

Anti-social Behaviour – What Would The Consultation Proposals Mean?

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Briefing Summary.

A) 20 min presentation covering:

The "Putting Our Communities First" document outlines the Executive's strategy for tackling anti-social behaviour. Anti-social Behaviour is defined as:

"That which causes or is likely to cause alarm or distress to one or more persons not of the same household." (Crime and Disorder Act 1998)

The proposals in the document are designed to be used together and thus the majority of them could be of direct relevance to housing and homelessness practitioners. A brief description of the most relevant proposals and how they inter-connect is outlined below.

ABCs' and ASBOs'

Anti-social Behaviour Orders are already used in Scotland, but the executive is proposing to extend them to cover 12 to 15 year olds. This would bring Scottish legislation in line with current English legislation which can impose ASBOs' from 10 year olds and upward. An order can ban someone from certain streets, being out at certain times, gathering with certain people and so forth.

The youngest recipient of an order in England is Lukon Straker who was banned from 80 streets in his city. Straker was 11 when the order was granted and is now serving 6 months in youth detention for breaching it on two occasions.

Acceptable Behaviour Contracts (ABC's) were introduced in England because ASBOs' were costly and time consuming to apply for. They are written agreements between children or adults deemed to be behaving anti-socially and relevant agencies such as police, housing and social work services. The contract can cover very much the same behaviours as an ASBO but is a voluntary contract the breach of which is not a criminal offence. Breaching an ABC can be used as evidence in an ASBO application.

Parenting Orders and Parenting Contracts

The document proposes introducing parenting orders in Scotland. These have been used in England and Wales since 2000. An order can be granted where a child has committed an offence or a child safety order has been made. The order may bind a parent to ensure that their child attends school, is home during certain hours, avoids visiting certain areas etc. Breach of an order is a criminal offence and is likely to result in a fine and possibly a supervised attendance order.

As with ASBOs' there is a softer, voluntary version of parenting orders, namely parenting contracts. Breach of such contract can lead to a parenting order being granted.

ASB and Housing

Breach of any of the above can be used as evidence in eviction proceedings. Currently a Scottish secure tenancy can be reduced to a short Scottish Secure Tenancy where the tenant, someone residing with the tenant, or a subtenant is subject to an ASBO. It is proposed that this will hold true for ASBOs' for under 16s'. Thus a 12 year old subject to an ASBO can lead to parents tenancy being reduced to a SSST.

Someone who is evicted following an ASBO will be seen as intentionally homeless and thus the authority would not be bound to offer them anything more than non-tenancy accommodation such as in a hostel.

ABCs' and ASBOs' will be the main way of dealing with anti-social owner occupier properties.

Registered social landlords may have the formal duty placed upon them of participating in the production and implementation of anti-social behaviour strategies.

The consultation document proposes 2 options for private landlords:

- 1) Requiring all private landlords to be registered. The local authority could refuse or withdraw registration where the landlord does not take agreed measures to control anti-social behaviour of tenants. Letting unregistered

property would be illegal. No rental would be payable for unregistered property and thus tenants could have housing benefit withdrawn.

2) Giving local authorities the power to take over individual properties.

If a landlord was not seen to be tackling the anti-social behaviour of tenants the authority under a management control order could act as if it were the landlord of a private tenancy.

The UK government has issued a consultation paper regarding imposing housing benefit penalties for anti-social tenants, possibly without recourse to the courts.

B) Question and Answer Session.

The second 20 minutes of the briefing will be used to explore the proposal in more detail in a question and answer session with particular regard to anxieties that participants have regarding the Executive's proposals.

Further Info:

The closing date for replies to the proposal is 11th September 2003. The executive plan to put the anti-social behaviour Bill forward in the late Autumn.

Copies of the "putting our Communities first" can be obtained from

**The Stationary Office Bookshop
71 Lothian Road
Edinburgh
EH3 PAZ
Telephone: 0870 606 55 66.**

The document can also be downloaded from:

<http://www.scotland.gov.uk/consultations/social/pocf-00.asp>