing** – e.g. taking drugs; sniffing volatile substances; discarding needles/drug paraphernalia; presence of dealers/users.
- **Street drinking**
- **Abandoned cars**
- **Vehicle related nuisance & inappropriate vehicle use** – e.g. Setting vehicles alight; racing cars; off-road motorcycling/quad bikes
- **Animal related problems** – e.g. Dog fouling

3. Extent and Types of Antisocial Behaviour

The Antisocial Behaviour Task Group has identified specific priorities of antisocial behaviour that they wish to be addressed, these are:

- Noise
- Rowdy Behaviour
- Nuisance Behaviour
- Intimidation or Harassment
- Criminal Damage or Vandalism
- Litter/Rubbish
- Hoax Calls
- Abandoned Cars
- Drugs/Substance Abuse and Dealing
- Street Drinking
- Dog Fouling

The Antisocial Behaviour Partnership has already started to collect data to identify where and when this behaviour takes place. This data will act as a baseline against which the group will be able to monitor the effectiveness of its actions within the community in tackling antisocial behaviour.

A separate Baseline and Statistical Information Document has been produced. (Appendix A)

4. Communications / Consultations

The partnership has consulted widely on the Antisocial Behaviour Strategy, linking in with Community Councils, Local Neighbourhood Forums and each partner organisation consulting with their client groups.

The strategy will also be available at Council Access Points and libraries, as well as, partner agency premises.

In addition there has been a significant amount of media coverage both in the press and radio for many of the partnerships' Antisocial Behaviour initiatives, such as Community Wardens, Graffiti Removal and introduction of Fixed Penalties.

The partnership arranged a training day in relation to the youth aspect of the strategy. The training was multi agency and community based. The target of the day was to look at the integration of the antisocial behaviour measures into the existing processes in Moray. Arising from this training day were a number of other consultation days where the different proposals were discussed and collated. The Youth Process Document was then produced.

It is recognised, by the partnership, that more can be achieved with regard to consultation. The Antisocial Behaviour Strategy will be a live document, subject to regular review. The partnership will put in place a robust mechanism for consultation on these reviews with all areas of the community through Citizens Panels, Tenants Groups, Community Councils and Local Neighbourhood Compacts. A public perception questionnaire will be distributed to targeted areas within Moray in May 2005 in order to ascertain the concerns of the public and so dictate

The Community Safety Partnership will ensure that no individual is discriminated against on the grounds of sexual or marital status. Or on racial grounds, or on grounds of disability, age, sexual orientation, language or social origin, or other personal attributes, including beliefs, or opinions, such as religious beliefs or political opinion. All communication with the public will be in 'plain language'.

The Community Safety Partnership will make appropriate arrangements for communicating with all that have special needs, such as people with sight, hearing or learning difficulties.

5. Links to Other Strategies

It is essential to ensure that the partnership's activities in one area do not undermine its activities in another. Therefore, it is vital that the Antisocial Behaviour Strategy complements the other plans and strategies of both the Council and its partners.

5.1 Relationships with Council Strategies

Corporate Development Plan 2004 – 2007

The Corporate Development Plan sets out the Council's medium to long term development objectives. It sets out how the Council will contribute to the overall community vision and strategy for the area.

Antisocial behaviour is listed as one of the 'Plans for the Future' under the Social Programme which aims to support and encourage measures that achieve Social Inclusion and enhance the quality of life for the residents of Moray.

Priorities and commitments include;

- To support the work of the Drug and Alcohol Action Team and the inter-agency Drug Alcohol Service to meet Scottish Executive targets
- To work in partnership with communities and other agencies to promote positive and inclusive communities and to minimise the incidence and impact of antisocial behaviour

Local Agenda 21

The Local Agenda 21 is for everybody whose actions and decisions influence quality of life in Moray. It sets out the Council's vision of a sustainable community in Moray where everyone works together to ensure long term inclusive society;

- People live in confidence without fear of violence and crime
- Implementation and support for a Moray Closed Circuit Television Scheme to discourage criminal behaviour in Partnership with Police and local businesses

Arts Development Strategy for Moray 2002-2005

Supporting the Community Plan in increasing the quality of life for all sections of the community and developing the wellbeing of the communities within Moray, strategic objectives include;

- Supporting and developing programmes of work that increase/enhance opportunities and aid the personal development of young people through participation in the arts

Moray Local Housing Strategy

This strategy sets out the major priorities for housing in the Moray Council areas and supports the Community Safety strategic objective to create and sustain neighbourhoods that are safe, socially mixed and supportive in respect of antisocial behaviour.

Race Equality Scheme 2003-2005

In line with all its strategies and policies, the Council seeks to ensure that it complies with the Race Relations Amendment Act.

The Antisocial Behaviour Strategy will comply with the requirements of the Council's Race Equality Scheme in its approach to both victims and perpetrators of antisocial behaviour and the staff that deliver the range of services to address it.

5.2 Relationships with Multi-Agency / Partnership Strategies

Community Plan

Community Planning aims to improve the service provided to the public through closer, more co-ordinated working. The Community Plan is the overarching strategy in which the Community Safety Partnership sits. The Community Planning Partnership has strategic responsibility for implementing the drive against antisocial behaviour through the Community Safety Partnership. The multi-agency Antisocial Behaviour Partnership is a sub group of Community Safety and co-ordinates activities, resources and programmes developed under the strategy.

Community Safety Strategy 2002-2005

The Community Safety Strategy has one overriding purpose - "To enhance the quality of life for all who live, work and visit the area by working with others by ensuring a safer environment for the future."

One of the three main key issues of the strategy is Addressing antisocial behaviour by aiming to identify the main causes of antisocial behaviour and promoting effective and practical solutions to significantly reduce antisocial behaviour.

Moray Community Learning and Development Strategy

Aims to target resources towards the most disadvantaged communities and groups and identifies young people at risk of exclusion as a priority target group. It plans to enhance and develop achievement through learning for both adults and young people.

Moray Community Planning Partnership Strategic Regeneration Objectives

Aims to improve the confidence and skills of the most disadvantaged children and young people.

Moray Joint Health Improvement Plan

This plan maintains a strategic focus throughout in relation to teenage transitions and to working with Moray Youthstart partners. A wide range of commitments in the plan targets the critical issues in relation to young people's current and future wellbeing.

Moray Supporting People Strategy

Overall objectives include supporting services designed to meet local need, responsively, integrated with other initiatives, promoting social inclusion and social justice.

Moray Youth Justice Partnership

Working in partnership to Youth Justice Standards, the partnership will provide a range of holistic, needs led responses to young people who persistently offend or who are in danger of becoming persistent offenders.

They will support them to move away from offending and become integrated within their community. The partnership has developed a model of support to effectively meet the needs of the most persistent offenders in order to move them away from offending behaviour. Strong partnership working with Grampian Police has resulted in a Restorative Justice programme being put in place with the Youth Justice Team undertaking Restorative Justice and work from the Antisocial Behaviour etc. (Scotland) Act 2004.

Moray Youth Justice Strategy targets young people who offend persistently

5.3 Relationships with Partner Organisations' Strategies

Drug and Alcohol Team

The misuse of drugs and alcohol can have a huge impact on the health and wellbeing of an individual, their families and the community.

- Drug and Alcohol Corporate Action Plan - sets out national priorities relating to drugs and alcohol, the success of which has a direct impact on Antisocial behaviour
- Moray Drug and Alcohol Team Strategy 2003-06 – includes commitments to influence attitudes towards drugs and alcohol, particularly among young people. It also forms the basis for action against drug and alcohol misuse in Moray containing key aims, the success of which would have a direct impact on Antisocial Behaviour

Grampian Fire and Rescue Service

Grampian Fire and Rescue Service continually promotes fire safety in the community, and has a current ongoing aim to reduce wilful fire raising throughout Moray with the ultimate aim of reducing the number of fires year on year.

Grampian Fire and Rescue Service (Moray Command) Action Plan 2005/06 concentrates on delivering a phased improvement of their service in Moray. One of the improvement areas is the reduction of secondary fires. This has led to a main action point aiming to expand their information sharing protocols with partners to support strategies that reduce the volume of secondary fires.

Grampian Police - Force Strategy 2002-2005

The Force Strategy vision is “to make North East of Scotland a safer place for everybody to live, work and travel in.” Working in Partnership with others Grampian Police aims are “to enhance community safety; increase public confidence in Grampian Police; and develop Grampian Police as an organisation.”

Their priorities are to reduce street crime, road casualties, housebreaking, domestic abuse and hate crime as well as tackle local problems.

- Force Youth Strategy – concentrates on services to young people, recognising the importance of partnership working with other agencies to deliver services
- Grampian Police Youth Action Plan – demonstrates our commitment to forging strong links with young people across the area in an effort to work together towards a positive future

Both these areas will deal with those young people identified as being involved in antisocial behaviour or other criminal activities with active monitoring of young offenders.

6. Strategic Development

6.1 Information Sharing

The Council and Grampian Police have consolidated information sharing relationships already well established in terms of Moray's Community Planning Framework, drawing a comprehensive group of partners into the Information Sharing Network including NHS Grampian, Grampian Fire and Rescue Service and the Procurator Fiscal.

A detailed Information Sharing Protocol has been adjusted between the partners. This clarifies the focus, aims and objectives underlying the Information Sharing Process and will promote the effective use of information in order to combat antisocial behaviour in Moray.

6.2 New Legislative Provisions

The Antisocial Behaviour Etc (Scotland) Act 2004 extended measures previously available to address antisocial behaviour and additional new powers were introduced. The Council and Grampian Police are working with key partners to develop appropriate policies and protocols to regulate use of these new powers.

Antisocial Behaviour Orders (ASBO) – the Antisocial Behaviour etc. (Scotland) Act 2004 conferred a statutory power of arrest for breach of an ASBO on the police and extended ASBOs to juveniles of between 12 and 15, to compliment the Children's Hearing System. Related provisions include:-

- Intensive Support and Monitoring – the Antisocial Behaviour etc. (Scotland) Act 2004 requires provision of intensive support and monitoring for serious and persistent juvenile offenders who meet the criteria for secure accommodation;

- Parenting Orders – the Antisocial Behaviour etc. (Scotland) Act 2004 introduced Parenting Orders, to be imposed where a parent’s behaviour in relation to their child is seriously deficient but the parent will not take steps to improve their parenting on a voluntary basis;
- Restriction of Liberty Orders – the Antisocial Behaviour etc. (Scotland) Act 2004 extends these Orders to juveniles between 12 and 15;
- Dispersal of Groups – the Antisocial Behaviour etc. (Scotland) Act 2004 empowers Senior Police Officers in consultation with the Local Authority to require dispersal of groups of two or more people from designated areas where their antisocial behaviour is significant, persistent and serious

Removal of Graffiti and Illegal Dumping – the Antisocial Behaviour etc. (Scotland) Act 2004 introduced Removal Notices and Fixed Penalties to enable local authorities to deal directly with these categories of antisocial behaviour and a prohibition on selling spray paint to under 16's.

Noise Nuisance – the Antisocial Behaviour etc. (Scotland) Act 2004 provided local authorities with powers of entry and seizure and also the power to issue Fixed Penalties where noise exceeds permitted levels.

Closure of Premises – the Antisocial Behaviour etc. (Scotland) Act 2004 empowers Senior Police Officers in consultation with the local authority and make application to close premises associated with persistent and serious disorder or serious nuisance.

6.3 Anti -Social Behaviour Orders (ASBO)

The Antisocial Behaviour etc (Scotland) Act 2004 has replaced the existing provisions relating to ASBOs contained in the Crime and Disorder Act 1998 in so far as they relate to Scotland.

The key changes are:

- An ASBO or interim ASBO can now be granted in relation to under 16s, providing the Sheriff has considered the views of the Children’s Reporter;
- ASBOs are no longer limited to the boundaries of the local authority area;
- A statutory power of arrest is now available on the breach of an ASBO.

Although we have in place an existing policy document relating to ASBO’s and council tenants, it is recognised that this requires to be replaced in light of legislative changes and in order to broaden its scope

to cover all tenures. Key partners will be consulted in the development of this policy and any subsequent reviews.

Process maps and protocols are also currently being developed with key partners. These, together with an ASBO policy, will ensure that other measures, such as mediation or Acceptable Behaviour Contracts (ABC), are used at an early stage where appropriate. As part of the process, an Antisocial Behaviour Panel is to be established to consider and review cases. This will allow for a multi-agency approach and will ensure consistency.

Given the nature of the behaviour involved, it is recognised that the use of professional witnesses may be a crucial element in securing an antisocial behaviour order. Community Wardens are therefore undergoing a training programme to allow them to act as professional witnesses.

6.4 Intelligence Led Policing/ PSP Partnership

Dealing effectively with antisocial behaviour is linked to how the Police respond to problems, how they manage and utilise information, which they receive from whatever source, and how they communicate with Communities.

The approach taken to deal with antisocial behaviour, should avoid, whenever possible, simply dealing with incidents as and when they occur. While there has to be an element of this in any strategy, this clearly does not represent best value, and does nothing to address the underlying issues, which affect communities suffering from serious antisocial behaviour problems.

The adoption of Problem Solving Policing (PSP), by the Police will form an integral part of the Police strategy in relation to antisocial behaviour. PSP are essential in developing long term strategies, in forging strong links in communities, and the returning of communities to a position where the fear of crime is greatly reduced.

PSP have also encouraged the Police to improve their partnership working, whereby they gain the assistance of other agencies, whose expertise form part of a multi stranded approach to a given problem. Only by using a multi agency approach can the diverse nature of problems be addressed. PSP rely into the expertise of drug and alcohol teams, social workers, outreach youth teams, business interests, the community council, the community itself.

The contributions to PSP are many fold, and should always be regarded as such.

PSP can then also become part of another element of Police strategy, which is, Intelligence Led Policing (ILP). ILP is now the backbone of the

Police strategy in tackling offenders, but for ILP to succeed there must be intelligence provided from non-Police sources, including members of the public. ILP operates on the basis that information on an individual is received, then assessed, in order that resources may be immediately tasked to deal with the identified problem.

Whatever the timescale, the essential part of ILP is that resources are deployed effectively, and with a strong chance of success. There is absolutely no difference in the utilisation of ILP in fighting Antisocial Behaviour or dealing with career criminals.

6.5 Community Wardens

Community Wardens have now been embraced as part of the ongoing campaign to tackle antisocial behaviour. Their introduction has ensured that communities are provided with high visibility patrolling. Community Wardens engage with the communities by attending at schools, youth groups, Community Councils and Local Neighbourhood Forums

Community Wardens will assist other agencies in attempting to resolve neighbour disputes which often led to Police attending at homes over a period of years, to resolve issues. Regarding antisocial behaviour, their contribution will be most felt with regard to nuisance neighbours, who blight communities with loud music, out of control children, or who generally inspire fear in their neighbours.

While the wardens will not be making arrests or reporting offenders, they will monitor noise levels, report on antisocial behaviour by householders, they will mediate between neighbours. All of which, as can be readily seen forms part of the policies of PSP and ILP.

If utilised correctly, the wardens will become an integral part of the Communities.

6.6 Improve Liaison with Legal System

It is essential that appropriate cases are progressed through the legal system as efficiently as possible, not only to reassure victims of Antisocial Behaviour but also to reinforce the message sent to offenders that Antisocial Behaviour will not be tolerated in Moray.

In order to promote the efficiency and effectiveness of the legal system in this context, process maps and protocols are being framed to ensure that partners provide a seamless service from the point at which an initial report of Antisocial Behaviour is received onwards. Particular consideration is being given to fast-tracking appropriate cases, and to potentially innovative uses of existing powers

6.7 Youth Issues

There has been a close liaison between all agencies and departments when consulting on the implications of the Act, including the Reporter and Children's Panel. All attended a strategy training day, out of which were produced the protocols for early identification and referral of young people in need of support or diversion.

It was unanimously agreed within Moray to use the existing Local Assessment and Planning (LAP) process to manage the new orders created by the Antisocial Behaviour etc (Scotland) 2004. This will be achieved with the best interests of the child in mind and to ensure that the minimum intervention principle of the Children (Scotland) Act 1995 is upheld.

Antisocial Behaviour Orders, Intensive Support and Monitoring Service and Parenting Orders will be exclusively dealt with through the LAP process. Acceptable Behaviour Contracts, at an early diversionary point, will have a simplified initial referral procedure through the Antisocial Behaviour Co-ordinator.

A separate Youth Process Document has been produced. (Appendix B)

6.8 School Attendance

Educational Services re-wrote its policy on school attendance and developed a new 'Strategy for Supporting Pupil Attendance' in February 2004. This new strategy incorporates attendance procedures for all schools and has a clear focus on the support needs of the child, young person and their family. The strategy places a high value on regular school attendance and relates this to increased, positive opportunities for all.

It describes how the issues that may be reasons why a child or young person is not attending school can be addressed through the local assessment and planning process.

Attendance levels in Moray schools are above the national average in most age groups. Examples of supports available to families and schools include home-school link staff, family support workers, youth workers, school auxiliaries and others.

6.9 School Exclusions

Both nationally and within Moray, school exclusions have risen year on year over the last 3 years. Traditionally, Moray is a low-excluding authority and this is still the case. Of the 32 Scottish local authorities, Moray is 7th lowest in terms of the number of exclusions. The year-on-year increase is worrying, however, with exclusions up by around 46%. Using the most recent data available, at a national level, 23% of exclusions are due to general or persistent disobedience. In Moray, the figure is 18%. The national average for acts of verbal abuse of staff is 18% while within Moray the figure is 24%. The area where there is most concern relates to acts of physical abuse of staff. Nationally, and since 1998/99, exclusions involving physical abuse of staff increased from 886 to 1,506 in year 2002/03.

A new research initiative is underway in Moray to try to identify some of the possible reasons why school exclusions are on the increase. The research will also highlight where there is good practice and where changes may be required to current procedures.

In a related area, there is increasing interest being shown by school staff to train in facilitating a 'restorative' type meeting that can help resolve issues around school exclusions. This approach needs to be further embedded into the school exclusion procedures.

6.10 Housing / Existing Policy & Practice- Housing Management

Social landlords such as The Moray Council and housing associations have worked hard with a number of agencies to ensure that the incidence of antisocial behaviour in Moray is minimised and, where it does occur, is managed effectively.

This process starts for tenants with the conditions set down in their tenancy agreement and is re-enforced through sections in their Tenants Handbook.

The Moray Council has a Neighbourhood and Antisocial Behaviour Policy (approved at Community Services Committee in May 2003) and a procedure is being developed for implementation in May 2005.

The Council also has an Estate Management Policy which touches on areas of antisocial behaviour to ensure that the neighbourhood people live in is a safe and secure place to live.

This policy details service levels for communal areas, the removal of abandoned cars and the visual appearance of the area.

6.11 Mediation

The Housing Services of Moray Council have established a Community Mediation Scheme with SACRO.

This service uses proven resolution methods to resolve neighbour disputes in an independent and confidential manner. The service is free to those using it and is open to all residents within Moray.

This has led to a close working partnership between not only SACRO and The Moray Council, but the Police and other agencies promoting Community Safety in the area.

This service can only be successful where residents are willing to meet to discuss their issues and all parties to the dispute must be willing to participate.

As this is a new service it is too soon to calculate the success rate but the service provided and the outcomes are being recorded for future reference.

6.12 Housing Associations

In Moray eight Housing Associations provide around one fifth of the social housing stock and therefore have a significant role to play in addressing antisocial behaviour. The Associations provide housing and accommodation for a diverse client group and the impact and significance of antisocial behaviour on individual tenants of organisations can also vary. Housing Associations have a track record of working with others including Grampian Police and the Council and the provisions of the new Act provide the opportunity for the development of even greater partnership.

Associations have adopted for some period now comprehensive policies and procedures to tackle antisocial behaviour and these are continually reviewed in light of new developments and practice. Approaches can range from traditional measures including action through the tenancy agreement to working with others to establish diversionary activities for young people.

Although starting out from a generally positive position, Associations see the opportunity through the Strategy to fill gaps in existing provision. This can usefully include developing support services to assist households address behaviour, thus avoiding the need for punitive measures, development of the use of Acceptable Behaviour Contracts and delivering appropriate measures for sharing information. Partnership is crucial to ensure the best use of limited resources.

6.13 Environmental Issues

Noise

Noise complaints are often by their nature investigated outwith normal working hours. If the complaint relates to an issue occurring during periods out with normal working hours then visits are arranged at a mutually convenient time with the complainant. Contact may also be made to confirm that a complaint has been received and that further investigation and monitoring will be carried out.

Members of the public who are experiencing problems with excessive noise emanating from licensed premises, and barking dogs should contact the Environmental Health Section.

Issues currently not investigated by the Environmental Health Section are noisy parties, banging of doors, shouting etc., in domestic premises and noise from traffic, for example, boy racers. Noisy parties can be dealt with through existing powers contained in the Civic Government (Scotland) Act, 1982 by Grampian Police. Noise from domestic premises could be dealt with by the Community Wardens carrying out investigations and if necessary using the DAT-recorder.

It is suggested that this informal method be used along with the existing powers available to the various Agencies. A review of the situation, by consulting with the community and evaluation of figures is undertaken at the end of the first year to determine how effective the measures have been. Should it be proved that the measures are ineffective, then the option is available to the partnership to formally adopt the noise provisions contained in the Antisocial Behaviour etc (Scotland) Act 2004. The Community Wardens could be trained in the use of suitable noise monitoring equipment and the applicable criteria. Guidance has been produced by the Environmental Health Section to assist the Community Wardens in dealing with domestic noise issues and the use of DAT-recorders.

Dog Fouling

The Environmental Health Section will accept complaints relating to dog fouling and at the present time, following receipt of a complaint, will make contact with the dog owner to prevent a recurrence of the practice. In the near future following authorisation and training Animal Services

Officers and Community Wardens, they will have the power to issue Fixed Penalty Notices in terms of the Dog Fouling (Scotland) Act 2003.

Abandoned Vehicles

The Environmental Health Section currently provides a comprehensive service to deal with the problem of abandoned vehicles under the Refuse Disposal (Amenity) Act 1978. Information relating to abandoned vehicles can be received from various sources for example Grampian Police, the public, the Housing Section or Registered Social Landlords. On receipt of a complaint regarding abandoned vehicles, Environmental Health will deal with the issue as quickly as possible but will require to consult with Grampian Police to ensure there is no criminal involvement with the vehicle in question.

Litter

Littering, fly tipping and waste collection are dealt with by Environmental Protection under the provisions of the Environmental Protection Act 1990. Environmental Protection Officers also deal with dog fouling complaints in consultation with the Community Wardens and the Council's Dog Warden Service. Nominated Environmental Protection Officers and Community Wardens are to be authorised and trained to issue fixed penalty notices, under the Environmental Protection Act 1990 and Antisocial Behaviour etc (Scotland) Act 2004 for litter offences. Environmental Protection continues to liaise and work in partnership with the Scottish Environment Protection Agency in dealing with complex fly tipping issues.

7. Aims of the Service

The strategy focuses on four themes:

- Protecting and Empowering Communities
- Preventing antisocial behaviour by working with children and families
- Building, safe secure and attractive communities
- Effective enforcement

The strategy is underlined by five key principles. These are:

- Everyone has the right to live without the scourge of antisocial behaviour, but everyone also has responsibility – to respect themselves, their immediate neighbours and the community generally.
- Build on what has gone before
- Prevention is better than cure
- Tackling antisocial behaviour is not about stigmatising particular groups of people but about supporting the great majority of people, including the great majority of young people, who want to live

harmoniously with others in safe and secure communities while confronting the small minority whose behaviour undermines this.

- Joined up action at the local level within a national framework.

The principle aim of the strategy will be “to prevent Antisocial Behaviour at the earliest possible point”. This will be achieved through the core building blocks of:

- Prevention
- Early Intervention/Diversion
- Enforcement
- Rehabilitation

The attached Action Plan details how the five identified areas will be implemented. (Appendix C)

8. Resources

The Scottish Executive has provided funding for the provision of the Antisocial Behaviour etc (Scotland) Act 2004 that included additional funding for the provision of the Community Warden scheme. This funding has provided Moray with 5 Community Wardens and Grampian Police are actively pursuing other funding avenues to increase this to 7 wardens. A total of £250,000 has been invested in Moray during 2004/05 for dealing with antisocial behaviour.

The partnership recognises the work involved by all agencies in the preparation of the strategy and the commitment of significant resources to enable its production. Implementation of the strategy will require additional resources in terms of planning, review and delivery of services.

In order to assist in the implementation of the strategy a detailed action plan will be compiled specifying who is responsible, Aims of the project, details of the project, target times, budgets, outcome measurements and progress milestones.

The Antisocial Behaviour Task Group will have the responsibility to ensure the implementation and development of the strategy and the monitoring of the action plan.

9. Monitoring & Evaluation

The initiatives undertaken to address antisocial behaviour require to be monitored effectively and to be evaluated to ensure that value for money and targets are achieved. The partnership therefore proposes that we measure:

- The reduction in number of incidences of all types of antisocial behaviour
- A reduction in the number of people who perceive antisocial behaviour as a problem in their area.
- Customers perception of the partnership performance in tackling antisocial behaviour.

Quantitative and qualitative data will be gathered on antisocial behaviour. Six monthly reports on quantitative data and two yearly reports on qualitative data will be made to the Community Safety Partnership. These will include:

- Number of instances by type of antisocial behaviour.
- Number of Antisocial cases under investigation in each category.
- Number of cases for which legal remedies are sought.
- Number of cases for which formal mediation is offered.
- Number of Acceptable Behaviour Contracts offered.
- Number of legal solutions granted as a percentage of those sought.
- Public perception on how antisocial behaviour affects them and their community (Initial survey).
- Public perception on how the various antisocial behaviour initiatives have changed their community (Two yearly survey).