

PART 3 – RESPONDENT INFORMATION FORM

**THE ANTISOCIAL BEHAVIOUR ETC. (SCOTLAND) ACT 2004
CONSULTATION DOCUMENT – JUNE 2014**

Please Note this form must be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

The Highland Council

Title Mr Ms Mrs Miss Dr Please tick as appropriate

Surname

Thain

Forename

Carolyn

2. Postal Address

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3. Permissions - I am responding as...

Individual / Group/Organisation
 Please tick as appropriate

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?
 Please tick as appropriate Yes No

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis
 Please tick ONE of the following boxes

Yes, make my response, name and address all available

Yes, make my response and name available, but not my address

Yes, make my response available, but not my name and address

(c) The name and address of your organisation will be made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your response to be made available?
 Please tick as appropriate Yes No

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?
 Please tick as appropriate Yes No

CONSULTATION QUESTIONS

Antisocial Behaviour Orders - Standard of proof

Q1. Should the legislation be clearer that the standard of proof required when considering an application for an ASBO is 'balance of probabilities' rather than 'beyond reasonable doubt'?

Agree Partially agree Disagree

Please provide reasons for your answer:

We would welcome clarity on this

Antisocial Behaviour Orders - Variation of Interim ASBOs

Q2. Should it be possible to vary an interim ASBO if the behaviour of the person who is the subject of the ASBO changes?

Agree Partially agree Disagree

Please provide reasons for your answer:

To allow change in behaviour to be considered during period of Interim ASBO

Antisocial Behaviour Orders - Service of Orders

Q3. Should the service of both interim and full ASBOs be capable of being made by Sheriff Officers as an alternative to recorded delivery?

Agree Partially agree Disagree

Please provide reasons for your answer:

We would welcome this as a mechanism to confirm that ASBO had been served

Antisocial Behaviour Orders - Private Landlords

Q4. Should private landlords be able to receive information about police calls and actions in relation to antisocial behaviour by their tenants?

Agree Partially agree Disagree

Please provide reasons for your answer:

There are likely to be data protection issues arising from this change, but agree that a certain level of information needs to be available in order that the landlord can address the antisocial behaviour of their tenant.

Q5. Should limits be put on the type of information which private landlords may receive?

Agree Partially agree Disagree

Please provide reasons for your answer:

There needs to be a way of protecting the tenants from their personal information being shared by their landlord for reasons other than the investigation of antisocial behaviour.

Q6. Should any other controls be in place to ensure that information received by private landlords is not misused?

Agree Partially agree Disagree

Please provide reasons for your answer:

As above

Closure Order Powers – Local Authorities

Q7. Should closure order powers be extended to Local Authorities?

Agree Partially agree Disagree

Please provide reasons for your answer:

Police Scotland should continue to lead on closure orders when there is evidence of criminal behaviour, but Local Authorities may wish to use this power where there is evidence of persistent antisocial behaviour such as noise, parties etc.

We would welcome some definition on what types of cases each agency should consider taking the lead role in.

Q8. Should a local authority power to issue closure orders be subject to consultation or other requirements?

Agree Partially agree Disagree

Please provide reasons for your answer:

Consultation with Police Scotland should be required to ensure that any other issues/incidents are considered.

Consultation with Homelessness Services should be required to ensure that the housing and support needs of the householder(s) are considered.

Consultation with Scottish Fire and Rescue Service should be required to ensure that any fire safety issues surrounding the closure of the property are considered

Antisocial Behaviour Fixed Penalty Notices

Q9. Should 'drunk in a public place in charge of a child' be removed from the list of Fixed Penalty Notice offences?

Agree Partially agree Disagree

Please provide reasons for your answer:

This should be handled through local Child Protection arrangements and use of the Children & Young Persons Act

Q10. Should 'malicious mischief' be removed from the list of Fixed Penalty Notice offences?

Agree Partially agree Disagree

Please provide reasons for your answer:

This should be handled under common law powers reflecting the seriousness of the offence.

Q11. Should there be any other changes to the system of ASB Fixed Penalty Notices?

Agree Partially agree Disagree

Please provide reasons for your answer:

We would expect Police Scotland to respond to this.

Finally, if there are any other issues that you wish to raise regarding antisocial behaviour in Scotland, not covered by this consultation document, please use your Respondent Information Form to share these with us.

We would welcome some national promotion on the use of CRASBOs with the PF and Court staff