

# MORAY COUNCIL ANTISOCIAL BEHAVIOUR POLICY

<b>Document Owner</b>	Karen Sievewright – ES&TS Manager
<b>Reviewer</b>	Chrissy Stower – Lead Public Health Officer
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**INDEX**

Contents

Part I – General .....	4
1. Introduction .....	4
2. Antisocial Behaviour – A Definition .....	4
Part II - Antisocial Behaviour Policy .....	4
3.1 Antisocial Behaviour Policy Statement .....	4
3.2 Aims of Policy .....	5
3.3 Principles of the Policy .....	5
3.4. Equal Opportunities and Human Rights.....	5
3.5. Joint Working with Local Partners .....	6
Part III - Early Action to Deal with Antisocial Behaviour.....	6
4.2 Review and Investigation of Complaint .....	7
4.3 Formal Warning .....	7
4.4 Mediation.....	7
4.5 Acceptable Behaviour Contracts (ABCs) .....	7
4.6 Early Action Relative to Young People (12-15) .....	7
Part IV - Antisocial Behaviour Order Policy.....	8
5.2 ASBO Policy Statement .....	8
5.3 Aims of the ASBO Policy.....	8
5.4 Application for an ASBO.....	8
5.5 Decision to Apply for an ASBO .....	9
5.6 Consultation .....	9
5.7 Procedure Before the Antisocial Behaviour Order Panel .....	10
5.8 ASBOs to Address Criminal Conduct .....	10
5.9 Terms of the ASBO .....	10
5.10 Getting the Case Into Court .....	10
5.11 Interim ASBOs .....	10
5.12 ASBOs for 12-15 year olds.....	11
5.13 Review of ASBOs .....	11
5.14 Appeals.....	11
5.15 Variation or Revocation of ASBOs.....	12
5.16 Breach of an ASBO .....	12
5.17 Record of ASBOs .....	13
5.18 Notification and Publicity.....	13
Part IV – Policy Audit .....	14
6. Monitoring and Evaluation .....	14

Appendix 1	
6.2 Review.....	14
Appendix 1.....	15
ANTISOCIAL BEHAVIOUR ORDER PANEL.....	15
Appendix 2.....	17
THE MORAY COMMUNITY SAFETY HUB.....	17

## **Part I – General**

### **1. Introduction**

1.1 On 7 November 2023 the Scottish Government published its report on Scotland’s Approach to Antisocial Behaviour- Review Findings. This report made two recommendations;

1. that The Scottish Ministers, and statutory, non-statutory and voluntary sector service providers and communities themselves recognise that our approach to preventing and tackling antisocial behaviour needs to be a long-term approach (that recognises societal changes and evolves) and that we need to make a commitment to a programme of activity which will provide a framework that will guide us in taking forward this agenda in alignment with other linked national policies.

2. An independently chaired group of experts, potentially including statutory, non-statutory and voluntary service providers, community representatives and other key interests should be brought together to develop a long-term framework for addressing antisocial behaviour..

This demonstrates the Scottish Government’s ongoing commitment to tackle antisocial behaviour.

1.2 Moray’s Community Planning Partnership has strategic responsibility for implementing the drive against antisocial behaviour, and this is achieved and monitored under the direction of the Moray Community Safety Partnership. Moray Council also employs a Lead Public Health Officer who sits on the Community Safety Partnership and manages the development and delivery of services and initiatives associated with antisocial behaviour in Moray.

### **2. Antisocial Behaviour – A Definition**

2.1 Antisocial behaviour is not necessarily behaviour that is merely different, for example, by reason of a medical or developmental condition or mental health issue 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 under the circumstances will be disregarded.

2.2 Surveys of people resident in Moray have revealed that a wide range of antisocial behaviour ranging from alcohol and drug induced behaviour to vandalism and dog fouling are areas of particular concern to them. In a narrower context, disputes between neighbours are often also a cause for concern. The Council is committed to tackling and reducing antisocial behaviour by responding firmly and effectively to complaints. This policy will provide a framework for action relating to complaints of antisocial behaviour. This policy also links with the Council’s Community Safety Strategy, Antisocial Behaviour Procedure and Housing Service Neighbour Disputes and Antisocial Behaviour Policy (which deals with complaints involving Council tenants).

## **Part II - Antisocial Behaviour Policy**

### **3.1 Antisocial Behaviour Policy Statement**

3.1.1 Moray Council and its partners are committed to improving the quality of life for everyone in Moray, and providing a safe and secure environment to enable communities to live harmoniously and free from the negative impact of antisocial behaviour.

## Appendix 1

3.1.2 Reports of antisocial behaviour will be investigated, where appropriate in co-operation with relevant outside agencies. Action taken against those responsible will be proportionate to the seriousness of the activity in which they are engaged and appropriate given their personal circumstances. In very serious or persistent cases of antisocial behaviour, rapid enforcement action will be taken to resolve the problem. This may include court action where appropriate.

3.1.3 All instances of antisocial behaviour which are considered to be criminal will be reported to Police Scotland which may undertake criminal investigations.

3.1.4 Appropriate support will be provided to victims and witnesses of antisocial behaviour. This support may come from a number of sources including Victim Support Moray, Moray Locality Networks, or the Moray Community Safety Team.

### 3.2 **Aims of Policy**

3.2.1 The principal aims of this Policy are to prevent antisocial behaviour by:-

- working with children, families and adults from the earliest possible point
- promoting the responsibility of all community members to respect themselves, their immediate neighbours and the community generally
- supporting communities, including the general majority of people who want to live harmoniously with others in a safe and secure environment while confronting the small minority of people whose behaviour undermines this
- preventing antisocial behaviour arising and escalating through early detection and proactive management

3.2.2 These aims compliment those stated in the Community Safety Strategy framed by Moray Council and its partners in this area.

### 3.3 **Principles of the Policy**

3.3.1 The principles underpinning this Policy are:-

- To work co-operatively with relevant agencies in order to manage and reduce antisocial behaviour
- To support victims and witnesses of antisocial behaviour
- To meet the support needs of individuals responsible for antisocial behaviour
- To work with children and young people, families and adults from the earliest possible point in order to address the cause of antisocial behaviour.
- To promote consideration of voluntary remedies including mediation and Acceptable Behaviour Contracts prior to applying for an ASBO.
- To promote consistency by ensuring that all applications for ASBOs are considered by one body in Moray – the Antisocial Behaviour Order Panel
- To apply for Court orders including ASBOs when appropriate and when sufficient evidence is held.

### 3.4 **Equal Opportunities and Human Rights**

3.4.1 The measures described in this policy are intended to provide protection to individuals and groups whose quality of life is undermined by the antisocial behaviour of others. Individuals

## Appendix 1

who experience prejudice, for example on the grounds of race, religion, gender, age, disability or sexual orientation may also be more likely to be the victims of antisocial behaviour. The measures outlined are not intended to tackle behaviour that is merely different, or behaviour that is the result of a medical or developmental condition or mental health issue. In tackling antisocial behaviour, Moray Council will pay due regard to its obligations under the Local Government in Scotland Act 2003 to discharge its functions in a way which encourages equal opportunities. In addition, the Human Rights Act 1998 makes it unlawful for public authorities to act or to fail to act in a way which is incompatible with the European Convention on Human Rights (ECHR). Moray Council and all partners, services and agencies will comply with ECHR at all stages when dealing with antisocial behaviour. ASBOs and other restrictive measures such as ABCs will be utilised and retained for only as long as is considered necessary to protect against the prohibited antisocial behaviour by the individual concerned.

### 3.5. **Joint Working with Local Partners**

- 3.5.1 The Community Safety Partnership leads the development of strategy in Moray. At an operational level, decisions to pursue ASBOs are taken by the Antisocial Behaviour Order Panel on which all agencies relevant to a complaint will be represented. Details of the remit of the Panel is contained in **Appendix 1**.
- 3.5.2 The sharing of information between agencies is essential to successfully tackling antisocial behaviour and is a crucial element in the consultation process. The Community Safety Information Sharing Protocol provides a framework for such information sharing.
- 3.5.3 The Moray Community Safety Hub meets regularly to share information effectively and identify priority cases of antisocial behaviour and criminal conduct within Moray. The remit of this group is provided in **Appendix 2**.

## **Part III - Early Action to Deal with Antisocial Behaviour**

### 4.1 **Which Policy/Procedure will Apply?**

- 4.1.1 It is one of the aims of this policy to address the causes as well as the effects of antisocial behaviour by working at the earliest possible point with children, families and perpetrators. In the context of this policy document, "early action" comprises all action taken relative to a complaint of antisocial behaviour prior to referral of the case to the Antisocial Behaviour Order Panel for consideration of an ASBO in terms of Part IV of this policy.
- 4.1.2 Although the steps likely to be taken to address antisocial behaviour at an early stage will be similar, the procedure to be followed will be determined by the housing tenure of the person alleged to be perpetrating the antisocial behaviour ("the perpetrator"). The procedures involved when dealing with a complaint of antisocial behaviour in Moray are as follows:
- Complaint against Council Tenant - follow Housing Service Neighbour Disputes and Antisocial Behaviour Policy and relative Procedure.
  - Complaint against Tenant of Registered Social Landlord (RSL) - follow appropriate policy/procedure of RSL.
  - Complaint against a child or young person (person of under 16 years of age) - follow Moray Council's Young Persons' Process.
  - All other complaints - follow Antisocial Behaviour Policy and relative Procedure.

## Appendix 1

4.1.3 Steps likely to be common to these procedures are as detailed in the following paragraphs.

### 4.2 **Review and Investigation of Complaint**

4.2.1 Following receipt of a complaint, the nature of the complaint will generally be reviewed in order to determine its seriousness and where necessary, an investigation will then be undertaken on a time scale appropriate to the seriousness of the case. In the case of complaints against council tenants, the investigation process will be undertaken by the appropriate Housing Officer or Community Warden. In the case of complaints by or against RSL tenants, officers of the RSL will investigate. In other cases the investigation will be undertaken by Community Wardens acting in liaison with the Lead Public Health Officer. In the course of the investigation, all relevant evidence will be gathered to enable an assessment to be made of appropriate early action in response to the complaint. Where appropriate this may also include referral of the case to the police for a criminal investigation. In reviewing and investigating complaints due regard will be paid to the support needs, if any, of the victim, any witnesses and also the alleged perpetrator. Relevant information will be shared with appropriate agencies.

### 4.3 **Formal Warning**

4.3.1 Following investigation it may become apparent that a warning formally in writing is the appropriate manner in which to deal with the behaviour.

### 4.4 **Mediation**

4.4.1 During investigation it may appear that mediation would offer an opportunity for parties to reach a mutually agreed settlement of the complaint. Informal mediation will be conducted either by the Housing Officer or Community Wardens as appropriate. All officers involved in mediation will have undergone appropriate training in this respect.

### 4.5 **Acceptable Behaviour Contracts (ABCs)**

4.5.1 An Acceptable Behaviour Contract (ABC) is a voluntary written agreement between an individual (a child or an adult) involved in antisocial behaviour and relevant agencies working to prevent antisocial behaviour. The ABC defines the behaviour which is unacceptable, records agreement that the behaviour will stop and also any agreement reached regarding the support needs of the perpetrator. An ABC will only be used where the consequences of persisting in the antisocial behaviour have been clearly explained to the perpetrator who must fully understand and agree its terms. ABCs have proven successful in a wider community context. A more comprehensive description of the aims and objectives of acceptable behaviour contracts is provided as **Appendix 3** of this policy.

### 4.6 **Early Action Relative to Young People (12-15)**

4.6.1 For complaints of antisocial behaviour concerning persons under 16, a separate Young Persons Process has been devised. This process should be followed for all complaints pertaining to persons under 16 years of age. In essence, the Moray Antisocial Behaviour Young Persons Process details the means by which youths involved in antisocial behaviour may be managed through the existing Local Assessment and Planning (LAP) process. Techniques used in the context of this process include restorative justice contracts, intensive support and monitoring services (ISMS), parenting orders and ABC's.

## **Part IV - Antisocial Behaviour Order Policy**

### **5.1 What is an Antisocial Behaviour Order (ASBO)?**

5.1.1 ASBOs are preventative orders that are designed to protect people in the community who are affected by antisocial behaviour from further acts or conduct that would cause them alarm or distress. An ASBO is a civil order not a criminal sanction. An ASBO can be used to prohibit a person from doing anything specified in the order, either indefinitely or for a set period of time. Although the order is civil in nature, breaching an ASBO is a criminal offence. The minimum age at which a person may be subject to an ASBO in Scotland is 12.

### **5.2 ASBO Policy Statement**

5.2.1 Moray Council will ensure that action taken against those responsible for antisocial behaviour is proportionate to the seriousness of the activity in which they are engaged. In very serious, persistent, complex or protracted cases of antisocial behaviour, an antisocial behaviour order may be the only appropriate means of resolving the problem. ASBOs will generally only be used where other measures have failed to remedy the problem, although an ASBO may be used at an earlier stage if this is otherwise considered to be appropriate, for example, because of the seriousness of the behaviour.

### **5.3 Aims of the ASBO Policy**

5.3.1 The principal aims of the policy in respect of ASBOs are as follows:

- To apply for ASBOs only where appropriate early action has failed and there is sufficient evidence to obtain the order
- To respond firmly and effectively to serious issues of antisocial behaviour
- To ensure that the terms of ASBOs are relevant and address the antisocial behaviour in question

### **5.4 Application for an ASBO**

5.4.1 Moray Council may make applications for ASBOs within Moray:-

- Relating to Council tenants
- At the request of Police Scotland
- Where this is considered appropriate, on behalf of others in the Moray area including owner/occupiers and businesses.

5.4.2 Moray Council's Litigation and Licensing Section will undertake or instruct legal work in relation to Council ASBO applications.

5.4.3 It is important to bear in mind that whilst the Council *may* apply for an ASBO, it is *not required* to do so. The decision to apply for an ASBO is wholly in the discretion of the potential applicant, although the decision will be taken at a meeting of the Antisocial Behaviour Order Panel in liaison with the relevant partners in the process. Legal issues commonly raised in the context of ASBOs are detailed in **Appendix 5** of this policy.



## Appendix 1

5.4.4 RSLs have the authority to apply for ASBOs to protect a person residing in or likely to be in premises provided or managed by that Landlord, or a person in or likely to be in the vicinity of such premises. In the Moray Area, the major RSLs comprise:-

- Grampian Housing Association
- Hanover (Scotland) Housing Association Ltd
- Langstane Housing Association
- Osprey Housing
- Blackwood Homes and Care

5.4.5 RSLs will submit ASBO applications through their own legal advisors rather than through the Council, although where the antisocial behaviour has only an indirect connection to RSL premises or tenants, RSLs may approach the Council with a view to the Council pursuing an ASBO rather than the RSL.

5.4.6 The authority for RSLs to apply for ASBOs is without prejudice to the right of Moray Council to seek an ASBO in respect of Registered Social Landlord premises.

5.4.7 To promote consistency of approach, RSLs intending to apply for an ASBO will provide all details of the background to the application to the Antisocial Behaviour Order Panel before the application is submitted. The Panel will perform a purely consultative role in this process. The decision as to whether to proceed with the ASBO application will remain with the RSL.

### 5.5 **Decision to Apply for an ASBO**

5.5.1 In Moray, all cases in which an ASBO is considered to be appropriate will be referred to the Antisocial Behaviour Order Panel. Representatives from all relevant departments/sections within the Council and partner agencies are invited to participate in Panel meetings.

5.5.2 When determining whether an application for an ASBO will be made the following factors will be taken into account:-

- The nature, frequency and duration of the antisocial behaviour
- The nature of the evidence held, including the reliability of witnesses
- The effect that the antisocial behaviour exhibited is having on any other person or the community
- Voluntary solutions and other remedies tried or which may appropriately be tried with a view to securing cessation of that conduct
- The views expressed by Partner Services and Agencies
- The underlying causes of the behaviour and treatment of any such cause
- Any related tenure type
- Rehabilitative processes undertaken since the last known complaint

5.5.3 The above list of factors is not exhaustive. There may be other relevant factors in the individual circumstances of each case.

### 5.6 **Consultation**

5.6.1 Consultation prior to the application for an ASBO will always involve a representative of each of the following:-

## Appendix 1

- The Chief Constable for Police Scotland
- The Chief Constable for each Police Force Area where there is an affected person
- Each Local Authority in whose area there is an affected person
- If the person in respect of whom the order is sought to be made is aged 12-15 (or 16-17 if subject to a Supervision Order), the Children's Reporter

### 5.7 **Procedure Before the Antisocial Behaviour Order Panel**

- 5.7.1 There are detailed rules as to procedure before the Panel are contained in the Antisocial Behaviour Procedure prepared relative to this policy.
- 5.7.2 Minutes for each meeting of the Antisocial Behaviour Order Panel are kept detailing the reasons for all decisions taken.

### 5.8 **ASBOs to Address Criminal Conduct**

- 5.8.1 ASBOs for persons aged 16 and over will often be used to tackle patterns of criminal and noncriminal antisocial behaviour. ASBOs may however be used to address patterns of criminal behaviour where the criminal behaviour has caused alarm or distress and it is considered that an ASBO will prevent further incidents.
- 5.8.2 In such cases Police Scotland will take the lead in preparing the case in consultation with its Partner Agencies.
- 5.8.3 The case will be referred directly to the Antisocial Behaviour Order Panel although full consideration will be given at the Panel to use of alternative solutions and remedies including mediation, ABCs, etc.

### 5.9 **Terms of the ASBO**

- 5.9.1 The terms of the ASBO will be agreed in consultation with partner Agencies and must:-
- Be reasonable, clear and unambiguous
  - Be the least necessary to restrict the behaviour complained of
  - Relate to the area where the antisocial behaviour occurred and where it is reasonable to expect that it could happen in the future
- 5.9.2 The duration of the ASBO will be determined in consultation with Partner Agencies, taking into consideration the seriousness, persistence, age and maturity of the person subject to the application.

### 5.10 **Getting the Case Into Court**

- 5.10.1 In cases considered to be the most serious, notably where threatening behaviour or actual harm has occurred, the applicant will ask for the perpetrator to be given a reduced period of notice in order to have the ASBO application called in court in the shortest possible timescale.

### 5.11 **Interim ASBOs**

- 5.11.1 A Sheriff may grant an Interim ASBO at an initial court hearing in advance of a full hearing for an ASBO. An Interim ASBO will take the same form as a full ASBO but will last only until the

## Appendix 1

application for the full ASBO is determined or the interim ASBO is otherwise earlier recalled. Prior to making an Interim ASBO application the applicant will satisfy itself that victims, witnesses or members of the wider community require immediate protection from antisocial behaviour. When a full ASBO cannot be obtained at the initial court hearing, a request for an Interim ASBO will usually be made at the earliest opportunity. The decision whether to grant

### 5.12 **ASBOs for 12-15 year olds**

5.12.1 The Moray Antisocial Behaviour Young Persons Process details the appropriate procedure where complaints of antisocial behaviour involving a person under 16 years of age are received. This involves dealing with young people through the Local Assessment and Planning Process. Applications for ASBOs will normally only be considered by the Antisocial Behaviour Order Panel for persons under 16 years of age where the provisions of the Young Persons Process have been complied with and an appropriate instruction received from an extended LAP meeting following consultation with the Children's Reporter and the Chief Constable of Police Scotland, or where the Children's Reporter and the Chief Constable are satisfied that the case may otherwise be referred directly to the Panel without completion of the LAP process. However, if an agency or service becomes aware of a young person whose behaviour has escalated greatly over a short period of time, then that agency or service may refer the individual direct to the Antisocial Behaviour Order Panel. The Panel will look at the pattern of the behaviour, based on the evidence and decide on the correct interventions required to address the behaviour. The interventions considered may include an ASBO if such a measure is required to protect the community.

### 5.13 **Review of ASBOs**

5.13.1 The Antisocial Behaviour Order Panel will review ASBOs at least every six months, where possible there being representation on the Review Panel by all Agencies involved in approving the original application.

5.13.2 The purpose of the review is to consider if the terms of the ASBO are adequate and if the ASBO still requires to be in force.

5.13.3 The factors considered in determining the decision to apply for an ASBO will form the basis of the review of the ASBO. In most cases ASBOs will be revoked if no complaints have been received in the previous two year period.

5.13.4 Applications may be made to the Court to revoke the ASBO or vary the terms of the ASBO.

5.13.5 Appropriate consultation with Partner Services and Agencies and the community will take place prior to making such applications all in accordance with the Panel's Procedural Rules (produced in the Antisocial Behaviour Procedure).

### 5.14 **Appeals**

5.14.1 Either the applicant or the defender can appeal the Sheriff's decision. In terms of Sections 27 and 28 of the Sheriff Court (Scotland) Act 1907, the person appealing can choose whether to appeal to the Sheriff Principal or Court of Session.

## Appendix 1

5.14.2 Under Section 6 of the Antisocial Behaviour Etc (Scotland) Act 2004, the Order remains in force pending the outcome of the Appeal. It is however possible to apply for an order to be varied or revoked while an Appeal is pending.

### 5.15 **Variation or Revocation of ASBOs**

5.15.1 The decision whether to apply for a variation or revocation of an ASBO will be taken in accordance with the Rules of Procedure of the Antisocial Behaviour Order Panel.

5.15.2 In cases involving persons under 16 years of age, the matter should first have been considered through the Local Authority Planning Process and due consultation with the Children's Reporter must have been carried out.

5.15.3 Where a defendant applies for an order to be varied or revoked, the Sheriff must obtain the views of the original applicant and, in cases involving 12-15 year olds, the Children's Reporter

5.15.17.4 ASBOs cannot be transferred between Local Authorities. If an individual moves to another Authority area a fresh ASBO would be required if their behaviour justifies it. If there is no continuing need for the original order, the applicant should consider applying to the Sheriff to have it revoked. However, the order may be kept in place once the individual has left the Authority area if it is reasonably suspected that the individual may return and engage in the prohibited antisocial behaviour.

### 5.16 **Breach of an ASBO**

5.16.1 Breaching the terms of an ASBO (including an interim ASBO) is a criminal offence which should be reported immediately to Police Scotland.

5.16.2 Police Scotland will investigate all such allegations and where there is sufficient evidence, report the person for breach of an ASBO. Section 11 of the Antisocial Behaviour Etc (Scotland) Act 2004 provides the Police with a statutory power of arrest for breach of an ASBO or interim ASBO. This ensures that where a Constable reasonably believes that a person is committing or has committed an offence under Section 9(1) of the Act, that the Constable may arrest the individual without warrant.

5.16.3 Persons aged 16 or over will appear in court either on a Written Undertaking or from custody to ensure that the alleged offender appears in court soon after the incident.

5.16.4 Persons aged under 16 will be released into the care of their parent or guardian or Local Authority. In certain cases Police Scotland may detain the child under Section 43 of the Criminal Procedure (Scotland) Act 1995.

5.16.5 Police Scotland will inform all relevant Services and Agencies of the reported breach of an ASBO and the action taken at the earliest opportunity and no later than the next working day.

5.16.6 Moray Council will consider any necessary follow up action in consultation with Partner Services and Agencies. It is the policy of the Crown Office Procurator Fiscal Service (COPFS) to prosecute cases for breached ASBOs for persons aged 16 or over subject always to the Procurator Fiscal's overriding discretion to deal with cases which are appropriate for prosecution. Police Scotland will notify the relevant Services and Agencies of the court dates for cases and the outcome of cases referred for prosecution.

## Appendix 1

5.16.7 In cases involving persons under 16 years of age, COPFS will refer cases to the Children's Reporter unless the breach of the ASBO is considered to be a serious offence. It is expected that most breaches of ASBOs by those under 16 will be dealt with through the Children's Hearing System, although again, the decision whether to do so remains at the discretion of the Children's Reporter.

### 5.17 **Record of ASBOs**

5.17.1 The Lead Public Health Officer will maintain a register of all ASBOs and Interim ASBOs relevant to Moray Council whether originally applied for by the Council or by a RSL. Legal Services will be provided with an updated copy of the Register following each amendment. This register is not available for public inspection and details from the register will only be disclosed in accordance with relevant Data Protection and Freedom of Information legislation

5.17.2 When Moray Council is advised that a person subject to an ASBO plans to move or has moved from Moray, the Lead Public Health Officer will inform the "receiving Council". They will record this and inform relevant Services and Agencies and the ASBO will be reviewed.

5.17.3 The Lead Public Health Officer will hold a record of all revoked ASBOs. Details will be removed from this record once an ASBO has been revoked for 2 years.

### 5.18 **Notification and Publicity**

5.18.1 Following the grant of an ASBO, Moray Council will advise all persons who have been or who are likely to be affected by antisocial behaviour by the person subject to the ASBO. The information provided will confirm:-

- The identity of the person subject to the ASBO
- The terms of the ASBO
- What should be done if further antisocial behaviour occurs

5.18.2 Generally the media will not be used to publicise individual ASBOs but may be used where the antisocial behaviour involved has either caused significant concern in the community or is such that publication may be expected to deter similar instances of antisocial behaviour.

5.18.3 The identity of the person subject to the ASBO will not generally be disclosed by the Council to the media but may be in the circumstances outlined in para 9.20.2 above.

5.18.4 It is recognised that convictions for breached ASBOs are more likely to attract media publicity and Moray Council will seek to ensure reasonable and factual media reporting in such situations.

5.18.5 Where appropriate the use of ASBOs will be publicised to demonstrate actions being taken to address antisocial behaviour. This may include reference to individual ASBOs in accordance with para. 9.20.2 above, but will more commonly include only general information.

5.18.6 Press Releases for media publicity will be co-ordinated and approved by the relevant PR Officer of Moray Council in liaison with the Lead Public Health Officer and the Service which referred the matter to the Panel.

**Part IV – Policy Audit**

6. **Monitoring and Evaluation**

6.1 The use of ASBOs and other powers under the Antisocial Behaviour etc (Scotland) Act 2004 will be monitored and evaluated by the Community Safety Partnership as part of the overall monitoring and evaluation elements to Moray’s Antisocial Behaviour Strategy.

6.2 **Review**

6.2.1 The Community Safety Partnership will institute a review of the efficiency of this policy after it is approved by the Council and the Policy will be reviewed regularly thereafter.

**ANTISOCIAL BEHAVIOUR ORDER PANEL**



**Antisocial Behaviour Order Panel**

**Terms of Reference**

**Purpose**

- To consider and advise upon appropriate measures to address persistent or serious antisocial behaviour including whether to promote ABCs, to pursue an interdict or ASBO, whether to promote use of police powers of dispersal or closure or any other appropriate measure to combat the antisocial behaviour
- In so far as is possible, to promote consistency of practice in dealing with serious/protracted/complex antisocial behaviour, and to ensure that discriminatory practices are not applied
- To consult with the Chief Constable of Police Scotland; the Chief Constable of any area where there is an affected person; each local authority area where there is an affected person; and in the case of those aged 12 – 16 years, the Children’s Reporter.
- To liaise with the Community Safety Hub and other groups and organisations
- For all referrals other than those from RSLs, to instruct an ASBO
- For all referrals other than those from Housing/Registered Social Landlords, to instruct other appropriate measures
- To consider any unmet support needs, which, if met, might obviate the antisocial behaviour
- To review existing ASBOs and consider any amendments or revoking of existing terms

**Membership**

**Core Membership**

Environmental Health & Trading Standards Manager (MC)  
Lead Public Health Officer (MC)  
Legal Services (MC)  
Police Scotland  
Social Work (MC)  
Representative Housing (MC)  
Grampian NHS

**Ad-hoc Membership**

Representative of the Referring Agency

**Accountability**

Reports to: Community Safety Strategic Group

## Local Assessment and Planning Process

### **Review**

The TOR to be reviewed every 3 years

### **Frequency of Meetings**

At least 6 monthly



## THE MORAY COMMUNITY SAFETY HUB

### Terms of Reference

#### 1. PURPOSE

- 1.1 Moray Community Safety Hub (The Hub) is a local partnership meeting that supports the Scottish government's policy aim "*to enable everyone in Scotland to live in communities where they feel secure and are safe from harm*". The Hub uses a trauma-informed, person-centred approach that prevents, reduces and responds to risk taking behaviour and crime, and the impact of related harm, in relation to local vulnerable individuals and communities.
- 1.2 It is a forum for operational staff to consider the appropriate multi-agency response to individual complex cases to be discussed and problem solved and where appropriate, appropriate resources allocated or escalation processes invoked.
- 1.3 Under the direction of the Community Safety Strategic Group (CSSG), the Hub will undertake annual reviews of case outcomes to ensure learning.

#### 2. GOVERNANCE

- 2.1 The Hub will report to the Moray CSSG. The governance and reporting arrangements for the CSSG sit with the Moray Community Planning Partnership (CPP) structure.

#### 3. MEETINGS

- 3.1 The Hub meeting will be held weekly, currently Tuesday at 10am, via MS Teams.
- 3.2 An agenda for the meeting and details of cases to be discussed will be circulated no later than 1 working day before the meeting to enable each agency to research those to be discussed.
- 3.3 Attendees will be advised of the confidentiality statement at the start of each meeting and any papers circulated should be classed as confidential. Notes from the meeting and actions will be recorded during the meeting and circulated within 24 hours.
- 3.4 The reasons for adding a case for discussion and removing it from the Hub will be recorded.
- 3.5 A record of attendance will be kept and attendees will be advised of the confidentiality statement at the start of each meeting.

## 4. MEMBERSHIP

4.1 Membership of the Hub shall be open to voluntary and statutory organisations active in Moray Community Safety Partnership and with an operational role to play in improving community safety and **who are signatories** to the Moray Information Sharing Protocol.

### 4.2 **Role of the Chair**

The Chair shall be responsible for ensuring that meetings are run in accordance with the following standards:

- Firmly but fairly chaired, permitting everyone to contribute in a wide-ranging debate, where individuals are treated with respect and without discrimination.
- Focused on the key issues, with a summary following each discussion and clarification of allocated actions for the action plan.
- Having time to receive a presentation on an item of importance or interest.

### 4.3 **Roles and responsibilities of attendees**

Attendees at the Hub meetings should:-

- Attend regularly and punctually and nominate a suitably qualified replacement if unable to attend.
- Pre-read the agenda for the Hub and undertake research in respect of their agency knowledge/involvement of those to be discussed.
- Where possible, have access to live systems at the Hub meeting to give up to date, accurate information.
- Ensure that actions agreed at the Hub are completed on time and to take responsibility for completion of these actions.
- Offer constructive, professional advice on all relevant cases and if necessary challenge single agency decision making and thresholds.
- Work together to find solutions to the cases/issues raised at the Hub (albeit this could be part of the meeting similar to the daily meetings in other areas).

## 5. CO-ORDINATION AND SCHEDULING

5.1 The coordination of any activities, related to cases discussed, lies with the members of the Hub. Any tasks allocated to individuals, by the members, will be recorded in the Hub Tasking Document, which will be circulated to the members within 24 hours of the Hub meeting. All allocated tasks will be completed within an agreed timeframe.

5.2 Any professional that agrees to be tasked by the Hub with undertaking activities, will be responsible for ensuring that the task is completed within the agreed timescale. They will also be responsible for reporting back to the Hub meeting on the outcome of the tasks, unless agreed otherwise by the Chair.

## 6. REFERRAL PROCESS

6.1 New referrals for the meeting should be sent to [CommunitySafety@moray.gov.uk](mailto:CommunitySafety@moray.gov.uk) no later than 2 days before the meeting and include as much information as it is possible

to supply, for example, full name, address and date of birth, along with (if known) details of any children or vulnerable adults at the property.

An urgent case may be raised 'on the day' but this should be by exception.

- 6.2 Any cases that the Hub feels it cannot resolve should be escalated appropriately, either to individual agency management or formal risk management groups.

## **7. WHICH CASES (INDIVIDUALS) SHOULD BE DISCUSSED AT THE HUB**

7.1 The decision to discuss a case at hub rests with the members of the hub. The primary focus though is in the following areas:

- Complex cases where there has not been a satisfactory outcome to date.
- Cases where discussion at the Hub may engage other agencies not currently involved in the case, or professionals from other backgrounds who may be able to suggest an alternative approach.
- Cases where there is significant or disproportionate harm to an individual or the wider community that does not reach a single agency threshold for positive intervention and/or where the overall risk/harm may challenge that single agency threshold decision.
- Cases where vulnerable individuals are at risk and the vulnerability faced has not been reduced.
- Cases where in the view of the professionals in attendance, it is necessary to have a multi-agency discussion to reduce risk or to agree to invoke the escalation process to a more appropriate multi-agency group.
- Coordination, scheduling and planning of significant multi-agency operations.
- Individuals whose demand on one or more agency is causing a significant and disproportionate drain on that agencies resources (repeat offenders).

7.2 A case should not be discussed at the Hub for the sole purpose of obtaining information from one of the partner agencies at the meeting.

## **8. INFORMATION SHARING**

8.1 The requirements for sharing information are:

- All organisations shall be signatories to the Moray Information Sharing Protocol or a recognised agency under statutory information sharing protocols.
- Any information will be treated as restricted. It will be kept and ultimately disposed of in a secure manner and in accordance with the General Data Protection Regulation (the GDPR) which came into force on 25 May 2018 and the Data Protection Act 2018 (the DPA).
- All agencies should ensure that the minutes are retained in a confidential and appropriately restricted manner. These minutes will aim to reflect that all individuals who are discussed at these meetings should be treated fairly, with respect and without improper discrimination.
- All work undertaken at the meetings will be informed by a commitment to equal opportunities and effective practice issues in relation to race, gender, sexuality and disability.

- Staff will only share information that is proportionate, relevant and appropriate. This is a professional judgement which staff must make in line with the principles of the Moray Information Sharing Protocol. The information disclosed can assist other agencies to make appropriate decision and interventions, but may not be disclosed, copied or divulged to any other agency and that information only used in relation to the context for which it was disclosed.