



**NOTICE OF THE MEETING OF  
POLICE, FIRE and COMMUNITY SAFETY SCRUTINY  
COMMITTEE**

**WEDNESDAY 24 FEBRUARY 2016  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

**1**

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**Committee Members Present:**

Councillor T Day (Convener)  
Councillor J Gillies  
Councillor J Goodfellow  
Councillor P MacKenzie  
Councillor M Libberton  
Councillor K McLeod  
Councillor J Caldwell

**Police Scotland**

Chief Supt G Imery  
Chief Insp M Paden

**East and Midlothian Scottish Fire and Rescue Service**

Mr A Perry, Local Senior Officer  
Mr M Jaffray, Group Manager

**Council Officials Present:**

Ms M Patterson, Depute Chief Executive (Partnerships and Community Services)  
Mr T Shearer, Head of Communities and Partnerships  
Mr P Vestri, Service Manager - Corporate Policy and Improvement  
Ms E Morrison, Service Manager, Customer Service  
Mr K Black, Safer Communities Team Leader

**Observer**

Mr J Beresford, Scottish Police Authority

**Clerk:**

Mrs F Stewart

**Apologies:**

Councillor F McAllister

**Declarations of Interest:**

None

*Prior to the commencement of the meeting, the Chair paid tribute to retained fire fighter Robert Burgess who was tragically killed in a road traffic accident near North Berwick on 23 January 2016. Local Senior Officer (Fire Service) Alasdair Perry stated that Mr Burgess, who had served as a reserved fire fighter since 2012 and was a respected Watch Manager, loved being a fire fighter. Mr Perry extended his sympathies to his family on behalf of the Fire Service and the local community.*

*The Chair called for a moment of reflection on the life of Robert Burgess.*

## **1. MINUTES OF MEETING ON 25 NOVEMBER 2015**

The Committee agreed that the minutes were a true record of the meeting.

### **Matters Arising**

Councillor Caldwell recalled discussion on the Bilston Glen Police Control Centre at the last meeting and stated that he had found the recent visit to the Centre (arranged for Members of the Committee) very worthwhile.

Prior to the next report, the Chair circulated copies of Police Scotland Management Information on crime figures (Quarter 3), published on 23 February (previous day). He advised that these performance figures would in future be included in the papers for meetings and that it may be necessary to change meeting dates to accommodate this.

## **2. POLICE SCOTLAND SCRUTINY REPORT, QUARTER 3, 1 OCTOBER – 31 DECEMBER 2015**

Chief Supt Imery updated the Committee on recent developments on both national and divisional matters. Nationally, she advised that Phil Gormley had been appointed Chief Constable in December 2015 and that he had already made clear his support for partnership working and positive outcomes for communities. The Chief Supt also stated that there would be pressure on the Police Scotland budget for both this year and next year and announced that a public enquiry had been launched into child abuse in care settings. She also highlighted that the newly published Quarter 3 crime information showed that there had been an increase in the number of serious and common assaults affecting more of our communities more of the time, but the figure for East Lothian had shown a reduction in the number of serious assault cases.

In response to a question from Councillor MacKenzie, Chief Supt Imery explained how data on Missing Persons was reported. She advised that this Indicator was included in the crime data to demonstrate the demands these cases made on Police resources, particularly in relation to missing young and vulnerable people.

Divisionally, the Chief Supt advised that she would address the new model for policing in East Lothian later in the meeting.

Chief Inspector Matt Paden summarised the Police Scrutiny Report, 1 April to 31 December 2015. He advised that the detection rate for Group 1-4 Crimes (violence, indecency, dishonesty and malicious mischief offences) had increased by 2% to 34.7% and was now on an upward trend. There had been a slight increase in the number of Domestic Housebreaking Offences (Indicator 2) and there was evidence that criminals were travelling from Edinburgh and targeting areas in the Lothians. There had,

however, been a marked decrease in the number of domestic abuse incidents reported (Indicator 4), as the benefits from the Multi Agency Tasking and Co-ordination initiative (MATAC) and the Multi Agency Risk Assessment Conference (MARAC) had begun to emerge. Chief Insp Paden was pleased to report that the number of Disorder and Anti Social Behaviour incidents (Indicators 8 and 9) had fallen as a result of sustained activity by Partners and a number of initiatives. He particularly acknowledged the work carried out by the Council's Safer Communities Team led by Kenny Black. The number of Hate Incidents reported (Indicator 10) had fallen significantly (by 35%) and the detection rate achieved had risen to 94.6%. In respect of visits to on/off sales licensed premises visits (Indicator 16), Chief Insp Paden advised that there was currently only one problematic premises in East Lothian and that incidents in licensed premises were down overall on the previous year. Turning to the number of people killed or seriously injured on the road (Indicator 17), the Chief Inspector reported that the number of fatalities had risen from 1 last year to 3 this year but the number of killed or seriously injured had decreased by 28%. He also outlined a number of local operations to help reduce casualties further and advised that the number of people detected for drink/drug offences in East Lothian (Indicator 18) had risen slightly to 65.

The Chair thanked Chief Inspector Padden for his report and invited questions from Members.

Councillor McLeod asked what assistance was available to victims of domestic abuse in East Lothian and Chief Insp Padden advised that there was a multi agency approach to help victims. In particular, he highlighted the Support to Maintain Independent Living Effectively project (SMILE) which was based in the Brunton Hall. A team of dedicated Police Officers and the Social Work team were now also based there and their collaborative working was achieving results. Tom Shearer, Head of Communities and Partnerships, advised that the Council's Adult Wellbeing Team was also actively involved in this area. The Chair suggested that the contact details of all relevant agencies could be more widely circulated.

Councillor MacKenzie referred to housebreaking offences being carried out by criminals from Edinburgh and asked if there was a degree of organisation evident or if the crimes were more likely opportunistic. Chief Insp Paden replied that there were various levels of organisation and that the most common crime was the theft of car keys from homes. A number of businesses in outlying towns had also been targeted and money stolen. However, a multi agency response, crime advice and stressing the need for security was achieving a reduction in these offences.

Councillor Caldwell asked how many complaints against the Police (reported in the scrutiny report) were upheld. Chief Insp Paden did not have that information and the Chair hoped that this information could be obtained from the Scottish Police Authority for a future meeting.

The Chair noted from the tabled Police Management Figures that theft by shoplifting in East Lothian had risen significantly and asked what action was being taken to address this. Chief Insp Paden replied that there was a particularly high detection rate for those crimes and a number of suspects had been identified. However, while the volume of offences was high, it was a number of key individuals who were involved rather than an endemic problem in East Lothian. There were a number of Police operations in place targeting shoplifters and they were working with retailers to improve their security.

Councillor McNeil stated that reports of crime and other incidents (eg road traffic accidents) needed to be shared with both the Local Area Partnerships and the

Community Councils. At a recent meeting of the Musselburgh and Inveresk Community Council, two major local incidents were not included in a Police report for the area. He stated that, in cases where the public could assist the Police with information, it was essential that people were aware of incidents in their community. Monica Patterson, Depute Chief Executive, agreed that there was certain information on incidents reported to the Police that needed to be shared with local communities and she would arrange for the appropriate contacts to receive information. The Chair advised that a breakdown of figures in police reports for the local area was available in North Berwick and work could be done to ensure that all areas of East Lothian received a breakdown of local data.

Councillor Caldwell stated that, in the past, Police Inspectors had contacted local Councillors following a major incident and enquired if this was still the case. Chief Insp Paden replied that Councillors would receive an email informing them of major incidents in their area, where possible.

Councillor Goodfellow congratulated the Police on the work they do and commented that the new figures tabled at the meeting (Police Management Information) were particularly useful.

The Chair also thanked the Police for the excellent service they provide, stating that the performance indicators were mostly very positive and underlined that East Lothian was a safe place in which to live.

### **3. VERBAL BRIEFING BY CI PADEN – PROPOSED DEVELOPMENT OF CURRENT POLICING MODEL – EAST LOTHIAN**

Chief Supt Imery advised that Chief Insp Paden was the lead Officer on the Policing model and that a 6 month review had been carried out in September 2015 on operations introduced in March 2015. She stated that the majority of resources was put in to community policing and that all feedback from Councillors, communities and local Police Officers would be listened to.

Chief Insp Paden stated that the policing model had been developed following engagement with community representatives and a briefing document outlining changes made had been circulated to Councillors. He highlighted a number of changes including a greater emphasis on response policing where front line uniformed Officers responded to all calls from members of the public (80%) and the remainder (20%) were in the role of dedicated community based Officers. Following feedback given at the last meeting, he also advised that there would be dedicated ward Officers and that there would be named Officers who would attend Local Area meetings. Also, in response to Councillor McAllister's feedback at the last meeting on the school link Community Officers in Musselburgh, Chief Insp Paden was pleased to report that he had re-aligned two dedicated Youth Officers, ensuring that there would be a recognised Officer in the school establishment. He also advised that the Police were building on the valuable work of the Anti-social Behaviour Team. In respect of further developing the policing model, he advised that a questionnaire would be circulated to Councillors and relevant partners next week to seek their views on policing for the previous year.

Councillor Goodfellow welcomed the new policing model and, in particular, the changes proposed to ensure that Community Officers can attend Local Area and Community Action Team (CAT) meetings on a regular basis.

In response to a question from Councillor McNeil, Chief Insp Paden advised that there would be two Community Inspectors covering a number of areas and two dedicated response sergeants, one based in Haddington and one based in Musselburgh. Councillor McNeil also noted from the policing model that there would be foot patrols by Police Officers and also Police patrolling on bicycles. He welcomed this as, seeing a Police presence, increased the public's confidence in the Police.

Councillor MacKenzie stated that £400,000 had been taken out of the Council's budget for policing and asked what impact that was likely to have. Chief Supt Imery replied that she would be meeting with Chief Insp Paden and Tom Shearer, Head of Communities and Partnerships to discuss how services would be provided. She added that there was still support from the Council but inevitably, the reduction in funding would equate to a reduction in posts. Mr Shearer highlighted two positive points, stating that the Council had an excellent collaborative relationship with the Police and was very fortunate to have such an effective Safer Communities Team. Communities would therefore continue to enjoy living in a safe environment. The Chair stated that the Council had funded Police Officers when it had been in a position to do so, prior to the cut in budget from the Scottish Government.

The Chair welcomed the changes proposed to the Policing Model and stressed the importance of having dedicated named Officers in the communities they serve.

#### **4. SCOTTISH FIRE AND RESCUE SERVICES (SFRS) LOCAL PLAN PERFORMANCE REPORT FOR EAST LOTHIAN, 1 OCTOBER – 31 DECEMBER 2015**

Alasdair Perry, Local Senior Officer, advised that a number of changes were taking place to operations affecting East Lothian. He advised that, following a restructure, he would be moving to another post and his successor would attend future meetings. He also advised that the three Control Rooms at present would be replaced by one new Control Room at Tollcross, Edinburgh and that the final migration to Tollcross would take place on 30 March 2016. He would ensure that his successor arranges a visit for Members to the new Control Centre.

Mr Perry reported that the SFRS, in conjunction with the British Heart Foundation was continuing to offer basic CPR Training to members of the public to reduce heart deaths across Scotland and highlighted a successful outcome for a gentleman who suffered a cardiac arrest in Dunbar. A member of the public had administered CPR to him and the Dunbar Fire Service had applied defibrillation. The gentleman had made a full recovery.

Mike Jaffray, Group Manager, summarised the Performance Report. He advised that the SFRS had responded to 1093 incidents in East Lothian over the reporting period, an increase of 121 incidents compared to last year. During this quarter, the SFRS had responded to 16 Accidental Dwelling Fires, 5 incidents fewer than for the same period last year. There had, however, been one fatality resulting from a domestic dwelling fire in Musselburgh. Fire prevention actions included targeting those most at risk in single occupancy households, carrying out 368 Home Fire Safety Visits and fitting 182 smoke detectors in homes. Mr Jaffray reported that the SFRS had attended 18 Road Traffic Collisions during this period with 9 casualties being recorded, including one fatality. They had also attended 188 false alarm incidents, 82% of which had been due to equipment failure.

The Chair thanked Mr Perry for the huge contribution he had made to the Scrutiny Committee and offered his best wishes to him for the future.

In response to a question from Councillor Goodfellow, Mr Perry confirmed it was correct that 4 members of the SFRS were required before they could respond to an incident, but this was currently under review. Councillor Goodfellow asked if the SFRS experienced any difficulty in recruiting retained fire fighters, particularly in more rural areas, and if a shortage of retained fire fighters might be preventing fire crews from responding to incidents due to there being fewer than 4 fire fighters available. Mr Perry replied that the SFRS was working in partnership with the Council to discuss how this risk could be addressed. He also stressed the great service which retained fire fighters provide in their communities.

The Chair asked about initiatives which would help those suffering from dementia and Mr Perry advised that the SFRS worked with Social Work, dementia friendly services and local groups to protect dementia sufferers from harm.

The Chair thanked Mr Perry and Mr Jaffrey for their comprehensive report.

## **5. UNWANTED FIRE ALARM SIGNALS**

Michael Jaffrey, Group Manager, advised that a new policy had been introduced on 1 December 2015 to reduce the number of Unwanted Fire Alarm Signals (UFAS). A UFAS was defined as 'an event which has required an operational attendance by the fire and rescue service due to the unwanted actuation of a fire alarm system'. Mr Jaffrey stated that this was not a significant problem in East Lothian, but a number of efficiencies could be made. He advised that it was too early to have sufficient data to target areas of concern, but he would monitor the figures and engage with companies to reduce the number of calls.

The Chair acknowledged the significant costs of unnecessary call outs and also the potential risk of danger when fire appliances were despatched.

## **6. FIRE SERVICE PREVENTATIVE WORK**

Michael Jaffrey, Group Manager, advised the Committee of the development of the Scottish Fire and Rescue Service (SFRS) 'holistic' approach to Home Safety within East Lothian rather than limiting their activities to fire safety. Whilst responding to emergencies was still the primary role of the SFRS, preventing accidents was paramount in reducing the number of fire casualties and fatalities. The corner stone of the SFRS prevention activity was the Home Fire Safety Visit programme which was an assessment carried out by a retained assessor. Mr Jaffrey pointed out that, if an SFRS Officer was the first agency in the home of an elderly person, there was an opportunity to include a risk assessment for slips, trips and other hazards and make referral pathways clearer and more robust for occupants. It was anticipated that this service would be piloted, in the first instance, in the Musselburgh and North Berwick areas.

Mr Jaffrey also advised that the SFRS worked with the Council's Adult Wellbeing Team which now generated referrals through the contact team based at Penston House.

In respect of fire crews requiring four Officers to respond to an incident, Mr Jaffrey suggested that a generic post could be considered for a retained fire fighter, the cost of which could be shared across services.

Councillor MacKenzie welcomed this initiative to protect elderly and vulnerable people in their homes. He also considered that providing such a service would give older people confidence in their safety and assist in their relationships with other agencies.

The Chair echoed those comments and commended the SFRS on this initiative.

**7. ACTION NOTE FROM SAFE AND VIBRANT COMMUNITIES MEETING ON 23 NOVEMBER 2015**

The Committee noted the Action Note.

**8. ANNUAL WORK PROGRAMME 2015-16**

The Chair advised that, following today's meeting, the Work Programme would be updated.

**9. DATE OF FUTURE MEETINGS**

Wednesday 8 June 2016





## Scrutiny Report 1st April 2015 - 31st March 2016

# 2

## East Lothian



*"The data provided in this report is for information purposes to allow Partnership Members to conduct their scrutiny responsibilities. There may be minor amendments between the information in this report and the final statistics – for example: due to delayed reporting or recording of crimes, road crashes or incidents. It would not therefore be accurate or appropriate to refer to, quote or use the data in this report as official statistics. The extraction date from recording systems can differ so data should be seen as accurate on date of extraction by may still be dynamic. All data in the report is to indicate trend only as figures will change over time"*

**Local Priorities**  
**Indicator 1 - Detection Rate: Groups 1 to 4 Crimes**  
**Target - Increase from 2014/15**

**Current situation**

On target with a detection rate of 33.6%, which is an increase of 0.3% from last year.

**Reasons**

Groups 1- 4 crimes include crimes of violence, indecency, dishonesty and fire-raising/ malicious mischief offences.

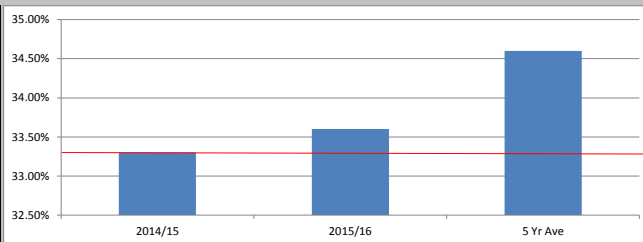
There has been a decrease in the number of violent crimes (down 12.9%) and housebreakings (down 24%) compared to last year, however there has been an increase in fireraisings (up 29% from 34 in 2014/15 to 44 in 2015/16).

**What are we doing**

- Enhanced offender management processes.
- Intelligence led targeting of known offenders, hot-spots and antisocial behaviour through proactive policing.
- High visibility patrols by local community & funded officers as directed by divisional tasking process & also through Multi-Agency Tasking and Co-ordinating Group process.
- Multi-agency collaboration e.g. Partnership interventions (CCTV, ASB teams, Trading Standards and Housing Associations etc.)
- Focused patrols in hot spot areas.

**Indicator 1 - Detection Rate: Groups 1 to 4 Crimes**

Division 2015 2016	EL 2014 2015	EL 2015 2016	5 Year Ave	Change from last year
32.7%	33.3%	33.6%	34.6%	Up 0.3%



**Local Priorities**  
**Indicator 2 - Reduce the number of Domestic Housebreaking Offences**  
**Target - Decrease from 2014/15**

**Current situation**

Off target, with an increase of 1.6% from last year, from 123 in 2014/15 to 125 in 2015/16.

**Reasons**

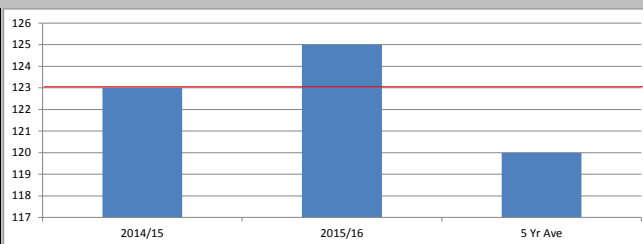
The increase of 1.6% amounts to 2 additional crimes compared to last year and 5 crimes above the 5 year average. It is worth noting that all housebreakings, which also include non-dwelling and commercial premises are down 24% compared to last year.

**What are we doing**

- Prevention, proactive and reassurance, target hardening of repeat victims, visits to vulnerable premises.
- Community Officers undertaking reassurance patrols and other prevention activity.
- ASBO craved routinely for all offenders convicted of housebreaking related offences in East Lothian through ASB Team.
- Operation Greenbay.
- Crime Prevention Surveys.
- Robust enforcement activity utilising local/regional and national support.
- Op Monarda activity focusing on vulnerable members of the community.
- Smartwater delivery, including the positioning of signage.
- Architectural Liaison consultations/reports.

**Indicator 2 - Reduce the number of Domestic Housebreaking Offences**

Division 2015 2016	EL 2014 2015	EL 2015 2016	5 Year Ave	Change from last year
532	123	125	120	Up 1.6%



**Local Priorities**  
**Indicator 3 - Increase detection rate in respect of Domestic Housebreakings**  
**Target - Increase from 2014/15**

**Current situation**

On target, an increase of 4% from last year.

**Reasons**

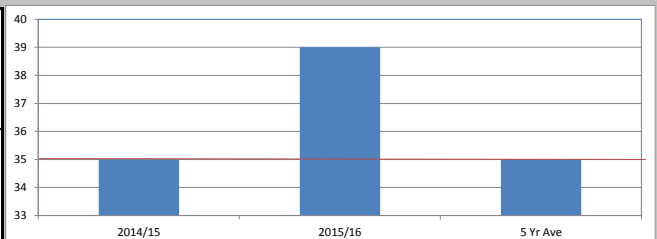
There was recent success with the capture of 2 prolific offenders, targeting East Lothian who have been remanded and await trial.

**What are we doing**

- Operation Reduce and Capture (RAC).
- Joint work with police officers across East of Scotland.
- Operation Greenbay sharing intelligence and working in a co-ordinated manner to tackle offenders.
- ASBO proceedings in relation to housebreaking offenders.
- Community and Funded officers undertaking high visibility patrols to enforce ASBO's and deter criminality.
- Community Investigation Unit co-ordinated work across area.
- Crime Prevention Surveys.
- Fast-tracking positive Scenes of Crime evidence.
- Media releases, providing security and safety advice.
- Deployment of Smartwater increasing forensic opportunities.

**Indicator 3 - Increase detection rate in respect of Domestic Housebreakings**

Division 2015 2016	EL 2014 2015	EL 2015 2016	5 Year Ave	Change from last year
42.3%	35%	39%	35.0%	Up 4%



**Priority 1 - Protecting People**  
**Indicator 4 - Reduce the number of Domestic Abuse Incidents reported**  
**Target - Decrease from 2014/15**

**Current situation**

On target, there has been a reduction of 9.9% compared to last year.

**Reasons**

This year has seen 99 less Domestic Abuse Incidents reported compared with last year.

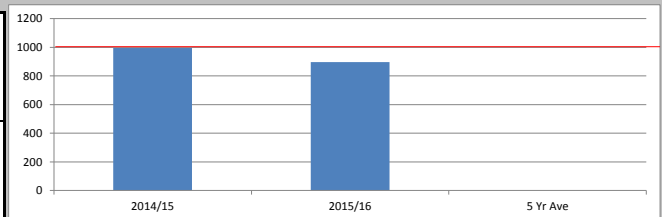
Please note that the '5 year average' data is not available. Domestic Abuse is not a substantive crime but an aggravator of assault and therefore, the data is sourced from the Interim Vulnerable Persons Database (iVPD), which was only introduced 3 years ago.

**What are we doing**

- A thorough and robust investigation process is in place.
- Pro-active Domestic Abuse bail checks.
- MATAC (Multi Agency Tasking and Co-ordination): responsible for identifying and targeting High Risk Domestic Offenders.
- MARAC (Multi Agency Risk Assessment Conference): responsible for identifying and protecting High Risk victims of domestic abuse.
- Officers trained in risk assessment through domestic abuse questionnaire.
- Domestic Abuse investigation unit in place dealing with complex and high tariff cases.
- iVPD's - Risk & Concern management and assessment in conjunction with Partner Agencies.
- Strong National Police Scotland media campaigns.

**Indicator 4 - Reduce the number of Domestic Abuse Incidents**

Division 2015 2016	EL 2014 2015	EL 2015 2016	5 Year Ave	Change from last year
5096	996	897	N/A	Down 9.9%



**Priority 1 - Protecting People**  
**Indicator 5 - Increase the detection rate for Domestic Abuse crimes**  
**Target - Increase from 2014/15**

**Current situation**

On target, this year has seen a rise in the detection rate of 4.3% compared to last year.

**Reasons**

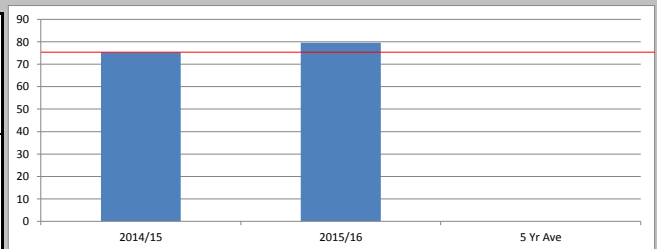
Please note that the '5 year average' data is not available. Domestic Abuse is not a substantive crime but an aggravator of assault, and therefore the data is sourced from the Interim Vulnerable Persons Database (iVPD), which was only introduced 3 years ago.

**What are we doing**

- A thorough and robust investigation process is in place.
- Pro-active Domestic Abuse bail checks.
- MATAC (Multi Agency Tasking and Co-ordination): responsible for identifying and targeting High Risk Domestic Offenders.
- MARAC (Multi Agency Risk Assessment Conference): responsible for identifying and protecting High Risk victims of domestic abuse.
- Officers trained in risk assessment through domestic abuse questionnaire.
- Domestic Abuse investigation unit in place dealing with complex and high tariff cases.
- iVPD's - Risk & Concern management and assessment in conjunction with Partner Agencies.
- Strong National Police Scotland media campaigns.

**Indicator 5 - Increase the detection rate for Domestic Abuse crimes**

Division 2015 2016	EL 2014 2015	EL 2015 2016	5 Year Ave	Change from last year
N/A	75.3%	79.6%	N/A	Up 4.3%



**Priority 1 - Protecting People**  
**Indicator 6 - Ensure 95% of Domestic Abuse initial Bail checks under 24-hour prescribed time limit**  
**Target - exceed 95%**

**Current situation**

On target, 98.8% of all bail checks being completed under 24hrs, an increase of 0.7% from last year and 3.8% above the set limit.

**Reasons**

Supervisors and officers are fully aware of the importance of these checks and the disciplined tasking process is in place between the courts and the police.

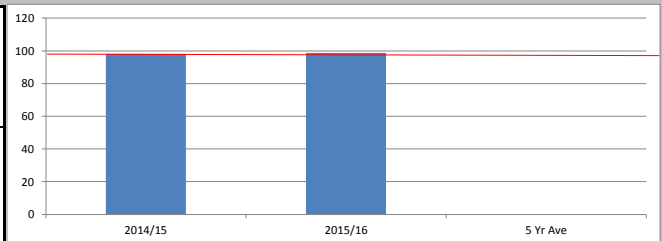
Please note that the '5 year average' data is not available.

**What are we doing**

- A thorough and robust investigation process in place.
- Pro-active Domestic Abuse bail checks.
- MATAC (Multi Agency Tasking and Co-ordination): responsible for identifying and targeting High Risk Domestic Offenders.
- MARAC (Multi Agency Risk Assessment Conference): responsible for identifying and protecting high risk victims of domestic abuse.
- All officers now trained in risk assessment through domestic abuse questionnaire.
- Domestic Abuse Investigation unit in place dealing with complex and high tariff cases.
- Domestic Abuse Task Force covering East Of Scotland, to investigate serious & complex cases identified by Police/partner agencies.
- Addressing conversion rates for incidents to crimes.

**Indicator 6 - Ensure 95% of Domestic Abuse initial Bail checks are conducted within the 24-hour prescribed time limit**

Division 2015 2016	EL 2014 2015	EL 2015 2016	5 Year Ave	Change from last year
N/A	98.1%	98.8%	N/A	Up 0.7%



**Priority 1 - Protecting People**  
**Indicator 7 - Increase the detection rate for Sexual Offences (Group 2 Crime)**  
**Target - Increase from 2014/15**

**Current situation**

Off target, with a detection rate 3.8% down compared to last year.

**Reasons**

As part of Operation Fusion there was a full review undertaken of all Group 2 offences in East Lothian. This ensured a thorough and robust investigation had been undertaken in all crimes and to consider any patterns that developed. This improved the detection rate over the year.

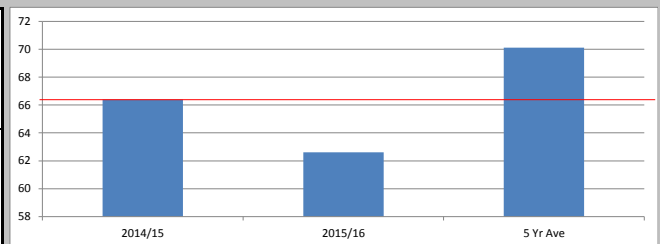
A number of crimes in this category remain on-going live investigations due to protracted/complex nature some of which are historical reports and others where detailed forensic examination results are awaited.

**What are we doing**

- Dedicated Public Protection Unit with specialist officers providing support and investigation lead.
- Systematic Review of all Group 2 Crimes and analysis to identify crime patterns.
- Multi-agency protection measures through Child and Adult Protection Services.
- Utilising Banning Orders and other relevant legislation.
- Operation Fusion review and enforcement phase improved detection rates.

**Indicator 7 - Increase the detection rate for Sexual Offences (Group 2 Crime)**

Division 2015 2016	EL 2014 2015	EL 2015 2016	5 Year Ave	Change from last year
65.8%	66.4%	62.6%	70.1%	Down 3.8%





**Priority 2 - Reducing Anti-Social Behaviour**  
**Indicator 8 - Reduce the number of Disorder incidents**  
**Target - Decrease from 2014/15**

**Current situation**

On target, the number of Disorder Incidents has decreased by 4.9% compared to last year.

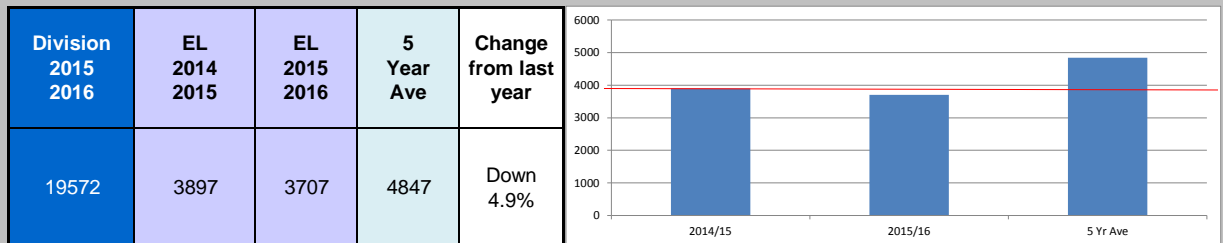
**Reasons**

Joint proactive working between East Lothian Council, Community Wardens, the Night Time Noise Team and Police Scotland ASBO Liaison Officer to provide a co-ordinated and effective approach.

**What are we doing**

- Commitment to targeted visibility, reassurance patrolling and robust enforcement.
- Partnership working arrangements with East Lothian Council, in cognisance that antisocial behaviour cannot be addressed by a single agency; only a co-ordinated multi-agency response can effectively bring relief to individuals and communities affected by ASB.
- Weekend dispersal plans providing co-ordinated foot/mobile patrols in town centres monitoring licensed premises.
- ASBO Liaison Officer continues to review all Night Time Noise data, which is shared amongst partners and highlighted via the Multi Agency Tasking and Co-ordinating Group meeting.
- Continued support and monitoring of licensed premises by Police Scotland and East Lothian Council Licensing Teams.

**Indicator 8 - Reduce the number of Disorder incidents**



**Priority 2 - Reducing Anti-Social Behaviour (ASB)  
Indicator 9 - Reduce the number of ASB incidents  
Target - Decrease from 2014/15**

**Current situation**

Off target, there has been an increase of 2.3% of ASB type incidents from last year.

**Reasons**

ASB incidents are defined for counting purposes as, Complaint, Disturbance, Noise, Neighbour Dispute, Drinking in Public, Communications and Vandalism. These last 3 categories are in addition to those that define Disorder incidents (Indicator 8).

With ASB incidents there applies a public perception element, therefore, it is possible for officers to attend a reported incident only to discover that no ASB took place. Despite this, the incident will still be closed as ASB and counted as such.

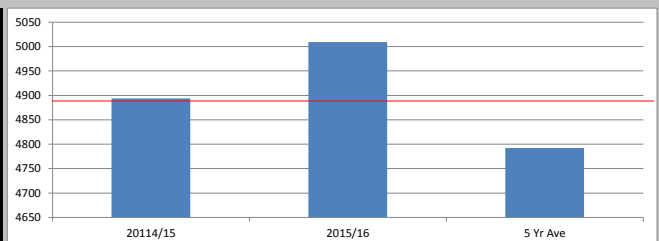
Also worthy of mention is that in January 2016, ELC reduced its night time noise service, which previously operated between 1800-0330 Friday/Saturday, 1800-0330 Saturday/Sunday and 1800-0330 Sunday/Monday. It is now operational between 1000-0200 on Friday and Saturday only. Consequently the police are attending all ASB noise calls outwith this timeframe, resulting in an increase in noise complaints being reported to the Police.

**What are we doing**

- The efforts to address Antisocial Behaviour will continue and working with partners to ensure intelligence led patrols and preventative work is effective and efficient reassuring residents that they are safe to reside and visit East Lothian.
- Much of the work comes as a result of the multi agency ASB Team which works from Tranent and includes ASB officers, Housing, Police (including Funded Officers) and Community Wardens co-located using a process which reviews all relevant incidents daily and a weekly Tasking and Co-ordinating Meetings which incorporates other resources such as Council CCTV, Fire Service and Youth Workers to proactively deploy intelligence led resources.
- Festive Deployment Plan - throughout December additional patrols focused on ASB hotspots.

**Indicator 9 - Reduce the number of ASB incidents**

Division 2015 2016	EL 2014 2015	EL 2015 2016	5 Year Ave	Change from last year
26163	4894	5009	4792	Up 2.3%



**Priority 2 - Reducing Anti-Social Behaviour  
Indicator 10 - Reduce the number of Hate Incidents  
Target - Decrease from 2014/15**

**Current situation**

On target, a 42% reduction in comparison to last year.

**Reasons**

With over 300 Third Party Reporting Sites across the country, 9 of which are situated in East Lothian. A list of all sites, broken down into Local Authority areas can be found on the Police Scotland website under the banner, '3rd Party Reporting'.

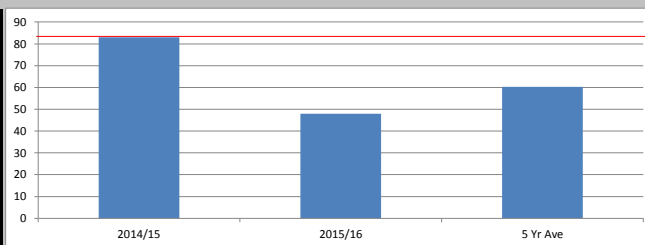
Hate Crime is a priority in East Lothian and across the whole of Scotland and the recent campaign seeks to reinforce the message that prejudice based on sexual orientation, transgender identity, disability, racial or religious lines will not be tolerated. Continued multi agency risk assessment and robust enforcement help mitigate the harm and raise awareness throughout communities.

**What are we doing**

- A thorough and robust investigation process in place and monitored by Community Inspectors.
- ASB Team review at the weekly Tasking and Co-ordinating & Adult Monitoring Groups.
- Agenda item on daily Police Tactical Tasking and Co-ordinating process providing governance.
- Risk assessment undertaken by Public Protection Unit and Local Authority Liaison Officer.

**Indicator 10 - Reduce the number of Hate Incidents**

Division 2015 2016	EL 2014 2015	EL 2015 2016	5 Year Ave	Change from last year
411.0	83	48	60.2	Down 42%



**Priority 2 - Reducing Anti-Social Behaviour  
Indicator 11 - Reduce the number of Hate Crimes  
Target - Decrease from 2014/15**

**Current situation**

On target, there has been a 35.6% reduction from last year in the number of Hate Crimes, from 73 in 2014/15 to 47 in 2015/16.

**Reasons**

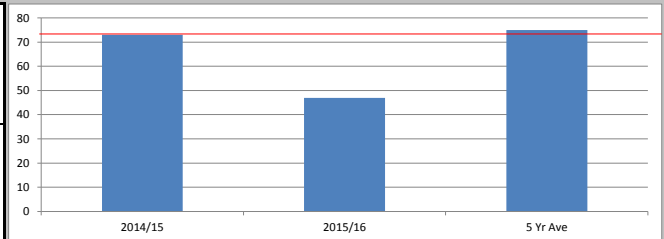
Continued multi agency risk assessment and robust enforcement help mitigate the harm and raise awareness throughout communities.

**What are we doing**

- A thorough and robust investigation process in place and monitored by Community Inspectors.
- ASB Team review at the weekly Tasking and Co-ordinating & Adult Monitoring Groups.
- Agenda item on daily Police Tactical Tasking and Co-ordinating process providing governance.
- Risk Assessment undertaken by Public Protection Unit and Local Authority Liaison Officer.

**Indicator 11 - Reduce the number of Hate Crimes**

Division 2015 2016	EL 2014 2015	EL 2015 2016	5 Year Ave	Change from last year
409	73	47	75.2	Down 35.6%



**Priority 2 - Reducing Anti-Social Behaviour**  
**Indicator 12 - Increase the detection rate for Hate Crime**  
**Target - Increase from 2014/15**

**Current situation**

On target, 89.1% of all Hate Crimes reported in East Lothian during 2015/16 were detected, up 4.2% from last year.

**Reasons**

Continued multi agency risk assessment and robust enforcement help mitigate the harm and raise awareness throughout communities.

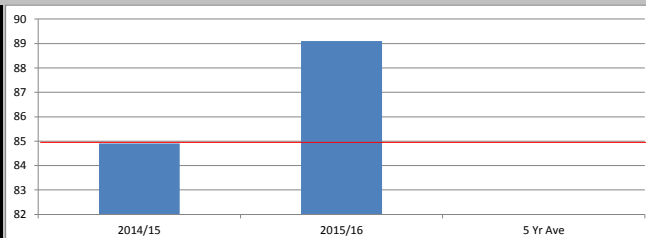
Please note that the '5 year average' data is not available. Hate Crime is not a substantive crime but classed as an aggravator, and therefore the data is sourced from the Interim Vulnerable Persons Database (iVPD) system, which was only introduced 3 years ago.

**What are we doing**

- Robust investigation and review process.
- Sharing intelligence and using it to target patrols and be visible in the right place, at the right time.
- Daily review of iVPD Hate Crime referrals to capture any missed opportunities.

**Indicator 12 - Increase the detection rate for Hate Crime**

Division 2015 2016	EL 2014 2015	EL 2015 2016	5 Year Ave	Change from last year
78.7%	84.9%	89.1%	N/A	Up 4.2%



**Priority 3 - Reducing Violence**  
**Indicator 13 - Reduce the level of Group 1 Violent Crime**  
**Target - Decrease from 2014/15**

**Current situation**

On target, there has been a decrease of 12.9% compared to last year, from 71 to 60 crimes recorded.

**Reasons**

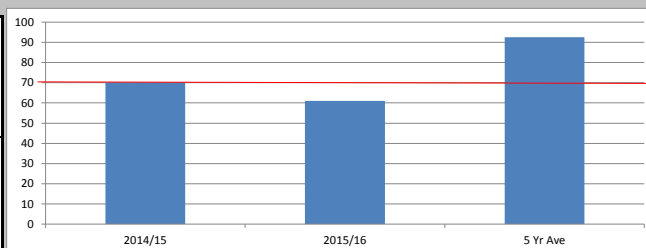
Whilst there has been an increase in the number of Children and Young Persons Act type crimes (up from 7 in 2014/15 to 10 this year) there has been a fall in the number of Robbery/Assaults (down 6%), Serious Assaults (down 42%), Attempt Murder (down 50%) and Murder (down 100%).

**What are we doing**

- Enhanced offender management processes.
- Intelligence led targeting of known offenders, hot-spots and antisocial behaviour through proactive policing.
- High visibility patrols by local community and funded officers as directed by police divisional tasking process and also through multi-agency Tasking and Co-ordinating Group process.
- Multi-agency collaboration e.g. Partnership interventions (CCTV, ASB teams, Community Wardens, Police Funded Team, Scottish Prison Service and Housing Associations etc.).

**Indicator 13 - Reduce the level of Group 1 Violent Crime**

Division 2015 2016	EL 2014 2015	EL 2015 2016	5 Year Ave	Change from last year
454	70	61	92.6	Down 12.9%



**Priority 3 - Reducing Violence**  
**Indicator 14 - Increase the number of positive Stop and Searches for Offensive Weapons**  
**Target - Increase from 2014/15**

**Current situation**

An enhanced version of the National Stop & Search Database commenced on 1 June 2015. The enhanced database brought significant changes in the process of data capture and the methodology for recording data items. No previous year to date figures are provided as it has been previously acknowledged this data is not 100% accurate, therefore comparisons will provide misleading results or invalid conclusions. Management Information and data in respect of stop and search can be found on the Police Scotland website via <http://www.scotland.police.uk/about-us/police-scotland/stop-and-search-data-publication>.

**Reasons**

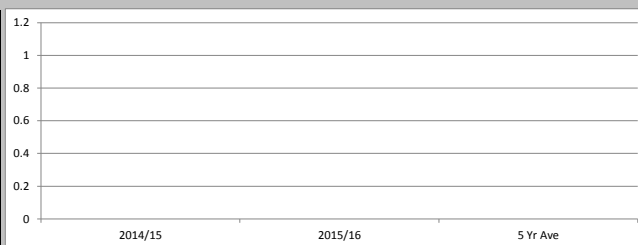
No comparative data is available for stop search figures.

**What are we doing**

Intelligence led and proactive targeting using the concept of right person, right place, at the right time.

**Indicator 14 - Increase the number of positive Stop and Searches for Offensive Weapons**

Division 2015 2016	EL 2014 2015	EL 2015 2016	5 Year Ave	Change from last year
N/a	N/A	N/A	N/A	N/A



**Priority 4 - Tackling Substance Misuse**

**Indicator 15 - Increase the number of positive Stop and Searches for Controlled Drugs  
Target - Increase from 2014/15**

**Current situation**

An enhanced version of the National Stop & Search Database commenced on 1 June 2015. The enhanced database brought significant changes in the process of data capture and the methodology for recording data items. No previous year to date figures are provided as it has been previously acknowledged this data is not 100% accurate, therefore comparisons will provide misleading results or invalid conclusions. Management Information and data in respect of stop and search can be found on the Police Scotland website via <http://www.scotland.police.uk/about-us/police-scotland/stop-and-search-data-publication>.

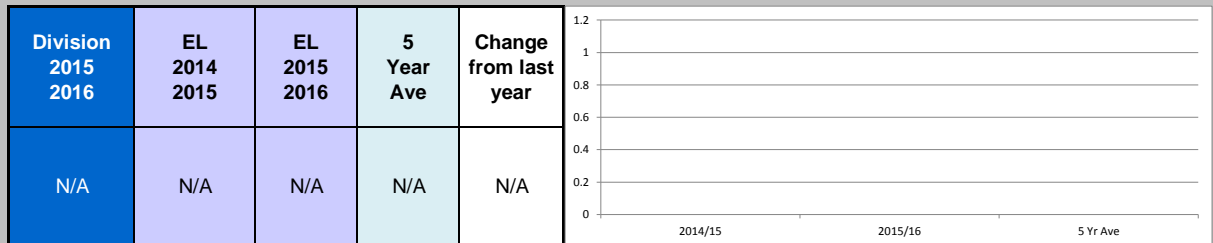
**Reasons**

No comparative data is available for stop search figures.

**What are we doing**

Intelligence led and proactive targeting using the concept of right person, right place, at the right time.

**Indicator 15 - Increase the number of positive Stop and Searches for Controlled Drugs**





**Priority 4 - Tackling Substance Misuse**  
**Indicator 16 - Increase the number of on/off sales licensed premises visits**  
**Target - Increase from 2014/15**

**Current situation**

Off target, down 7 from 235 to 228 visits to licensed premises (including incidents) this year.

**Reasons**

There is currently 1 Problematic and 1 Monitored premises in East Lothian. Through effective partnership working the number of Monitored premises has fallen from the beginning of the year, when there were 3 such premises in the county.

This year has also seen the closure of Madison's nightclub, a venue historically requiring the deployment of additional resources each weekend.

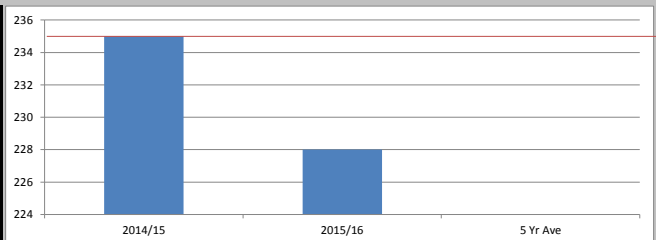
**What are we doing**

Officers will continue to make regular visits to Licensed Premises as part of focused patrols in support of various initiatives, such as Test Purchase Operations.

- Campaign Against Violence deployment and Town Dispersal plans.
- Reduction in night time economy Premises.
- Pub Watch.
- Test Purchase operations.

**Indicator 16 - Increase the number of on/off sales licensed premises visits**

Division 2015 2016	EL 2014 2015	EL 2015 2016	5 Year Ave	Change from last year
N/A	235	228	N/A	Down 7



**Priority 5 - Making Our Roads Safer**  
**Indicator 17 - Reduce the number of people killed or seriously injured on our roads**  
**Target - Decrease from 2014/15**

**Current situation**

On target, there has been a 22.5% decrease in the number of people killed or seriously injured on our roads, from 40 to 31 compared with last year.

**Reasons**

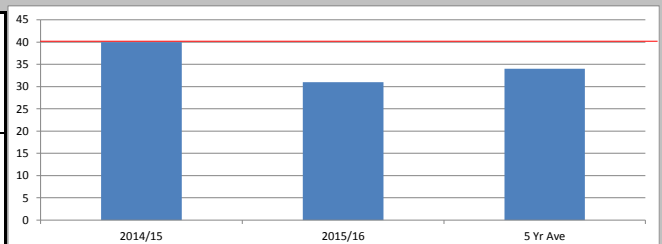
Continued preventative and proactive activity, in conjunction with focused enforcement.

**What are we doing**

- Local Officers and Roads Policing Officers continue to target priority routes, positively influencing driver behaviour. They have been paying particular attention to the A198/99 coastal routes (these have seen the most serious road collisions in recent years), engaging with car drivers and motorcyclists. Very often these road users are either warned or given advice in an effort to make them safer drivers and more aware of the potential hazards which exist.
- Preventative Activity including "2MRO's Driver".
- This year local officers and specialist Roads Policing Officers have been deployed to target speeding drivers in East Lothian hot spots. These have been identified through analysis/ community feedback of road collisions, in this way deploying resources at the right place at the right time.
- Increasing the number of officers trained in the use of handheld radar devices and undertaking enforcement activity aligned to hot-spot areas.
- Participation in National Campaign focusing on vulnerable road users.
- Local Community Ward Officer led initiatives targeting areas around schools in East Lothian.
- National drink/driving campaigns.

**Indicator 17 - Reduce the number of people killed or seriously injured on our roads**

Division 2015 2016	EL 2014 2015	EL 2015 2016	5 Year Ave	Change from last year
216	40	31	34	Down 22.5%



**Priority 5 - Making Our Roads Safer**  
**Indicator 18 - Increase the number of people detected for Drink/Drug Driving offences**  
**Target - Increase on 2014/15**

**Current situation**

On target, there has been a 23% increase in people detected for drink/drug driving offences, from 70 in 2014/15 to 85 in 2015/15.

**Reasons**

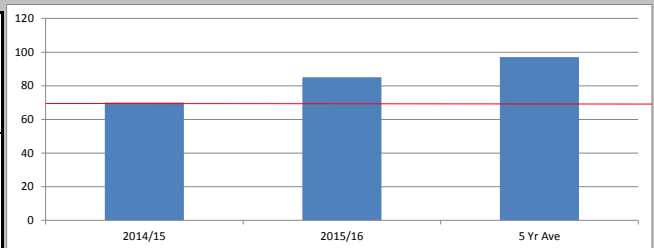
Continued preventative and proactive activity, in conjunction with focused enforcement.

**What are we doing**

- Focused Roads Police enforcement from both Divisional Roads Police Unit and Trunk Roads Police
- This activity is reflected in the drivers stopped for speeding and the net result of this was an increase in the number of drivers stopped and breathalysed.
- New lowered limit (35ug-23ug) which continues to cause an increase in the number of drivers being stopped and found to be over the new limit.
- Seasonal Drink/Driving campaign

**Indicator 18 - Increase the number of people detected for Drink/Drug Driving offences**

Division 2015 2016	EL 2014 2015	EL 2015 2016	5 Year Ave	Change from last year
N/a	70	85	97	Up 23%



**Priority 5 - Making Our Roads Safer**  
**Indicator 19 - Increase the number of people detected for Dangerous Driving offences**  
**Target - Increase from 2014/15**

**Current situation**

On target, with an increase of 24% compared to last year, from 25 to 31 people detected for dangerous driving offences.

**Reasons**

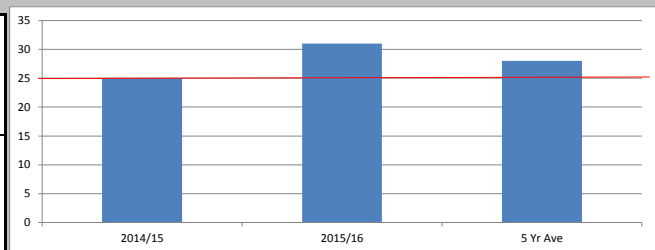
Continued preventative and proactive activity, in conjunction with focused enforcement.

**What are we doing**

- Funded officers and the majority of Community Ward Officers are trained in the use of hand-held radar devices, with additional equipment being purchased.
- There is also a continued strong representation at the East Lothian Partnership Road Safety Working Group.
- Increased detection of those involved in housebreakings, where vehicles are stolen and driven dangerously.

**Indicator 19 - Increase the number of people detected for Dangerous Driving offences**

Division 2015 2016	EL 2014 2015	EL 2015 2016	5 Year Ave	Change from last year
159	25	31	28	Up 24%



**Priority 6 - Tackling Serious Organised Crime**  
**Indicator 20 - Increase the number of cash seizures and restraints through the Proceeds of Crime Act**  
**Target - Increase from 2014/15**

**Current situation**

On target, up by £719,875 from last year.

**Reasons**

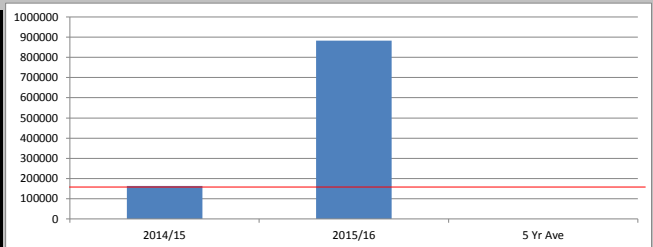
Every opportunity is taken to enforce powers under terms of the Proceeds of Crime Act.

**What are we doing**

- Priority targeting of drug supply network.
- Proceeds of Crime Act legislation utilised in every instance.
- Engagement with East Lothian Council to promote and support activity of the multi agency Serious & Organised Crime Group meeting, which Kenny Black, East Lothian Council Safer Communities Team Leader now acting as a Single Point Of Contact.
- Providing support and sharing information with East Lothian Council regarding Procurement.

**Indicator 20 - Increase the number of cash seizures and restraints through the Proceeds of Crime Act**

Division 2015 2016	EL 2014 2015	EL 2015 2016	5 Year Ave	EL Change
N/a	£163,696	£883,571	N/A	Up £719,875



**Priority 6 - Tackling Serious Organised Crime**  
**Indicator 21 - Increase the number of people detected for Supplying Drugs**  
**Target - Increase from 2014/15**

**Current situation**

On target, with an increase of 36.4% from last years number of people detected for supplying drugs, from 43 to 56.

**Reasons**

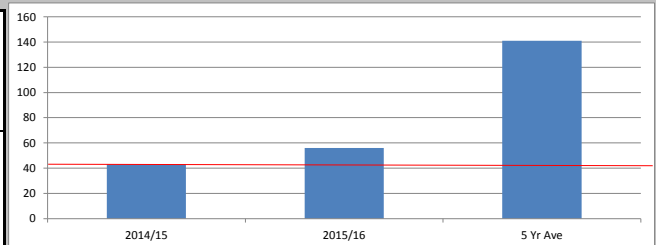
Intelligence led and proactive targeting using the concept of right person, right place, at the right time.

**What are we doing**

- Engage in intelligence led targeting of this anti-social behaviour activity as it has a significant negative impact.
- Intelligence discussed and allocated through divisional tasking process and also through multi-agency Tasking and Co-ordination Group process to improve effectiveness.
- Proactive use of media to communicate successful operations to ensure communities realise benefits of reporting information/ intelligence.
- Prioritisation of cannabis cultivations to address safety implications to the public.

**Indicator 21 - Increase the number of people detected for Supplying Drugs**

Division 2015 2016	EL 2014 2015	EL 2015 2016	5 Year Ave	EL Change
N/a	43	56	141	Up 36.4%



## Complaints against the Police

Complaints against the Police					
<b>Number of complaints</b>	89			<b>Number of Complaints per 10,000 Police Incidents</b>	34.8
	<b>On duty</b>		<b>Off duty</b>	<b>Quality of service allegations</b>	<b>Total Number of allegations</b>
<b>Total allegations recorded</b>	105		0	32	137







3

# LOCAL PLAN PERFORMANCE REPORT FOR EAST LoTHIAN



**SCOTTISH  
FIRE AND RESCUE SERVICE**  
Working together for a safer Scotland

Quarter 4 Performance Report, 1<sup>st</sup> January– 30<sup>1st</sup> March, 2016

**Working together  
for a safer Scotland**



## DISCLAIMER

The figures included in this report are provisional and subject to change as a result of quality assurance and review. The statistics quoted are internal management information published in the interests of transparency and openness.

The Scottish government publishes Official Statistics each year which allow for comparisons to be made over longer periods of time.

Please ensure any external partners in receipt of these reports are aware of this.

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## Introduction

This performance report provides information on our prevention, protection and operational response activities within the East Lothian for Quarter 4 of 2015-16 (1st January – 31st March 2016) including information on the year to date.

The Scottish Government provides an overarching vision for public services. This vision supported by 16 National Outcomes, which demonstrate commitment to creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable growth. The Scottish Fire and Rescue Service (SFRS) can make a significant contribution to improving these outcomes for East Lothian by contributing to the Community Planning arrangements across the area.

The national priorities for the SFRS are set out in the Fire and Rescue Framework for Scotland. The SFRS Strategic Plan 2013-2016 outlines how the SFRS will deliver against these priorities and the outcomes against which this delivery can be measured.

The priorities contained within the Local Fire and Rescue Plan for East Lothian 2014-2017 contribute towards the priorities within the East Lothian Plan - Single Outcome Agreement and the Community Safety Strategic Assessment 2012-15.

The aims of the local Fire & Rescue Service in East Lothian are to reduce fire deaths and to reduce injuries from fire and other emergencies in the community. We aim to achieve this by working in partnership, being pro-active and targeting our prevention and protection activities to where they are required, based on evidence.

The Local Fire and Rescue Plan for East Lothian 2014-2017 identifies the following five objectives as the main focus for service delivery locally:

- Priority 1. Reduction of Accidental Dwelling Fires,
- Priority 2. Reduction in Fire Casualties and Fatalities,
- Priority 3. Reduction of Deliberate Fire Setting,
- Priority 4. Reduction in Road Traffic Collisions,
- Priority 5. Reduction of Unwanted Fire Alarm Signals.

Area Manager David Farries

Local Senior Officer for East Lothian, Midlothian and the Scottish Borders.

david.farries@firescotland.gov.uk

## Performance Summary

We measure how well we are meeting our priorities using 6 key indicators, depicted below

Key performance indicator	Apr to (& incl.) Mar					RAG rating
	2011/12	2012/13	2013/14	2014/15	2015/16	YTD
All accidental dwelling fires	86	96	81	73	79	▲
All fire casualties (fatal & non-fatal (incl. p/c's))	26	17	15	12	9	●
All deliberate fires	309	150	191	141	200	◆
Special Service - RTCs	41	29	48	47	56	◆
Special Service Casualties - All	47	24	66	46	80	◆
False Alarm - UFAs	404	439	460	451	461	▲

### RAG rating - KEY

◆	RED DIAMOND	10% higher than the previous YTD period, or local target not achieved.
▲	YELLOW TRIANGLE	Up to 9% higher than the previous YTD period, or local target not achieved.
●	GREEN CIRCLE	Equal to or improved upon the previous equivalent quarter (or YTD period), or local target achieved.

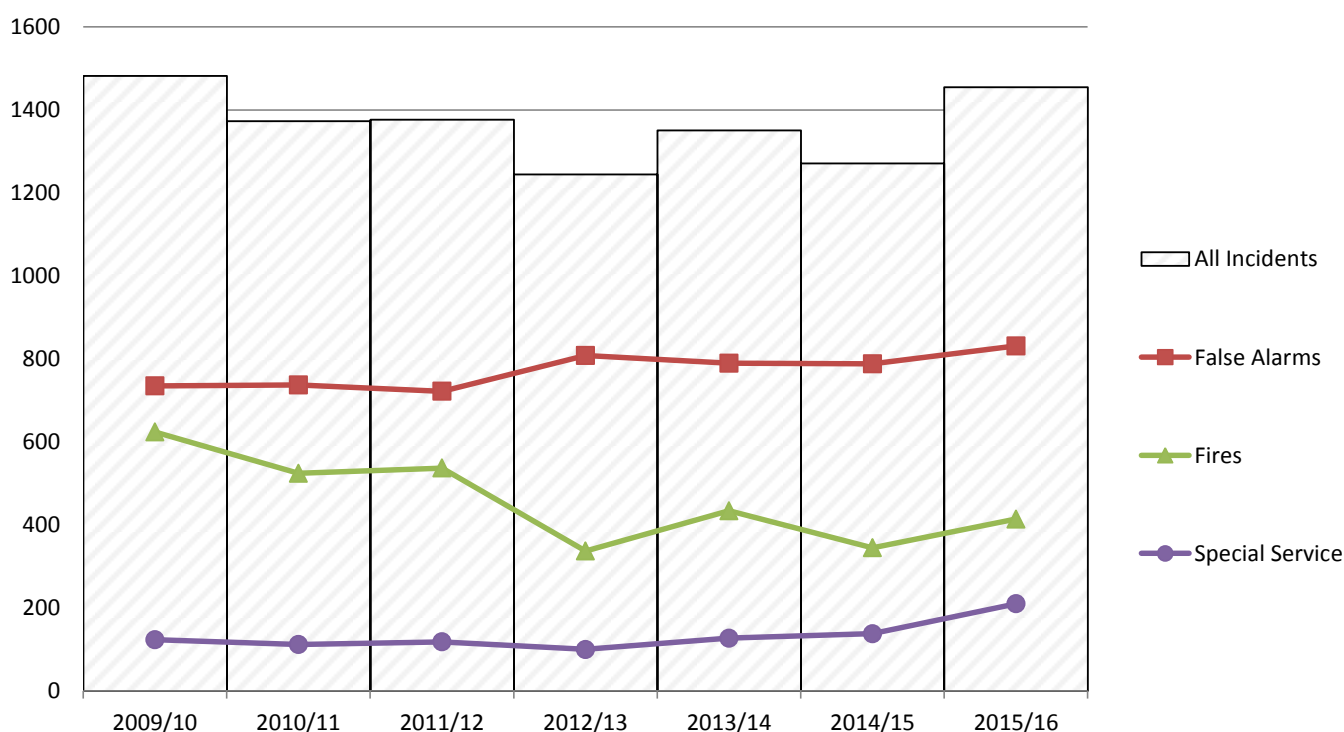
### Note

Quarterly comparison RAG Rating = the reporting period compared to the average of the three previous quarterly reporting periods.  
 Year to Date RAG Rating = the cumulative total of all quarterly performance in current year compared to cumulative total of all quarterly performance in previous year.

### Incident Overview

During this financial year to date, SFRS responded to 1455 incidents in East Lothian, an increase of 184 incidents when compared to last year.

The chart below illustrates incidents YTD attended within East Lothian council over the last 6 fiscal years



**Progress on local fire & rescue plan priorities**

**Local Risk Management and Preparedness**

The Service must identify, prioritise and plan to meet the risks in each local community.

We said we would:

- train our staff to deal with our local risks
- gather and analyse risk information
- work with partners to mitigate risks
- deal with major events

Train our staff to deal with our local risks

All of our operational staff undertake routine and risk specific skill acquisition and maintenance training.

Gather and analyse risk information

All of our operational staff gather and analyse local risk information and operational intelligence, used in our preparations to resolve incidents. We conduct Post Incident Debriefs to identify any lessons that can be learned from our preparedness and response to emergency events. We use Urgent Operational Intelligence Briefings to inform our operational staff of any safety critical information.

Work with partners to mitigate risks

We continue to be an active member of the East Local Resilience Partnership. We share information with local authority partners and other key stakeholders (e.g. Police Scotland) to ensure emergency event risks are mitigated.

Deal with major events

There were no major fire events or significant emergency events in this reporting period.



## Reduction of 'All accidental dwelling fires'

Accidental dwelling fires can have devastating effects on our community. The SFRS is committed to keeping people safe in their homes. We share information with partners to make sure that the right people get the right information they need, particularly those who are vulnerable due to age, isolation or addiction. Reduction of Accidental Dwelling Fires contributes to the East Lothian Plan - Single Outcome Agreement.

### Results

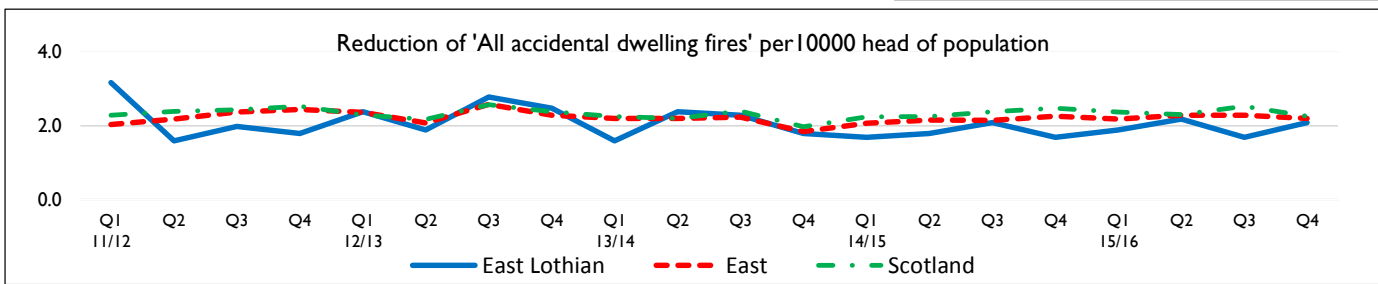
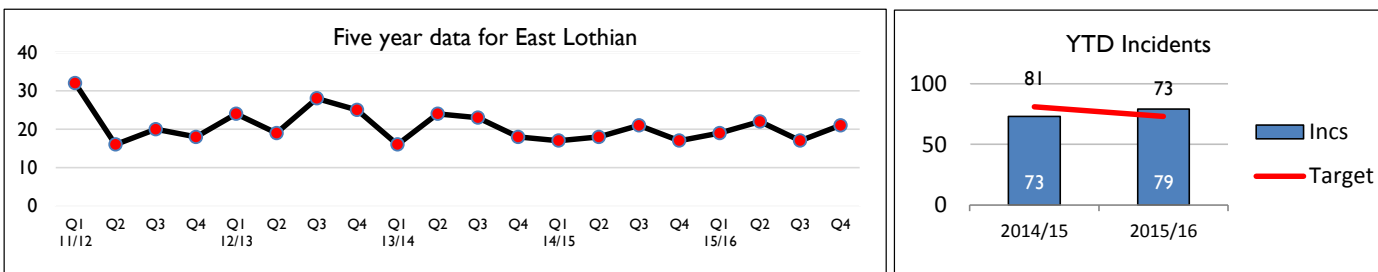
We aim to reduce Accidental Dwelling Fires in East Lothian by contributing towards the SFRS target of 10% reduction per year, over a three-year rolling period. During this quarter, we responded to 21 Accidental Dwelling Fires, which is an increase of 4 incidents from the same period last year. The long-term trend based upon incidents/10,000 population is slightly below that of both the Scottish and East Delivery Area trends.

### Reasons

Of these 21 fires, 71% occurred in single occupancy households with 40% being in the over 65 category. The main causes were cooking (48%) or smoking materials (24%). 80% of the fires started in the kitchen with 90% confined to the room where the fire started. It is clear from this evidence for the need in continuing to target those mostly at risk in single occupancy households as well as the need to continue to ensure those properties have working smoke detection.

### Actions

During this reporting period, 380 Home Fire Safety Visits were carried out and 201 smoke detectors were fitted within East Lothian. Of this total, 125 visits were carried out in premises deemed as being 'high risk'. In addition, we continue to work with our partners in East Lothian Council and seek opportunities with social work and NHS to target those most vulnerable and at risk from fire.



YTD ward ave. for East Lothian - II	2011/12	2012/13	2013/14	2014/15	2015/16	Sparklines
East Lothian	86	96	81	73	79	
Musselburgh West	9	13	9	10	10	
Musselburgh East and Carberry	17	12	16	8	10	
Preston/Seton/Gosford	12	17	9	6	11	
Fa'side	15	15	16	10	9	
North Berwick Coastal	9	12	8	10	13	
Haddington and Lammermuir	13	8	13	14	16	
Dunbar and East Linton	11	19	10	15	10	





## Reduction of 'All fire casualties (fatal & non-fatal (incl. p/c's))'

Fire casualty and fatality rates provide an indication of the amount of serious, life-threatening injuries that occur due to fire. This can indicate not only the success of SFRS in reducing the number of life risk fires through community fire safety and similar activities, but also their success in response activity in saving lives.

### Results

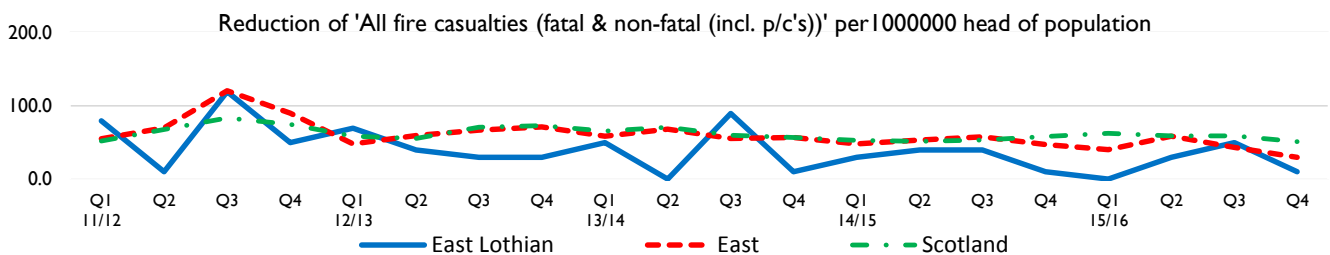
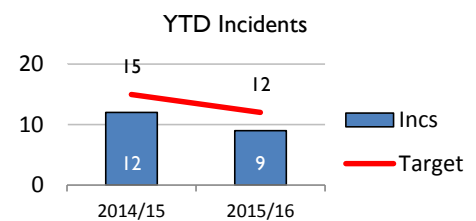
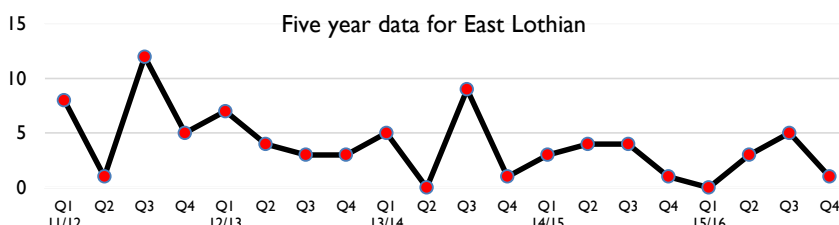
There were no reported Fire fatalities in the reporting period. We aim to reduce Fire Casualties in East Lothian each per year, which contributes towards the SFRS target of reducing Fire Casualties by 5% per year, over a three-year rolling period. In this reporting period, SFRS dealt with 1 casualty due to a fire. This is the same as period 4 last year and the least amount of casualties in the last 5 years, down from 26 to 9. The long-term trend based upon casualties/10,000 population shows East Lothian and is significantly below the Scottish and East delivery area average.

### Reasons

Historically East Lothian has had low numbers of casualties from fires and it is pleasing that trend is continuing to reduce. The casualty rescued from fire received first aid treatment at the scene and had a working smoke detector in their home.

### Actions

During this reporting period, 380 Home Fire Safety Visits were carried out and 201 smoke detectors were fitted within East Lothian. Of this total, 125 visits were carried out in premises deemed as being 'high risk'. In addition, we continue to work with our partners in East Lothian Council and seek opportunities with social work and NHS to target those most vulnerable and at risk from fire.



YTD ward ave. for East Lothian - I	2011/12	2012/13	2013/14	2014/15	2015/16	Sparklines
East Lothian	26	17	15	12	9	
Musselburgh West	3	2	0	3	4	
Musselburgh East and Carberry	6	4	1	1	0	
Preston/Seton/Gosford	2	4	2	1	0	
Fa'side	10	4	3	0	1	
North Berwick Coastal	0	0	0	2	2	
Haddington and Lammermuir	4	0	4	3	1	
Dunbar and East Linton	1	3	5	2	1	



## Reduction of 'All deliberate fires'

Although deliberate fire setting is not a significant problem for the SFRS in East Lothian there is a close link between deliberate secondary fires and other forms of anti-social behaviour. In the main, deliberate fires are secondary fires categorised into refuse/bins, grassland or derelict buildings incidents. Reduction of Deliberate Fire Setting contributes to the East Lothian Plan Single Outcome Agreement.

### Results

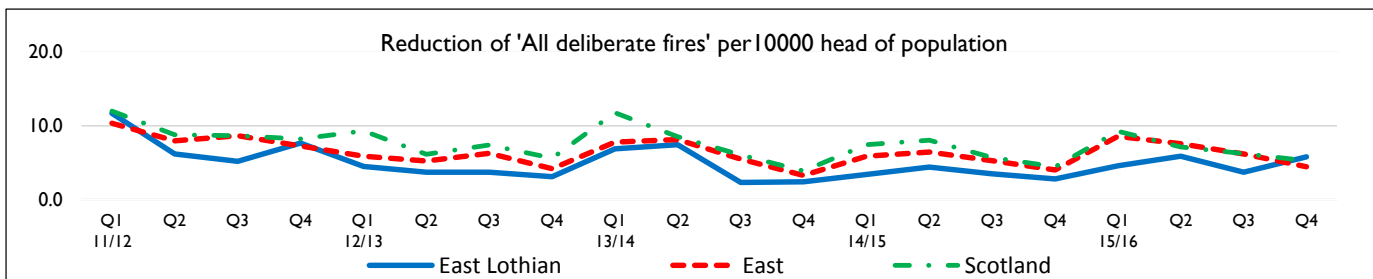
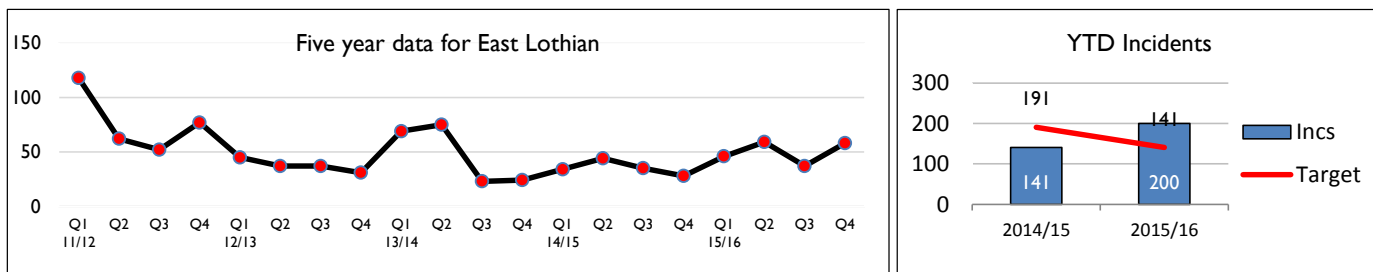
There were 58 deliberate fires during this reporting period, an increase of 30 on the same period as last year. The wards most likely to suffer from this type of fire are Musselburgh, Preston/Seton/Gosford and Fa'side. The long-term trend based upon Deliberate Fire Setting /10,000 population shows East Lothian above the Scottish and East delivery area average.

### Reasons

Deliberate ignition to vehicles accounted for over 25% of deliberate fires in East Lothian and is the reason there has been a spike in the overall deliberate fires for the year. This was largely due to an individual carrying out fire setting on vehicles and outdoor structures predominantly in the Musselburgh. It is pleasing to note that partnership working has seen that individual reported for offences.

### Actions

We continue to focus our attention to the areas where this is an issue in terms of communication and education. We are an active member of the Tasking and Coordinating Group and work closely with partners to keep the community safe and reduce the impact of such incidents.



YTD ward ave. for East Lothian - 29	2011/12	2012/13	2013/14	2014/15	2015/16	Sparklines
East Lothian	309	150	191	141	200	
Musselburgh West	44	32	26	23	28	
Musselburgh East and Carberry	123	40	52	36	51	
Preston/Seton/Gosford	39	34	40	23	41	
Fa'side	55	20	44	40	40	
North Berwick Coastal	8	6	2	3	7	
Haddington and Lammermuir	21	6	11	9	17	
Dunbar and East Linton	19	12	16	7	16	



## Reduction of 'Special Service - RTCs'

Whilst much of this risk is out with the control of SFRS alone, responding to Non-Fire Emergencies such as Road Traffic Collisions is a key part of our intervention activities. The SFRS is committed to working with partners and other stakeholders to drive continuous improvement in this area. Reduction of Casualties from Non-Fire Emergencies contributes to the East Lothian Plan Single Outcome Agreement, number of people killed or seriously injured in road accidents.

### Results

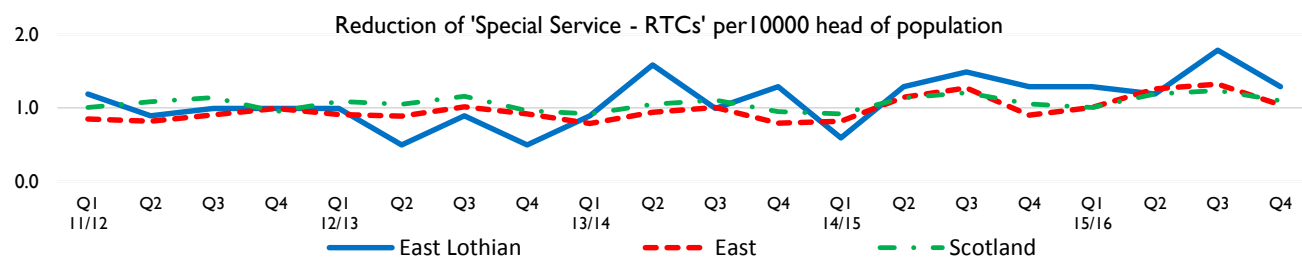
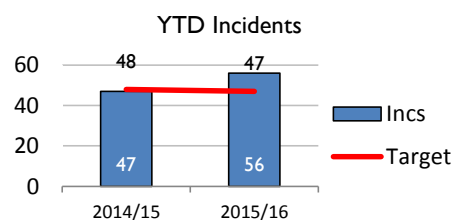
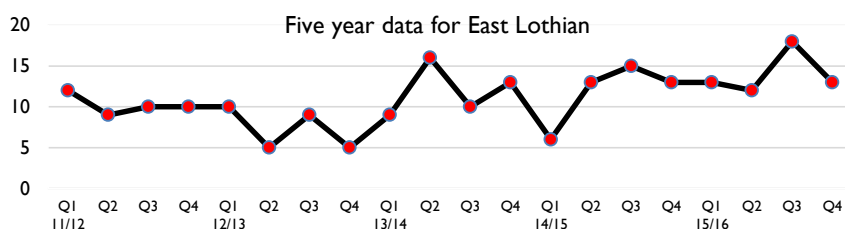
We attended 13 Road Traffic Collisions during this period; this was the same for period 4 last year. Per 10,000 head of population, East Lothian is above below the Scottish and East delivery area trend. The total of 56 for the year to date is the highest figure in the last 5 years.

### Reasons

The SFRS only attend those RTC's they are requested to attend this number does not reflect the total number within East Lothian.

### Actions

The SFRS is a member of a multi-agency approach to reducing Road Traffic Collision's and the associated casualties and fatalities. The continued delivery of Tomorrow's Driver programme targeting young people is an excellent partnership approach to reducing road traffic collisions.



YTD ward ave. for East Lothian - 8	2011/12	2012/13	2013/14	2014/15	2015/16	Sparklines
East Lothian	41	29	48	47	56	
Musselburgh West	6	4	4	8	12	
Musselburgh East and Carberry	6	2	5	9	4	
Preston/Seton/Gosford	3	5	7	6	8	
Fa'side	9	4	6	12	11	
North Berwick Coastal	6	3	9	1	4	
Haddington and Lammermuir	4	5	7	2	2	
Dunbar and East Linton	7	6	10	9	15	



## Reduction of 'Special Service Casualties - All'

Whilst much of this risk is out with the control of SFRS alone, responding to Non-Fire Emergencies is a key part of our intervention activities. The SFRS is committed to working with partners and other stakeholders to drive continuous improvement in this area. Reduction of Casualties from Non-Fire Emergencies contributes to the East Lothian Plan Single Outcome Agreement.

### Results

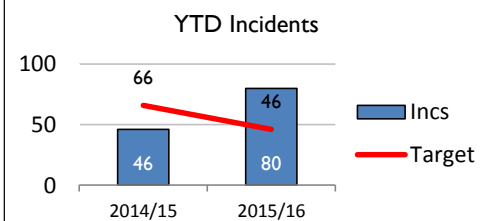
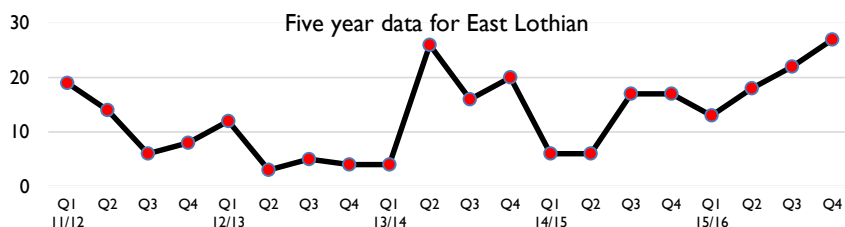
We attended to 27 casualties, 11 of which were fatalities, from non-fire emergencies in East Lothian, which is an increase of 10 compared to the same period last year. The trend per 10,000 head of population is significantly above the average of the Scottish and East service delivery areas.

### Reasons

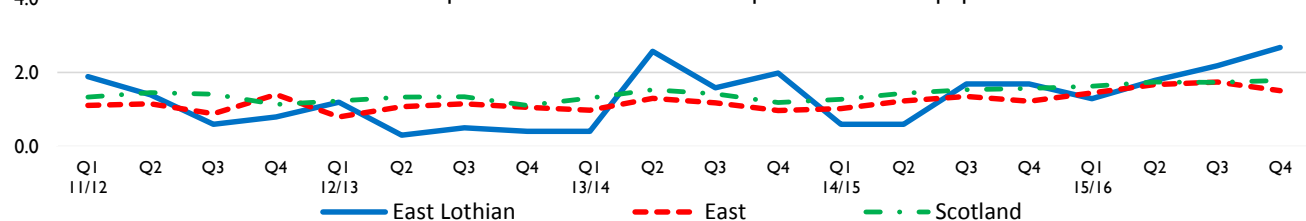
Of this number, 15 related to crews responding to out of hospital cardiac arrests in assisting the ambulance service, with 5 casualties and 10 fatalities as a result. There was 1 fatal and 4 non-fatal rescues from RTC's. The increase is mainly due to the SFRS assisting with medical emergencies as co or first responders. This number may continue to increase as we attend more incidents of this nature.

### Actions

The SFRS is a member of a multi-agency approach to reducing Road Traffic Collision's and the associated casualties and fatalities. The continued delivery of Tomorrow's Driver programme targeting young people is an excellent partnership approach to reducing road traffic collisions. We will also continue to respond to the communities needs in terms of other non-fire emergencies.



Reduction of 'Special Service Casualties - All' per 10000 head of population



YTD ward ave. for East Lothian - 11	2011/12	2012/13	2013/14	2014/15	2015/16	Sparklines
East Lothian	47	24	66	46	80	
Musselburgh West	2	4	8	10	14	
Musselburgh East and Carberry	9	4	4	8	5	
Preston/Seton/Gosford	4	2	3	4	19	
Fa'side	7	3	1	6	6	
North Berwick Coastal	17	3	9	3	17	
Haddington and Lammermuir	4	2	16	10	6	
Dunbar and East Linton	4	6	25	5	13	





## Reduction of 'False Alarm - UFAs'

Unwanted Fire Alarm Signals (UFAS) are defined as incidents where an automated fire alarm system activates and results in the mobilisation of SFRS resources, when the reason for that alarm turns out to be connected with faulty or defective alarm equipment. The SFRS is committed to working with partners and other stakeholders to reduce Unwanted Fire Alarm Signals.

### Results

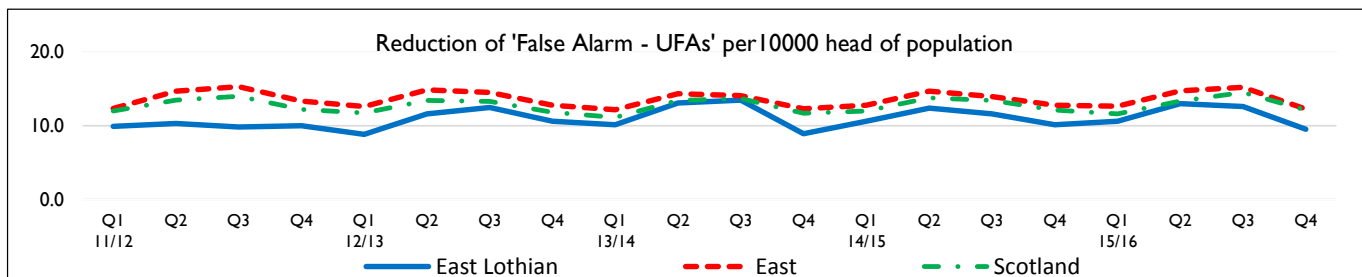
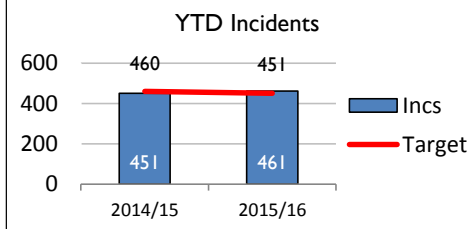
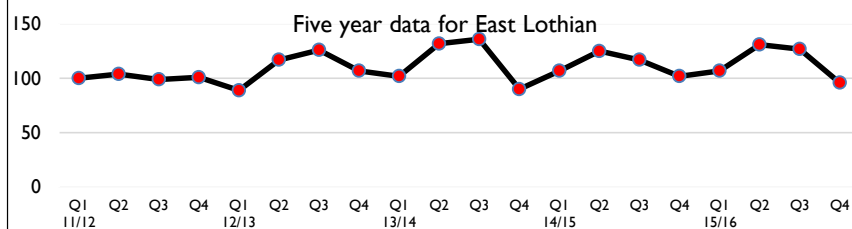
SFRS attended 96 Unwanted Fire Alarm Signals incidents during this reporting period, which is a decrease of 6 for the same period last year. East Lothian trend line is slightly below that of Scotland and the East delivery area, although it is the highest annual figure in the previous 5 years.

### Reasons

Of the 96 Unwanted Fire Alarm Signals incidents we attended, 60% were attributed to equipment failure, 25% human error, 3% good intent and 12% malicious.

### Actions

We continue to monitor UFAS calls and our Fire Safety Enforcement Officers work closely with premises to reduce further UFAS incidents. This includes discussing technological, procedural and management solutions in order to prevent future UFAS incidents.



YTD ward ave. for East Lothian - 66	2011/12	2012/13	2013/14	2014/15	2015/16	Sparklines
East Lothian	404	439	460	451	461	
Musselburgh West	77	96	87	70	85	
Musselburgh East and Carberry	84	69	77	93	83	
Preston/Seton/Gosford	38	33	46	39	44	
Fa'side	42	55	46	62	65	
North Berwick Coastal	59	67	72	57	69	
Haddington and Lammermuir	64	92	63	77	73	
Dunbar and East Linton	40	27	69	53	42	



# Appendix 1

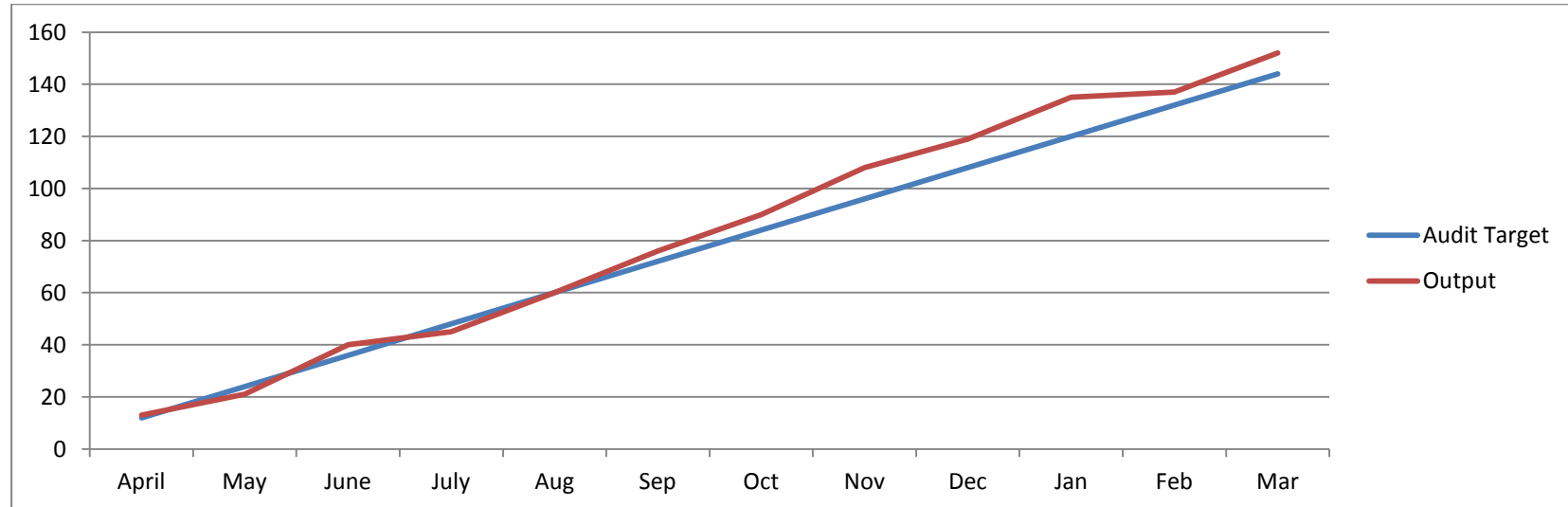
## East Lothian Q4 2015-16

### Prevention & Protection Activities

#### Fire Safety Enforcement Audits

The figures represent the audit workloads delivered by the East Lothian Fire Safety Enforcement Officer (FSEO). Following the Scottish Fire and Rescue Service (SFRS) Enforcement Framework, local deployment ensures compliance for relevant premises in terms of the Fire Scotland Act (2005) and associated Fire Safety Regulations. This end of year report highlights that the annual target has been exceeded with **152 audits** being delivered in premises across East Lothian.

	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Total
Target:	12	24	36	48	60	72	84	96	108	120	132	144	<b>144</b>
Completed:	13	21	40	45	60	76	90	108	119	135	137	152	<b>152</b>

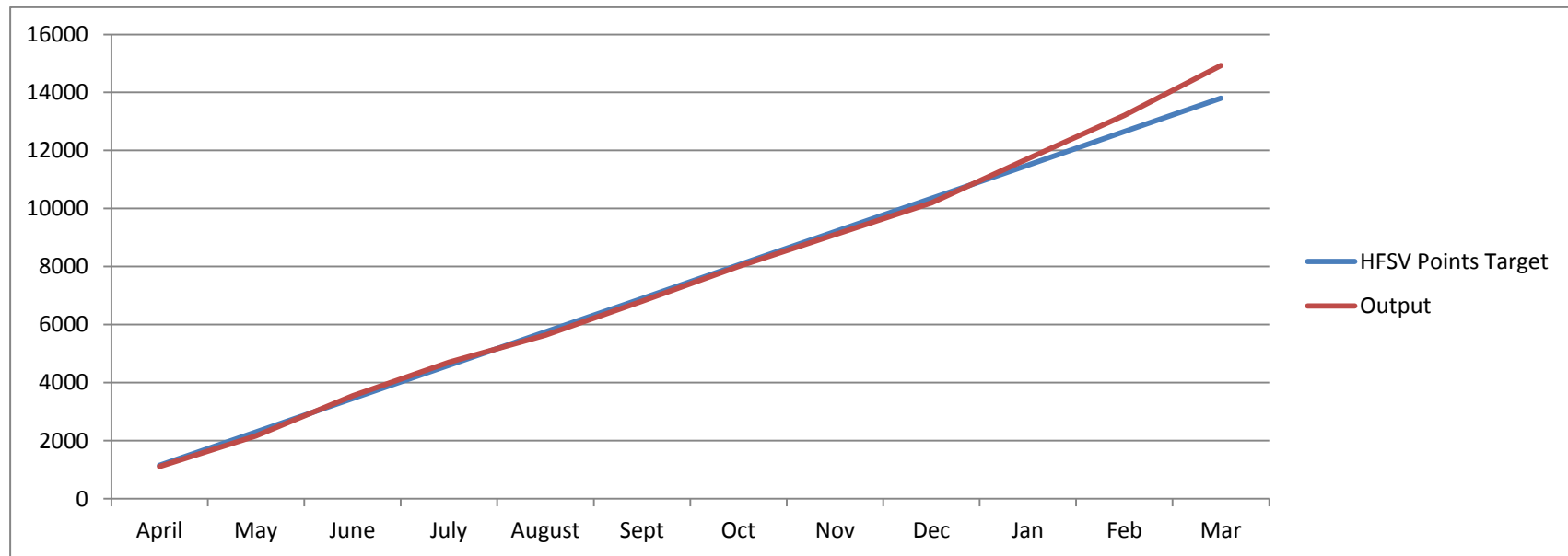


## Home Fire Safety Visits

The delivery of Home Fire Safety Visits (HFSVs) is the corner stone of the SFRS Community Safety Engagement Framework. By visiting households and providing fire safety advice and smoke alarms the numbers of dwelling fires and casualties will be reduced. To target the highest risk households across East Lothian, a points allocation based on risk and associated target has been set (24 points per high, 8 per medium, 4 per low risk visit). This will ensure valuable resources are put to use with greatest effect.

This quarter has seen our points total for visits being exceeded (as shown below) and in **East Lothian for 2015/16 a total of 1419 visits have been delivered.**

	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Total
Target	1150	2300	3450	4600	5750	6900	8050	9200	10350	11500	12650	13800	<b>13800</b>
Completed	1108	2164	3548	4700	5636	6804	8000	9104	10196	11716	13216	14924	<b>14924</b>



**Total Number Of Home Fire Safety Visits By Risk Category**

	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar
High	25	27	29	29	24	20	25	23	29	24	46	55
Medium	51	41	70	46	39	60	65	61	42	61	52	53
Low	21	28	45	47	22	41	38	40	27	35	30	24

**Total Number Of Smoke Detectors Fitted By Risk Category**

	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar
High	15	16	13	12	14	16	16	15	15	15	18	32
Medium	31	18	30	28	14	40	41	30	25	38	37	30
Low	10	7	12	9	5	12	13	17	9	11	11	9

## Partnership Working

The pilot prevention initiative in East Lothian, reported at the last scrutiny meeting, has been a focus within the area in terms of partnership working in quarter 4. The pilot is focusing on the over 65s and under 5s and will look at improving home safety for these target groups, importantly not just from a fire risk perspective.

- The contact team at Penston House have had input and are registered on the SFRS Community Safety Engagement Toolkit (CSET) which allows them to make direct referrals into the system. This allows the SFRS to allocate resources on a risk basis based on information provided.
- A falls screening form has been drafted for use by SFRS staff when at risk person is identified during HFSV i.e. person 65+ or person with mobility issues.
- Falls assessment training for SFRS has now been planned to commence at the end of May beginning of June and will involve Musselburgh in the first instance.
- A referral pathway will be established where SFRS will refer persons at risk of falls or who have fallen to the appropriate health care professionals for more detailed /tailored assessment, it is planned that this will improve response and intervention and reduce unintentional harm in the home.
- During quarter 4 a number of aids and adaptations were purchased by the SFRS to support the initiative. E.g. bath mats, walking stick ferrules, plug pullers, cupboard locks, blind cleats, corner protectors, plug protectors, etc.
- Funding provided by the SFRS to enable the pilot project has been used and a more sustainable funding stream will have to be considered should it continue or expand.

The Spring thematic action plan delivered for East Lothian in quarter 4 had a focus on reduction of deliberate fires as the nights became lighter and in the lead up to the Easter holidays. 19 activities were delivered across the area with a focus on young people which involved firefighters visiting schools and nurseries to provide advice on fire safety and the potential consequences of playing with fire or starting deliberate fires.

During February and March a spate of fires in the Musselburgh area caused significant concern and damage. Ranging from vehicle fires and fishing boats to a common storage area in flats these 19 incidents involved a number of agencies, predominantly SFRS, Police Scotland and East Lothian Council. SFRS resources from Musselburgh Community Fire Station dealt with the fire incidents but also deployed in the area providing community re-assurance and advice. This was tailored to minimise the risk of deliberate fires, particularly where people or property were involved.

**REPORT TO:** Police, Fire and Community Safety Scrutiny Committee

**MEETING DATE:** 8 June 2016

**BY:** Depute Chief Executive – Partnerships and Community Services

**SUBJECT:** Review of Safer Communities Team

---

**4**

## **1 PURPOSE**

- 1.1 That the Committee notes the work undertaken by the Safer Communities Team.
- 1.2 That the Committee notes proposed changes to the team's structure as a result of an ongoing service review.

## **2 RECOMMENDATIONS**

- 2.1 That the Committee supports the re-organisation of the team in order to align working practices with Area Partnerships.

## **3 BACKGROUND**

- 3.1 The Safer Communities Team consists of one team leader, one specialist housing officer, two antisocial behaviour investigation officers, eight community wardens, two dog wardens, one abandoned vehicles officer and one administration officer. Personnel are co-located with officers from Police Scotland at the George Johnstone Centre, Tranent and at John Muir House, Haddington.
- 3.2 The team's remit includes, amongst other things; investigating serious antisocial behaviour cases arising from the social rented housing sector, investigating all antisocial behaviour complaints and neighbour disputes arising from the private housing sector; taking enforcement action against the perpetrators of antisocial behaviour in accordance with East Lothian's Antisocial Behaviour Partnership's Antisocial Behaviour Policy, supporting the victims of antisocial behaviour, instructing legal action under the Antisocial Behaviour etc. (Scotland) Act 2004 and the Housing (Scotland) Act 2001, undertaking patrols, in conjunction with police officers, in areas affected by antisocial behaviour, investigating complaints of verbal and physical abuse of council staff, assisting with

the operation of the Council's night time noise service in conjunction with the Council's Environmental Protection Team, investigating dog attacks, and taking action under the Control of Dogs (Scotland) Act 2010 and Dangerous Dogs Act 1991; attending to stray dogs in accordance with the Environmental Protection Act 1990, managing the council's accredited dog walkers scheme; attending to abandoned vehicles under the Refuse Disposal (Amenity) Act 1978; assisting other council teams in investigating and taking action in respect of dog fouling, dog barking, littering and fly-tipping; assisting local community housing officers in general estate management, dealing with pre-application high hedge disputes, organising diversionary activities for young people involved in antisocial behaviour and delivering presentations to school children and community groups on a raft of community safety issues.

- 3.3 Antisocial behaviour cases are dealt with on a multi-agency basis via the four weekly adult and children's case monitoring groups, bespoke problem solving partnerships and the weekly multi-agency tasking and co-ordination group. There are currently 71 individuals on the former of the two case monitoring groups, with no children featuring on the latter. Of the 71 cases on the adult list, 18 relate to council tenants who have been charged with offences under the Misuse of Drugs Act 1971. These cases are tracked via the case monitoring group, and on conviction, the collective mind of the group is applied to the question of whether to raise eviction proceedings. The remaining cases have been deemed as being "serious antisocial behaviour cases"; i.e. the individuals involved have received at least three warnings under the aforesaid policy.
- 3.4 The approach in dealing with all cases of antisocial behaviour in East Lothian is predicated upon the four strategic themes set out in East Lothian's Antisocial Behaviour Strategy 2014-2016; namely, prevention, early intervention and diversion, enforcement and rehabilitation, with the emphasis being on prevention and early intervention.
- 3.5 There are currently 20 live Antisocial Behaviour Orders in East Lothian, and two antisocial behaviour related Interdicts.
- 3.6 There were six antisocial behaviour related eviction decrees granted during 2014/2015; there were seven granted between 1 April 2015 and 31 March 2016.
- 3.7 During 2013/2014 East Lothian Council received 1613 antisocial behaviour complaints via its antisocial behaviour helpline; during 2014/2015 the number of complaints reduced to 1492. There were 1444 complaints received between 1 April 2015 and 31 March 2016. The target, as contained within the current Single Outcome Agreement, is to reduce the figure from the preceding financial year by 2% by 31 March 2016; the number of complaints received during 2015/2016 represents a 3.2% reduction in those received by the council during the preceding financial year. The types of complaints received include; loud parties, impact noise, shouting and swearing, verbal and physical abuse of



neighbours, drug misuse, vandalism, misuse of communal areas and neighbour disputes.

- 3.8 Of the 1444 antisocial behaviour complaints received by East Lothian Council during 2015/2016, 8.86% emanated from the Dunbar and East Linton local political ward, 9.97% from Haddington and Lammermuir, 36.98% from Musselburgh West and Musselburgh East and Carberry wards (combined), 9.35% from North Berwick Coastal, 16.76% from Preston/Seton/Gosford, 17.73% from Fa'side, with 0.35% relating to those whose behaviour spanned a number of those wards.
- 3.9 During 2014/2015, the Council met 84% of its locally agreed targets for the time taken to resolve antisocial behaviour complaints. The Council has committed to resolving 20% of all complaints received within one month from the date of receipt, 20% within two months, 40% within four months, 10 % within 12 months and the remaining 10% at some point after 12 months (normally court cases). The figures for the financial year 2015/2016 have yet to be fully collated; however; early indications suggest that performance for that year will reflect those returned in the preceding year.
- 3.10 The Safer Communities Team has recently undergone a comprehensive service review; a final report containing a number of recommendations is due to be published by the end of June 2016.
- 3.11 There are eight community wardens; seven of whom are deployed to a specific political ward. The eighth warden co-ordinates the work of the team from John Muir House, Haddington.
- 3.12 The two dog wardens and the abandoned vehicles officer will hold county-wide jurisdiction; however, those officers will continue to work closely with local communities in tackling local issues pertinent to their respective areas of responsibility.
- 3.13 The Safer Communities Team, post-review, will be led by a Safer Communities Manager who will be responsible for overseeing the work and practices of officers, as well as liaising with partner agencies in ensuring that antisocial behaviour or community safety issues are met with an appropriate, proportionate and effective multi-agency response.
- 3.14 Representatives from East Lothian Council and Police Scotland are currently in advanced discussions with a view to signing a Service Level Agreement that would cater for the future provision of funded police officers in light of revised budgets. It is anticipated that this agreement will be ratified by the end of June 2016.

#### **4 POLICY IMPLICATIONS**

- 4.1 None

## **5 INTEGRATED IMPACT ASSESSMENT**

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

## **6 RESOURCE IMPLICATIONS**

- 6.1 Financial – To be determined  
6.2 Personnel – None at this stage  
6.3 Other – None

## **7 BACKGROUND PAPERS**

- 7.1 East Lothian's Antisocial Behaviour Partnership's Antisocial Behaviour Policy as amended at 24 April 2012.  
7.2 East Lothian's Antisocial Behaviour Strategy 2014-2016.

<b>AUTHOR'S NAME</b>	Tom Shearer
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<b>CONTACT INFO</b>	01620 827 413
<b>DATE</b>	23 May 2016

**East Lothian Antisocial Behaviour Partnership**  
**Antisocial Behaviour Policy**  
**(As amended at 24/4/12)**

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[Section 1: Purpose of the Policy](#)

[Section 2: Management Framework / Related Strategies & Policies](#)

[Section 3: Information Sharing Protocols](#)

[Section 4: Partner Organisations](#)

[Section 5: Roles & Responsibilities](#)

[Section 6: Legal Framework](#)

[Section 7: Supporting Victims of Antisocial Behaviour](#)

[Section 8: Prevention](#)

[Section 9: Early Intervention and Diversion](#)

[Section 10: Enforcement](#)

[Section 11: Rehabilitation](#)

[Section 12: Service Standards](#)

**Appendices**

[Appendix A: Categories of Antisocial Behaviour](#)

[Appendix B: Examples of Prevention Activities](#)

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ایسٹ لوڈین کونسل آپ کو ایک آسان انداز میں آپ کی اپنی زبان میں معلومات فراہم کر سکتی ہے۔ ہم کونسل کے کام کیلئے ایک مترجم کا انتظام بھی کر سکتے ہیں۔ مزید معلومات کیلئے برائے مہربانی رابطہ فرمائیں: **01620 827199**

**Punjabi**

ਈسٹ لੋڈیਅਨ کੌਂਸਲ ਤੁਹਾਡੀ ਜ਼ਬਾਨ ਵਿਚ ਸੌਖੇ ਢੰਗ ਵਾਲੀ ਜਾਣਕਾਰੀ ਪ੍ਰਦਾਨ ਕਰ ਸਕਦੀ ਹੈ। ਕੌਂਸਲ ਦੇ ਕੰਮ ਕਾਰ ਵਾਸਤੇ ਅਸੀਂ ਇੰਟਰਪਰੀਟਰ ਵੀ ਪ੍ਰਦਾਨ ਕਰ ਸਕਦੇ ਹਾਂ। ਹੋਰ ਜਾਣਕਾਰੀ ਲੈਣ ਲਈ ਕਿਰਪਾ ਕਰਕੇ ਇਸ ਨੰਬਰ ਤੇ ਭਾਲ-ਮੋਲ ਕਰੋ: **01620 827199**

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**Bosnian**

Vijeće za područje East Lothian-a u mogućnosti je pružiti Vam informacije na Vašem jeziku u pristupačnom i jednostavnom formatu. Osiguravamo usluge prevodioca za zdravstvo, školstvo, socijalni rad, i ostale vladine i lokalne službe. Za informacije molimo Vas obratite se na telefon: **01620 827199**.

**Albanian**

Keshilli i East Lothian ju ofron informata ne gjuhen e juaj ne nje version te afert. Ne gjithashtu ofrojme perkthyes per punet e keshillit. Per informata me te shumta, ju lutem kontaktoni : **01620 827199**.

## Introduction and Definition of Terms

### Introduction

In East Lothian we believe that everyone is entitled to live, socialise and work without fear of antisocial behaviour and the East Lothian antisocial behaviour strategy outlines the specific services that we provide. It also includes the ways in which we work with the perpetrators of antisocial behaviour and highlights that we should work together in partnership to tackle antisocial behaviour and to support everyone to live in safe and secure communities.

The East Lothian Antisocial Behaviour Strategy 2005-2008 was published in May 2005 and is built around six key principles:

- Personal responsibility
- Building on what has gone before
- Prevention is better than cure
- Not stigmatising particular groups of people
- Joined-up action at local level, within a national framework
- Using the Children's Hearing System

The Antisocial Behaviour Policy has been developed to allow the East Lothian Antisocial Behaviour Partnership to deliver strategy aims. The implementation of this policy will also assist the specific obligation that

“by March 2007 Council's should develop a shared strategy for addressing concerning behaviour within families and in the community, schools and residential homes”

as set out by the Scottish Executive in the Youth Justice Improvement Programme.

The policy is divided into 12 main sections follows:

[Section 1](#) explains the purpose of the policy.

[Section 2](#) outlines the management framework that will administer the policy and highlights related strategies and policies that exist.

[Section 3](#) describes the information sharing agreements in place between Lothian & Borders Police and the East Lothian ASB Partnership.

[Section 4](#) identifies the partners implementing the policy.

[Section 5](#) outlines roles and responsibilities.

[Section 6](#) outlines the legal framework within which the policy will operate.

- [Section 7](#) sets out the commitment of the Partnership to the victims of antisocial behaviour.
- [Section 8](#) identifies partnership policy with regard to the strategic aim of antisocial behaviour prevention.
- [Section 9](#) identifies partnership policy with regard to the strategic aim of antisocial behaviour early intervention and diversion.
- [Section 10](#) identifies partnership policy with regard to the strategic aim of antisocial behaviour enforcement action.
- [Section 11](#) identifies partnership policy with regard to the strategic aim of antisocial behaviour rehabilitation.
- [Section 12](#) sets out service standards

## **Definition of terms**

### **Antisocial behaviour**

Is defined as ‘acting in a manner that causes, or is likely to cause, alarm or distress’ or ‘pursuing a course of conduct that is likely to cause harm or distress’.

Antisocial behaviour has been categorised by the Scottish Executive as covering four main areas. These are:

- Category A: Disregard for Community / Personal Wellbeing
- Category B: Acts Directed At People
- Category C: Environmental Damage
- Category D: Misuse of Public Space

These categories are expanded in more detail in Appendix A.

### **Child**

For the purposes of this policy, a child is defined as a person who is under the age of 16 years. In terms of this policy, any person who is over the age of 16 but who is the subject of a supervision requirement will be treated as if they were a child.

### **Parent**

A parent is any individual who is a relevant person as defined in section 93(2)(b) of the Children’s (Scotland) Act 1995.

"relevant person" in relation to a child means:

- (a) any parent enjoying parental responsibilities or parental rights under Part I of this Act;
- (b) any person in whom parental responsibilities or rights are vested by, under or by virtue of this Act; and
- (c) any person who appears to be a person who ordinarily (and other than by reason only of his/her employment) has charge of, or control over, the child."

### **Registered social landlord (RSL)**

Registered Social Landlords are those bodies that are registered in the register maintained under section 57 of the [Housing \(Scotland\) Act 2001](#). Such bodies can be in the form of Local Housing Organisations, Community Based Housing Associations or larger social landlords.

## **Notice of proceedings**

A notice of proceedings is a statutory notice in a prescribed form served by a landlord who intends to begin proceedings for possession of the house on one or more of the grounds specified in the notice and as set out within the [Housing \(Scotland\) Act 2001](#).

## **Acceptable behaviour agreement (ABA)**

An Acceptable Behaviour Agreement (ABA) is a written agreement between an individual (adult or child) involved in antisocial behaviour and relevant partners working to prevent antisocial behaviour, for example the police, local authority or RSL. An ABA is a clear statement of what the partnership would consider as acceptable behaviour and will be put in place following failure of written warnings.

The aim of the Agreement is to make people responsible for their actions. The Agreement will cover the responsibilities of the person in relation to antisocial behaviour activities committed by them. An individual cannot be compelled to enter into such an agreement.

Acceptable Behaviour Agreements are flexible enough to be used in relation to antisocial adults or children irrespective of their housing tenure. If the Agreement involves a child then in addition to obtaining his/her agreement and signature, the agreement and signature of the child's parent will also be obtained. The signing of an agreement by a child and his/her parent will not prevent the reporting of that child to the Reporter where it is thought that he/she may be in need of compulsory supervision.

In the case of any individual who breaches the agreement, the ABA can be used to support an application for an ASBO and / or, in the case of a tenant, the raising of an eviction action. This will demonstrate to the Sheriff Court that the partnership has tried an alternative approach to tackle antisocial behaviour, thus strengthening the case against the antisocial person.

ABAs are flexible and by signing the agreement, the perpetrator admits that their behaviour is unacceptable. ABAs are quicker and cheaper than Court actions.

## **Antisocial behaviour order (ASBO)**

An ASBO is an order of the court that is intended to tackle both behaviour that is likely to escalate and patterns of behaviour that cause considerable alarm and distress to the community. This behaviour may consist of a number of single acts. An ASBO is not intended to be a substitute for criminal proceedings where these are appropriate. An ASBO can be made against persons of all housing tenure types i.e. owner/occupier, private sector tenants or tenants of public sector landlords.

## **Interim antisocial behaviour order (Interim ASBO)**



Interim Orders are intended to provide more immediate protection and can be applied for pending the substantive application for a full ASBO. Section 7 of the Antisocial Behaviour etc (Scotland) Act 2004 sets out the conditions to be fulfilled before an Interim ASBO will be granted.

### **Criminal antisocial behaviour order (CRASBO)**

A Criminal Antisocial Behaviour Order is an Antisocial Behaviour Order made on conviction by a Sheriff or Justice of the Peace as part of a sentence.

### **Parenting order**

Parenting orders are orders of the court designed to alter the behaviour of parents and to have them take responsibility for their child's behaviour. Parenting orders may compel parents to participate in, for example, parenting classes where they have been identified as needing help with their parenting skills.

Parenting orders will only be applied for where a parent has been offered support on a voluntary basis and has refused to engage with that support.

### **Warning notice - noise nuisance**

Under section 43(2) of the Antisocial Behaviour etc (Scotland) Act 2004, where a local authority receives a complaint that excessive noise emitting from a property and the complaint is found to be valid on investigation, a warning notice may be served. The notice is in prescribed form and must state particular information.

### **Fixed penalty notice**

A fixed penalty notice is generally a financial penalty or fine served by a Local Authority or Police force on a member of the public as a result of an offence. Payment of the penalty removes the threat of a criminal conviction. Generally, notices are in a prescribed form and have a prescribed manner of service.

### **Scottish secure tenancy**

A Scottish secure tenancy is a legal document that sets out a tenant's legal rights and obligations when renting a dwelling house from a social landlord. The tenancy will cover aspects such as the use of the house, payment of rent, sub-letting, repairs and will specifically state that the tenant, those living with the tenant or any visitors must not act in an antisocial manner.

### **Short Scottish secure tenancy**

In a relatively small number of cases, social landlords are entitled to offer a prospective tenant a short Scottish secure tenancy instead of a Scottish secure tenancy. This may be done where a tenant:

- has had order for repossession made against him/her in the UK on the grounds of antisocial or similar behaviour in the previous 3 years;
- or member of household is subject to an antisocial behaviour order (ASBO).

A full Scottish secure tenancy (SST) will convert into a short SST where the landlord serves a notice on the tenant to that effect following the granting of an ASBO. Where a short SST has been granted on the grounds of ASB, the landlord must make sure support services are provided to the tenant to help them to convert successfully back to a full SST. Support will also be provided where an SST has been converted to a short SST.

## **Eviction**

A Scottish secure tenant can only be evicted from their tenancy by court order. A landlord must have a ground for eviction to obtain such an order. This is most commonly an evidenced breach of the tenancy agreement. Anti social behaviour on the part of the tenant, other occupiers or visitors to the tenancy is a breach of the tenancy agreement.

## **Houses in multiple occupation (HMO) licence**

An HMO is a property that is occupied, as their only or principal residence, by three or more persons who are not members of the same family and who share use of toilet, personal washing facilities or cooking facilities. HMO landlords must have a licence from the relevant local authority. This ensures that the property is managed properly and meets certain safety standards. The licence will be valid for up to three years and will then have to be renewed.

## **Antisocial behaviour notice**

The Antisocial Behaviour etc. (Scotland) Act 2004 (the Act) gives local authorities additional powers to regulate privately rented housing in Scotland. Under Part 7, if residents are engaging in antisocial behaviour at their home and the landlord is not taking normal management action to address it, the local authority can serve an antisocial behaviour notice setting out actions the landlord must take. The notice must describe the antisocial behaviour that has led to the notice being served, and require the landlord to take specified action to deal with it within a specified period. If a landlord fails to comply with an antisocial behaviour notice, the local authority can report the landlord for prosecution. The local authority can apply to the sheriff for either an order as to rental income which suspends the tenant's rent liability, a management control order which allows the local authority to assume the responsibilities of the landlord, or can take

action to deal with the antisocial behaviour and can recover the costs from the landlord.

### **Order as to rent payable**

An Order as to Rent Payable is an order granted by the Sheriff in respect of a property on which an antisocial behaviour notice has been served. This has the effect of stopping rent payments being received by the landlord for the property concerned.

### **Management control order**

Under a management control order, the rights and responsibilities of the landlord are transferred to the local authority. The authority is able to meet normal day-to-day running costs including routine maintenance and management costs. These costs are recoverable from the landlord.

### **Private landlords registration**

Since April 2006, all private landlords in Scotland are required to register with their local authority. Registration ensures that landlords are "fit and proper" to be letting property. Members of the public will be able to view the register of private landlords on the Internet and will be able to see whether a prospective landlord is registered. Registration will help local authorities to remove disreputable landlords from the market, thereby removing landlords who provide poor housing or inadequate management.

### **Closure of premises order**

If a closure order is granted to the Police then premises are closed to all persons for duration of the order and it becomes an offence to enter or remain on the premises. Such an order is granted through the Sheriff court, on application by the police where significant and persistent disorder or serious nuisance is regularly occurring.

### **Dispersal notice**

A senior police officer (of the rank of Superintendent or above) can, in consultation with the local authority, designate an area where significant, persistent and serious antisocial behaviour is occurring and the behaviour of groups is contributing to this problem, and can utilise the power of dispersal. Police officers can then disperse groups of two or more persons from the designated area. Should an individual not to disperse they will be deemed to have committed an offence and can be arrested.

## **Section 1: Purpose of the Policy**

It is the purpose of this policy to set out clearly and demonstrably how the East Lothian Antisocial Behaviour Partnership will deliver the aims of the agreed [East Lothian Antisocial Behaviour Strategy 2005-2008](#).

As agreed within the strategy document:

“East Lothian Council and Lothian and Borders Police will take the lead in working with partner agencies and the people of East Lothian to sustain and, where possible, improve the quality of life of those who live and work in the county. Partners will work together to address the various forms of antisocial behaviour that negatively impact on that quality of life. Partners share one clear aim, which is:

To root out and reduce the incidence of antisocial behaviour in East Lothian.”

The strategy sets out that services will be designed to deal with antisocial behaviour taking account of four broad themes:

- Prevention
- Early Intervention and diversion
- Enforcement
- Rehabilitation

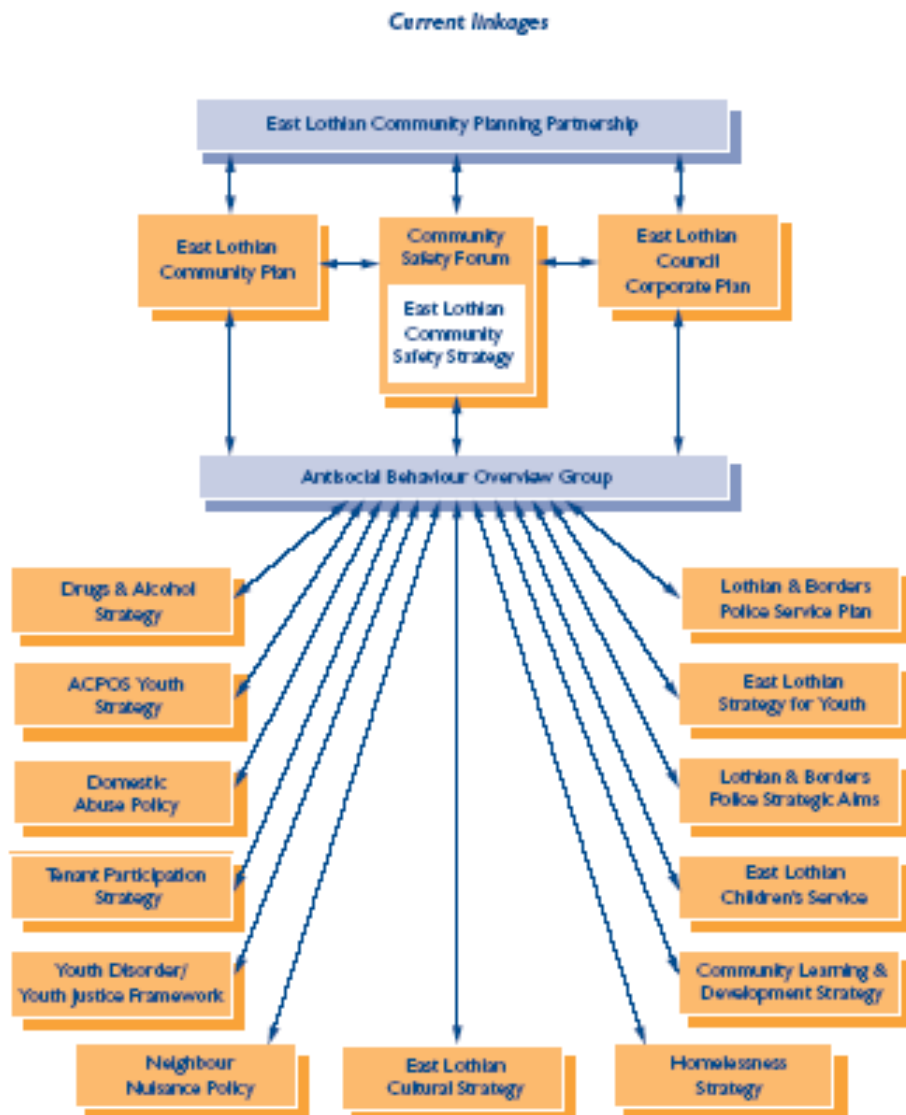
This policy reflects these four broad themes and provides a structure and framework within which the partnership operates.

The East Lothian Antisocial Behaviour Partnership realises how antisocial behaviour can affect individuals and communities and will work together to support victims of and witnesses to antisocial behaviour.

It is the mission of the partnership to prevent antisocial behaviour through initiatives, to intervene at the earliest possible stage, and to support individuals to change their behaviour. The partnership aims to rehabilitate and provide opportunity for change for individuals within the context of enforcement action that the partnership will invoke to protect and sustain its community.

## Section 2: Management Framework / Related Strategies & Policies

The [East Lothian Antisocial Behaviour Strategy 2005-2008](#) links to a wide range of other strategies and plans. The strategy document sets out specific links between the East Lothian Community Planning Partnership, the East Lothian Community Plan, the East Lothian Council Corporate Plan, the Community Safety Forum, the Antisocial Behaviour Overview Group and other strategy documentation.



Whilst the above diagram is taken directly from the strategy document, this policy recognises further specific links with the Criminal Justice Strategy, the Community Justice Authority Strategy, the Community Care Plan and the Local Housing Strategy.

The Partnership acknowledges the existence of other independent policies, procedures and standards that exist within the Council and partner organisations relating in part or in full to ASB. The Partnership also acknowledges that individual members are independent organisations and, as such, can act independently to address issues arising from antisocial behaviour. For the avoidance of doubt, this policy is not intended to preclude such independent action where a partner landlord considers it necessary.

It is however accepted by all partners that whilst independent action in accordance with partners' own policies and procedures may be appropriate in dealing with low level neighbour nuisance, more serious incidents of antisocial behaviour will be more effectively dealt with by the Partnership. A joint approach will also ensure consistent and fair treatment for all individuals involved in, or falling victim to, antisocial behaviour. In agreeing to adopt this policy, partners accept its content in full, agree to refer cases appropriately and to work collaboratively to tackle antisocial behaviour in East Lothian.

### **Section 3: Information Sharing Protocols**

The appropriate flow of information between the partners involved in addressing antisocial behaviour is key to the successful implementation of a strategic approach to resolve recurring antisocial behaviour. The information that is shared must be necessary and relevant to tackling antisocial behaviour.

A structure of authorised information sharing protocols must be in place to allow the Partnership to meet its legal obligations and to ensure that information is available to the people that need it to enable the correct decisions to be made.

The introduction of information sharing protocols through this policy will assist the Council in meeting its specific obligation that

“by June 2007, using national guidance, Councils will agree and implement local protocols for sharing information and making decisions about how to tackle offending promptly and appropriately”

as set out by the Scottish Executive in the Youth Justice Improvement Programme.

#### **3.1 Signatories**

The principal signatories to the information sharing protocols in place are East Lothian Council (various departments and sections), Lothian and Borders Police, East Lothian Housing Association, Homes for Life, NHS Lothian and the Ambulance Service.

#### **3.2 Management of information**

- all parties to the protocols agree to abide by the terms of the [Data Protection Act 1998](#).

#### **3.3 In what circumstances can information be shared?**

Information can be shared:

- where East Lothian Council or an partner is investigating and gathering evidence of antisocial behaviour in relation to an individual or group with a view to taking action to prevent or tackle that individual's or group's antisocial conduct.
- where Lothian and Borders Police are seeking information to prevent or detect crime or for the purposes of investigating suspected criminal conduct.

### **3.4 Information the Police can share**

The protocols encourage the proactive sharing of information between partners for the prevention and detection of crime and antisocial behaviour. Lothian and Borders Police can share information both in response to a direct request in terms of these protocols and proactively to seek support and assistance in tackling crime and antisocial behaviour in East Lothian (e.g. present evidence and request that an antisocial behaviour order be prepared).

All information should be relevant and not excessive in relation to the purpose for which it is required. It should also be accurate. Each individual case should be considered on its own merits and in relation to the purpose for which the information is requested.

### **3.5 Direct requests for information**

In relation to requests for information about specific individuals, it is appropriate for the Police to provide the following kinds of information:

- details of charges, pending cases, convictions recorded on SCRO (Scottish Criminal Records Office) or PNC (Police National Computer).
- Police warnings and details of attendance and call outs (command and control incidents) relating to antisocial behaviour.

### **3.6 Proactive sharing of information**

The Police can seek assistance from the Council or any other partner under protocol, by identifying and providing information in relation to individuals who are perpetrators of antisocial behaviour or criminal activity. For example, this may be done in pursuance of an ASBO or eviction of a convicted drug dealer.

### **3.7 What Information must the Council, or other partner share with the Police?**

The Police are responsible for the investigation and detection of crime and the apprehension of offenders. The Local Authority or other partner must disclose all information that comes into their possession that is gathered through appropriate means or that comes to its notice where it suspects that a crime may have been committed. Depending on the importance or seriousness of the incident, all information, which falls into this category and is, or comes into the possession of the Local Authority or other partner, must be passed onto the Police immediately.



### **3.8 What information can the Council and other partners share with each other?**

The Local Authority and other partners can share information in response to a direct request and can seek support and assistance from partner organisations in tackling crime and antisocial behaviour in East Lothian. The information should be relevant and accurate.

### **3.9 How should information be shared?**

In all instances of information sharing an audit of requests and disclosures will be maintained by the ASB team.

Information should be exchanged prior to the commencement of enforcement action. This information gathering exercise will allow the partnership to establish whether or not there is sufficient justification for legal proceedings.

#### **Section 4: Partner Organisations**

The East Lothian Antisocial Behaviour Strategy 2005 - 2008 recognises that antisocial behaviour is not the responsibility of any single partner. Each partner within the East Lothian Antisocial Behaviour Partnership, with an interest in dealing with antisocial behaviour, will apply this policy and follow protocol when exchanging information.

The partners that are members of the Antisocial Behaviour Partnership, who will apply this policy, are:

- **East Lothian Council (all departments)**
- **Lothian and Borders Police**
- **East Lothian Housing Association**
- **Homes for Life**
- **NHS Lothian**
- **Scottish Ambulance Service**
- **Lothian and Borders Fire and Rescue Service**
- **East Lothian Tenants and Residents Panel**
- **Scottish Children's Reporter Administration**
- **Procurator Fiscal Service**
- **Sheriff Clerk's Service**

In general terms, this means that named employees of the Police, East Lothian Council and other partners will be able to share information and implement a co-ordinated approach to address incidents of antisocial behaviour.

## **Section 5: Roles and Responsibilities**

### **5.1 Role of the antisocial behaviour overview group**

The Antisocial Behaviour Overview Group will oversee:

- the implementation of the antisocial behaviour policy
- the operation of the case monitoring group and officers group
- information sharing arrangements
- performance reporting
- financial monitoring

The overview group will also consider and agree actions, as restricted agenda items, for any case where the Case Monitoring Group cannot reach a consensus.

The role of the Antisocial Behaviour Overview Group will assist the Council in demonstrating that it meets the specific obligation that

“by March 2008 Council’s will develop management structures and funding models that support an integrated approach to the efforts of ASB units, the police, schools and youth justice / children’s social work teams”

as set out by the Scottish Executive in the Youth Justice Improvement Programme.

An Antisocial Behaviour Case Monitoring Group will meet regularly to monitor referred cases and agree actions. The monitoring group will report to the Overview Group which will meet at least quarterly.

### **5.2 Role of the antisocial behaviour case monitoring groups**

The Antisocial Behaviour Case Monitoring Group is a cross-partner group charged with ensuring that referred cases are considered from all perspectives and that actions agreed balance the needs of the individual and the needs of the community.

In East Lothian two separate case monitoring groups will meet.

An Adult Antisocial Behaviour Case Monitoring will meet regularly to consider adult cases.

Referred antisocial behaviour cases involving children or young adults with a supervision requirement, will be considered as part of the Youth Justice / Antisocial Behaviour Case Monitoring Group which will also monitor persistent offenders and undertake the function of pre-referral screening for referrals to the Scottish Children’s Reporter Administration service where children are alleged to have committed offences.

Links between the adult case meeting and the child case meeting will be relevant for particular cases.

The membership of the two Case Monitoring group meetings will be approved and kept under review by the Overview group.

The roles of the Antisocial Behaviour Case Monitoring Groups will assist the Council in meeting the specific obligation that

“by March 2007 Council’s will identify the extent of young people’s offending and antisocial behaviour and its impact on communities; identify the mental health, addictions, parenting and other needs of young people; plan to meet needs and manage the risks and realign resources to these ends”

as set out by the Scottish Executive in the Youth Justice Improvement Programme.

It is the role of the Antisocial Behaviour Case Monitoring Groups to:

- ensure that all relevant Council sections and external partners are involved in consideration of the case and their views are reflected and taken into account before any action is taken regarding a case, ensuring that the partnership’s approach is collaborative. This could include the Community Care staff, the Homelessness team, Children and Families, Criminal Justice, Youth Justice and the authority’s Legal Services department amongst others. In some cases, it may also be appropriate to include a GP or other relevant health professional’s views on how best to progress a case.
- instruct further intervention or diversionary action.
- instruct a multi-partner case conference if this has not happened and / or is considered appropriate.
- provide advice to internal and external partners on cases in which there is doubt as to what course of action is the most appropriate.
- instruct escalating intervention action.
- instruct appropriate enforcement action.
- where intervention and diversionary remedies are not appropriate, or have failed, and the Case Monitoring Group is satisfied that an individual has acted in an antisocial manner, and continues to act in an antisocial manner, the Case Monitoring Group may deem it necessary for an ASBO to be applied for against that individual.
- act as a task and co-ordinating group in appropriate case circumstances e.g. group related ASB.
- the Case Monitoring Group can co-opt other people onto the group when it is known that these people have intimate knowledge of a case that is going to be discussed, so that they can inform a decision as to how to best progress that case.

- the group has an ongoing remit to review current ASBOs quarterly. If, after a period of 6 months, a person subject to ASBO has not come to the notice of the partnership within East Lothian, it is the duty of the Group to make a decision whether that recipient requires to be kept on an ASBO or not. If a significant period of non-offending has passed, there is a presumption that the Group should begin proceedings to have that individual's ASBO revoked.

### **5.3 Role of the antisocial behaviour officers group**

The Antisocial Behaviour Officers Group is a cross partner forum of senior officers that are charged with:

- maintaining the validity of the ASB policy and keeping it up to date
- developing and maintaining procedures and documentation
- maintaining the validity and appropriateness of performance monitoring information and reporting to the Overview Group thereon.
- reporting to the ASB Overview Group on information sharing arrangements
- monitoring and reporting quarterly to the Overview Group on enforcement actions in place.
- implementing the decisions of the Overview group.

### **5.4 Role of the antisocial behaviour team**

The Antisocial Behaviour Team includes Council and Lothian and Borders Police staff. It is the role of the team to:

- support the Antisocial Behaviour Case Monitoring Group
- establish the facts, taking great care when considering complaints to avoid the possibility of discrimination/victimisation on the grounds of race, ethnicity, age, sex, sexual orientation, disability or religion.
- confirm that the behaviour that has caused the complaint or concern does constitute antisocial behaviour.
- where appropriate, establish what steps the complainer has taken to resolve matters themselves and consider whether further steps would be appropriate. These might include mediation, noise monitoring or in some cases - civil action.
- maintain full and accurate confidential records on referred cases.
- advise partners in managing cases and preparing cases for referral to the Case Monitoring Group.
- establish a monitoring system to record intervention actions taken in accordance with the framework set out in section 9 of this policy.
- share intervention action taken with relevant sections and partners in accordance with information sharing protocols.
- become involved immediately in cases of extreme antisocial behaviour supporting and assisting partners.

- take a lead role in cases of antisocial behaviour where no clear lead partner role exists e.g. private sector housing ASB.
- represent the Council on the Mediation Advisory Group.
- promote the ASB helpline and co-ordinate response to cases working closely with partners as required.
- attend regular ASB meetings with partners.
- produce performance monitoring reports.
- represent the Partnership in Court providing evidence and acting as professional witnesses when required.
- ensure that a good audit trail of case information and evidence exists and that appropriate records are in place to ensure appropriate information sharing.
- ensure that all Council sections, external partners and other appropriate agencies, are involved in consideration of the case and their views are reflected and taken into account before any action is taken regarding that case, ensuring that the partnership's approach is collaborative. This is particularly important where children are involved.
- maintain accurate minutes of the Antisocial Behaviour Officers Group
- assist the Officers Group in developing detailed procedures and standard documentation and in generally carrying out its role.
- when an ASBO is granted by the court, ELC's legal services will provide the ASB team with a copy. The ASBT will pass a copy of this onto the police, so that they can update their computer database with details of the Order, and disseminate the contents of the Order to relevant localities. In addition, other relevant partners involved in the application should be provided with a copy of the Order by the ASBT.
- when an ASBO is granted, inform and provide feedback to the victims of the anti social behaviour.
- retain information regarding the use and effectiveness of ASBO's in order to support and evidence any monitoring and evaluation exercises that may be required.

## **5.5 Role of East Lothian Council**

It is the role of the Council generally to:

- validate complaints received.
- notify the Police immediately on the discovery of criminal activity.
- initiate contact with any other partner or organisation, which may assist with the provision of information, intelligence or other evidence in the preparation of formal documentation e.g. an ABA or ASBO.
- formally request disclosure of information from the Police relevant to the investigation, where there is evidence to suggest an element of criminality and that subsequent non-adherence to these processes may result in an application for an ASBO.
- work with, challenge and support children exhibiting or at risk of exhibiting antisocial behaviour.

- ensure suitable arrangements are in place so that each case is fully researched and the Council is in a position at all Antisocial Behaviour Case Monitoring meetings to update the Monitoring Group as to the stage each case has reached.
- keep accurate minutes of all Antisocial Behaviour Case Monitoring Group. Within 5 days of any Antisocial Behaviour Case Monitoring Group meeting, the Council will circulate to all members of the group a copy of the minutes; these will include tasks to be completed by individual partners.
- Prepare, draft and meet the costs of all ASBO applications or other significant enforcement action within East Lothian on receiving a request to do so that is consistent with this policy.

## **5.6 Role of the Police**

It is the role of the Police to:

- be present at face to face, or ABA meetings on the request of a partner.
- disclose all relevant information to the Council or a partner under the terms of the information sharing protocol.
- disclose all relevant information to East Lothian Council, in support of the pursuance of enforcement action.

## **5.7 Role of partner organisations**

It is the role of the lead partner when dealing with instances of ASB to:

- validate complaints received
- take action and meet the costs of any intervention and enforcement action for lower level ASB under appropriate independent policy, procedure or tenancy agreement.
- gather and collate all necessary information relating to any antisocial behaviour investigations.
- notify the Police immediately on the discovery of criminal activity.
- make necessary contact and early interventions with the alleged perpetrator of ASB
- ensure suitable arrangements are in place for the identification of new antisocial behaviour cases and ensure these cases are investigated and brought to the attention of the Antisocial Behaviour Monitoring Group in accordance with the policy.
- ensure any tasks detailed in the Antisocial Behaviour Monitoring Group minutes are completed timeously.
- conduct all necessary investigations and gather evidence that can be used to lead towards the preparation of an ABA or ASBO.
- observe confidentiality when obtaining and retaining information gathered from any source.
- ensure that any information provided by the Police is secured in such a manner so as to prevent any unauthorised access or theft.

- disclose all relevant information to East Lothian Council, in support of the pursuance of an ABA or ASBO.
- be responsible for arranging a suitable time, date and venue for an ABA meeting to take place. The partner will also be responsible for sending a letter to its tenant inviting them to attend the ABA meeting.
- undertake a leading role at any face-to-face meetings.

## **5.8 Resource implications**

East Lothian Council will prepare, draft and meet the costs of all ASBO applications or other significant enforcement action within East Lothian on receiving a request to do so that is consistent with this policy. The Council and Lothian & Borders Police will also deploy appropriate resources to carry out accompanied warning visits and acceptable behaviour agreement visits.

Partners will take and meet the costs of action that they consider appropriate under independent policy, procedure or tenancy agreement. Partners will also meet the costs of their role and responsibilities under the requirements of this policy.



## Section 6: Legal Framework

### 6.1 Statutory references

The main legislation in which this policy operates is as follows:

- [Antisocial Behaviour etc \(Scotland\) Act 2004](#)
- [The Crime and Disorder Act 1998](#)
- [The Housing \(Scotland\) Act 2001](#)
- [The Civic Government Scotland Act 1982](#)
- [The Environmental Protection Act 1990](#)
- [Race Relations Act 1976 \(as amended 2003\)](#) and the [RRAA Race Relations \(Amendment\) Act 2000](#)
- [The Data Protection Act 1998](#)
- [The Children \(Scotland\) Act 1995](#)

### 6.2 Equality and discrimination

Enforcement action will only be considered where it is necessary to protect individuals, families or communities who are subject to antisocial behaviour. An application for an ASBO will not be made simply because individuals are different from their neighbours or because they engage in activities which are perceived as being different (for example they belong to a different religion, sex, race, sexual orientation, age or have a disability). When considering whether or not a particular case is appropriate for an ASBO application, the Council and its partners must satisfy themselves that the application has not been motivated by discrimination.

In addition, the Partnership must also consider the relevance of any mental disorder or physical disability and its impact in relation to an ASBO application as these matters may be covered under the [Disability Discrimination Act 1995](#).

### 6.3 Human rights considerations

The [Human Rights Act 1998](#) section 6 makes it unlawful for a public authority to act in a way, which is incompatible with the European Convention on Human Rights (ECHR). East Lothian Council need to be satisfied that:

- all procedural and substantive rights under the ECHR are complied with
- any interference with an individual's rights is necessary and in accordance with the provisions of ECHR legislation
- the proposed terms of the ASBO are reasonable and proportionate and that any ASBO being applied for is not worded in such terms that the recipient is bound to breach it.

## **6.4 Information sharing**

Section 115 of the [Crime and Disorder Act 1998](#) gives power to any person to disclose information to the Police and / or the local Authority to support action being taken under the Act. It should be noted that the Act confers a power to disclose but does not impose a duty to exchange information.

Section 139 of the [Antisocial Behaviour etc \(Scotland\) Act 2004](#), extends the provisions of the [Crime and Disorder Act 1998](#) and allows the disclosure and sharing of information between “relevant authorities”, which for the purpose of the Act are the Local Authority, the Chief Constable, RSLs and any other partner involved in tackling antisocial behaviour. It allows disclosure of information between relevant authorities (Local Authority, Chief Constable and RSLs) where it is necessary and relevant for tackling antisocial behaviour. This removes any unnecessary obstacles to the sharing of information and ensures effective management of antisocial behaviour through information exchange.

## **6.5 Management of information**

The [Data Protection Act 1998](#) restricts the sharing, storing and management of information. Section 29 contains an exemption when information is being sought for crime prevention and detection and the apprehension or prosecution of criminals.

## **6.6 Regulation of Investigatory Powers (RIPSA)**

Some activities of the Council, including noise monitoring, are covered by the Regulation of Investigatory Powers (Scotland) Act 2000 hereafter described as RIPSA. These activities, which are deemed lawful if properly authorised, include carrying out covert surveillance or using covert human intelligence sources.

## **6.7 Eviction**

Antisocial Behaviour is also a ground for re-possession of a Scottish Secure Tenancy (SST) in terms of paragraph 7 of schedule 2 to the Housing (Scotland) Act 2001. Before raising proceedings, a landlord has to serve on the tenant a Notice specifying the ground(s) on which proceedings are being raised and the date on which the landlord may raise proceedings. A Notice once effective remains in force for 6 months during which the landlord may raise proceedings at any time.

## **6.8 Application for an ASBO**

Only the Council or a Registered Social Landlord can apply for an ASBO, however, the Police must be consulted.

The Antisocial Behaviour Case Monitoring Group will have considered all of the issues around a case, particularly issues of support and vulnerability, before enforcement action is considered.

Prior to making an application for an ASBO in respect of a child, the Antisocial Behaviour Case Monitoring Group must consult Children's Reporter (who will be a core member of the Case Monitoring Group). If it is thought that an ASBO is appropriate, the Council's legal services will be instructed to prepare and lodge an application with the Court.

Where a child is involved, the Sheriff is required to have regard to advice provided by a Children's Hearing before determining the application for an ASBO. Therefore, before such an application can be determined, the Children's Reporter will be required to arrange a Children's Hearing for the purpose of obtaining their advice as to whether it agrees that an ASBO is necessary for protecting person(s) from further antisocial behaviour by the child.

Where an application for an Interim ASBO is made and the Court is satisfied that it is necessary, an Interim ASBO can be granted pending the Hearing for a full ASBO. Before an Interim ASBO can be granted in respect of a child, the Court must have regard to any views expressed by the Children's Reporter. The question of whether the hearing of an ASBO application is held in private is a matter for the court.

Where an ASBO is granted against a child, it is important that not only is their behaviour tackled by the granting of the order but that the child is also supported to take positive steps to address its behaviour. It is envisaged that most children who are the subject of an ASBO will need a package of intensive support. When granting an ASBO (or an interim ASBO) in respect a child the Court has the power to require the Children's Reporter to refer the case to a Children's Hearing. It will be at the discretion of the Court whether to exercise this power or not.

## **6.9 Court proceedings**

The Council will lodge an ASBO application with the Court requesting a warrant for service. When that is granted, the application must be served on the individual whose behaviour is the subject of the application. The individual will be informed in writing of the need to attend any hearing and that should they fail to attend, an Order may be granted in their absence. If an individual opposes the application, the Court will regulate the procedure accordingly. Where a hearing is fixed to hear evidence, normal Court rules and timescales will apply.

## **6.10 Court appeals**

Either the applicant or the recipient can appeal against the Court's decision. The order remains in force pending the outcome of the appeal. It

is also possible to apply for an order to be varied or revoked while an appeal is pending.

### **6.11 Variation and revocation of antisocial behaviour orders**

ASBOs may be varied or revoked on an application by the Council or RSL or on application from the person against whom the ASBO is made. Changing circumstances can thus be taken into account.

The terms of all Anti Social Behaviour Orders relate to the protection of a particular community and they cannot be “transferred” to another community if the recipient happens to move house. In these circumstances, an application to have the ASBO varied would need to be considered, and this would only happen if that individual continued to behave antisocially at their new address.

If an individual moves away from the area, consideration should be given as to whether or not the original ASBO is still required, a risk assessment should be undertaken as to whether it is feared that despite moving from the area the recipient may return to persist in antisocial behaviour.

Where the subject of an ASBO moves to another Local Authority area every effort should be made to liaise with the relevant Local Authority’s Antisocial Behaviour team and provide them with information about the fact that the individual is currently the subject of an ASBO. The Local Authority should also provide details of the Antisocial Behaviour that warranted the ASBO being granted. This information may need to be taken into account when assessing an individual’s suitability for housing in their new area.

If alerted by another local authority that an individual, subject to an ASBO, is moving into East Lothian, the ASB Case Monitoring Group will be made aware and agree appropriate action. This information will also be taken into account when assessing suitability of housing if appropriate and the notification is received in time.

### **6.12 Breach of an antisocial behaviour order**

Under Section 9 of the Antisocial Behaviour etc (Scotland) Act, 2004: any person who is the subject of an ASBO or an Interim ASBO who without reasonable excuse, does anything that the order prohibits shall be guilty of an offence.

A person guilty of an offence under Section (1) of the Act above shall be liable, on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum or both; or on conviction on indictment, to imprisonment for a term not exceeding 5 years or to a fine or to both.

Under Section 11 of the Antisocial Behaviour etc (Scotland) Act 2004, where the Police reasonably believe that a person is committing or has

committed an offence under the terms of their ASBO then they may arrest that person without warrant.

Breach of an ASBO by a child or young adult on a supervision requirement will be jointly reported to the Procurator Fiscal and the Children's Reporter, as is appropriate in accordance with the Lord Advocate's Guidelines. The Procurator Fiscal has the discretion to pass such cases to the Reporter where appropriate.

If criminal proceedings are taken against a child or young adult on supervision, for a breach of their ASBO and he/she pleads or is found guilty, the Court may seek advice from the Children's Hearing on how the child or young adult might be treated, or indeed it might remit the case to the Children's Hearing for disposal.

### **6.13 Review of enforcement action**

The partnership will review all current ASBOs and other enforcement action taken quarterly. This review will confirm that all orders and actions in place remain relevant. Where it is deemed that there is no continuing need for an ASBO, an application should be made to the Sheriff to revoke the ASBO.

## **Section 7: Supporting Victims of Antisocial Behaviour**

Antisocial behaviour can generate fear and distress, particularly to older people, people from minority ethnic groups and other vulnerable people within our communities.

The Partnership recognises the importance of supporting victims of antisocial behaviour. The Partnership is committed to accessing appropriate support mechanisms to help the victims of antisocial behaviour.

East Lothian Council has reached an agreement with Victim Support Mid and East Lothian who will provide specialist support to victims of and witnesses to antisocial behaviour. Partners can refer victims and witnesses to Victim Support through the Antisocial Behaviour team.

## **Section 8: Prevention**

East Lothian Council's Antisocial Behaviour Strategy identifies prevention measures as crucial in minimising the occurrence of antisocial behaviour. The strategy states "prevention is better than cure" and amongst its key strategic aims that the Council will achieve this by:

- "Putting in place measures that will create a physical and social environment where antisocial behaviour is less likely to arise in the first place. We will deal quickly with the first signs, for example, vandalism and graffiti.
- Putting in place and developing services and productive programmes to help young people avoid getting drawn into antisocial behaviour."

By adopting a wide range of practices, the Council supported by the Partnership will seek to influence people's behaviour positively and prevent antisocial behaviour and this will in turn impact positively on the wider community.

The Council supported by the Partnership will involve stakeholders and communities in the planning process for a range of activities and will adopt national standards for community engagement. The partnership will also attempt to engage with perpetrators of antisocial behaviour to understand why behaviours occur on a case-by-case basis to strengthen future preventative action.

### **8.1 Antisocial behaviour helpline and graffiti helpline**

The partnership will seek to prevent ASB by publicising widely the ASB helpline and graffiti helpline. The Partnership will seek to ensure that citizens are aware that antisocial behaviour will not be allowed to blight communities.

### **8.2 Antisocial behaviour leaflet**

An antisocial behaviour leaflet outlining ASB policy will be widely circulated and accessible, this leaflet will set out service standards and reinforce the message about being a considerate and tolerant neighbour. The leaflet will provide key contact numbers such the ASB helpline and graffiti helpline, how to access mediation, report abandoned cars, report fly-tipping and dog fouling, as well as providing other local contact information.

### **8.3 Publicity**

In addition to the ASB leaflet and ASB helpline, publicity about the partnership's policy will be maximised through the local press, including coverage of successful ASB court cases and diversionary activities. These and other publicity vehicles will also be used to communicate information about

our performance in dealing with ASB enabling a positive message to be disseminated regarding the partnership's performance in dealing with ASB and improving public perception of the issue.

#### **8.4 Good neighbour agreement**

A good neighbour agreement will be extensively circulated. This document sets out the standard of behaviour that is reasonably expected of someone residing within East Lothian. The agreement is designed to be used in all housing tenures.

#### **8.5 CCTV**

CCTV cameras are now located in High Streets in the main towns of East Lothian. These have a deterrent effect in preventing ASB incidents in these areas and improve the public's sense of well-being.

#### **8.6 Environmental improvements**

Environmental improvements and "secured by design" initiatives can also assist in preventing incidences of ASB by 'designing out' problem features and will be utilised by the Partnership where opportunities and resources permit.

#### **8.7 Estate management inspections**

The Council and its RSL partners will aim to prevent ASB by early identification of issues within communities through estate inspection programmes, linking partnership services to address issues of potential concern and through engaging with the community trying to instil a feeling of community pride.

#### **8.8 Graffiti removal**

The partnership believes that a zero tolerance approach to graffiti delivers maximum results and adopts the view that if all graffiti is removed quickly and effectively, less graffiti occurs and other ASB such as vandalism is discouraged.

Unless there are problems with access to private property, East Lothian Council undertakes to remove graffiti from all premises and street furniture promptly on identification.

Unless the costs of individual instances are prohibitive or there are material health and safety considerations e.g. on a railway bridge or motorway flyover, the Council will not serve notices to require owners to remove graffiti rather the Council will meet the costs of removal.

#### **8.9 Housing allocations policy**



Through the Council's Allocations policy the Council aims to let houses to those in housing need while also addressing the objective of ensuring balanced and sustainable communities. By monitoring incidences of ASB by area, the Council will be able to develop local lettings initiatives to address a particular imbalance. RSL's also have their own allocations policies that make reference to problems relating to ASB.

### **8.10 Tenancy agreement**

When a new tenant signs up to a tenancy with East Lothian Council or RSL landlord, they will receive information contained within their tenancy agreement about acceptable standards of behaviour. The East Lothian Scottish Secure Tenancy (SST) agreement states clearly under Section 3, 'Respect for others':

“You, those living with you, and your visitors, must not harass or act in an antisocial manner to, or pursue a course of antisocial conduct against, any person in the neighbourhood. Such people include residents, visitors, our employees, agents and contractors and those in your house.”

Each new tenant is issued with a Tenants Handbook and a follow-up 'settling-in' visit to all new tenants takes place approximately six weeks after the sign-up visit, which allows the Housing Officer to reinforce these points.

### **8.11 Housing support**

If a tenant of the Council or RSL is identified as having support requirements to assist them in sustaining their tenancy and complying with the terms of their tenancy agreement, they can be referred for additional housing support services via their landlord. A prospective tenant who has a history of ASB (evidenced as outlined in the definition of terms on page 7), may be offered a Short Scottish Secure Tenancy agreement with support to enable the landlord to ensure that previous behaviour does not continue.

### **8.12 Prevention and children**

A large amount of effort and resources are directed towards prevention activities, facilities and programmes of work involving children. The Partnership recognises and values the huge contribution the Voluntary Sector makes in jointly providing such services.

The Partnership will support initiatives and projects such as those included in appendix B. It believes that these will give participants genuine interests and values that will in turn have a positive effect on reducing ASB and the perception of ASB within our communities.

#### **8.12.1 Programmed prevention**

The partnership is committed to building sustainable communities and to social inclusion both now and in the future. Programmed provision action for children aims to include as many participants as possible in positive educational and/or recreational experiences. The Partnership recognises that this provision helps to promote community harmony, health, well-being and builds community spirit.

#### **8.12.2 Specific prevention action**

The Partnership is committed to compliment a programme of provision with provision specifically designed to prevent antisocial behaviour.

#### **8.12.3 Active citizenship**

The Partnership will endeavour to engage with children to improve local democratic processes and a feeling of community worth.

The partnership will work in schools to reinforce the importance of active citizenship and will provide information and advice supporting initiatives.

The Partnership is committed to Youth Parliaments and the inclusion of children in planning sporting facilities and clubs.

The Partnership will work with all relevant agencies to improve perceptions and remove prejudices between children and their communities.

## **Section 9: Early Intervention and Diversion**

### **9.1 General**

Sections 9.2, 9.3 and 9.4 set out the specific formal intervention framework as defined by this policy.

The Partnership recognises that other intervention and diversionary work or actions can be happening alongside and complimentary to the intervention framework as set out within this policy, such as the current policy on Staged Assessment and Intervention for Children, or partner landlords applying a neighbour nuisance policy. If such other work is ongoing, the Antisocial Behaviour Case Monitoring Group will consider this before determining further agreed action in any particular case. The Case Monitoring Group may also instruct further intervention or diversionary aspects if the group feels that this is appropriate.

Over and above the framework set out in sections 9.2 - 9.4, general intervention and diversionary measures include:

#### **9.1.1 Mediation**

All partners should make use of East Lothian Community Mediation Service where appropriate as an effective method of resolving minor neighbour problems, however it is extremely important that a referral to the Mediation Service is done early in the antisocial process as that way there is more chance of it being effective.

#### **9.1.2 Noise**

Where an Antisocial Behaviour complaint revolves mainly around noise, a referral should also be considered to have noise monitoring equipment installed by East Lothian Council's Environmental Health Section. This should be done through the Council's Antisocial Behaviour team, as it is required to prepare a RIPSAs authorisation for cases where noise-monitoring equipment is to be used.

#### **9.1.3 Private landlords registration**

Where intervention is required in cases where antisocial behaviour is emanating from the property of a registered private landlord, intervention warnings against the occupants of the property will be notified / copied to the landlord.

#### **9.1.4 Notice of proceedings**

A landlord, who is seeking to recover their property on the grounds of a breach of tenancy with regard to antisocial behaviour, can serve a notice of proceedings. The notice is statutory, must be in a prescribed form, and must be properly served.

### **9.1.5 Diversionary activities**

The Partnership will endeavour to implement targeted diversionary programmes or specific activities, such as those identified in Appendix B, with the aim of reducing the likelihood of the re-occurrence of antisocial behaviour.

## **9.2 Intervention Framework - Adult Sector**

The following intervention stages have been agreed between partners working together to tackle antisocial behaviour within East Lothian for adults:

### **9.2.1 First Intervention - verbal warning**

The partnership will attempt to secure behavioural change by issuing a verbal warning. This will take the form of a meeting or visit and depending on circumstances may be a joint visit with the ASB Police Officer. All verbal warnings will be recorded and confirmed in writing to the party concerned. Monitoring arrangements will be put in place to evidence whether behaviour has changed. In cases where ASB is emanating from owner/occupied premises, the Council's Antisocial Behaviour team will be responsible for these duties.

The appropriate partner should, upon being made aware that a complaint has been made and once they have satisfied themselves that the complaint is valid (this may include the taking into consideration of uncorroborated reports of similar types of behaviour from different complainers on separate occasions), take the lead and issue the perpetrator with a face-to-face verbal warning. Most commonly, this will be the responsibility of the landlord of a property. Private landlords will be given advice if this is requested. Once a verbal warning has been issued, the Landlord will then be expected to follow this up by issuing a verbal warning confirmation letter.

Where the Council's Environmental Health team are involved, a verbal warning will be delivered to repeat noise offenders who have offended on more than two occasions in one calendar month. Depending on the tenure of the property, the landlord of the property will also be notified of the warning.

### **9.2.2 Second Intervention - first written warning**

If problems persist, the appropriate partner will issue a first written warning letter. The letter should contain brief details of the type of complaints being made against the perpetrator, it should also request that the perpetrator refrain from engaging in the type of behaviour detailed within the letter. Where appropriate this letter will also refer to the conditions of the tenancy agreement under which the property has been let.

### **9.2.3 Third Intervention - final written warning**

If problems persist, the appropriate partner will issue a final written warning letter. The letter will again contain brief details of the type of complaints being made against the perpetrator and will again request that the perpetrator refrain from engaging in the type of behaviour detailed within the letter. The letter will make clear that this is a final warning.

***If an adult is involved in serious antisocial behaviour or offending, their case may be considered immediately at the third intervention stage by-passing stages 1 and 2.***

At this stage, the lead partner will present the details of any cases that have gone beyond final written warning stage to the Antisocial Behaviour Case Monitoring group for discussion.

### **9.2.4 Fourth Intervention - face-to-face accompanied final warning / ABA**

If problems nevertheless persist, following discussion at the Antisocial Behaviour Case Monitoring group, a final face-to-face warning will take place. At this stage a member of the Council's Antisocial Behaviour team together with an appropriate staff member from the lead partner and the local police will undertake a face-to-face meeting with the offender. An Acceptable Behaviour Agreement (ABA) will have been drawn up by the Council's Antisocial Behaviour team after it has been provided with all of the documented relevant interventions already made by the lead partner involved in the case. This ABA will be discussed with the perpetrator and the agreement signed. During the meeting, the antisocial behaviour process will be explained to the perpetrator, and they will be officially warned of the consequences of not correcting their behaviour.

If, following all intervention, Antisocial Behaviour is still evidenced, the Antisocial Behaviour Case Monitoring Group will consider appropriate enforcement action.

If an adult is involved in serious antisocial behaviour or offending, their case may be introduced directly to the Case Monitoring Group without having to progress through the preceding stages.

### **9.3 Intervention Framework - Children's Sector**

The following intervention stages have been agreed between partners working together to tackle antisocial behaviour within East Lothian involving children.

It should be noted that details of every Warning issued to a child, including the issuing of an Acceptable Behaviour Agreement, shall be made to the Head Teacher of the educational establishment at which the child is a pupil as well as any Key Worker from East Lothian Council's Children's Services Department allocated to the child or his or her family.

#### **9.3.1 First Intervention - verbal warning**

The partnership will, on being satisfied that an antisocial behaviour complaint against a child is valid (this may include the taking into consideration of uncorroborated reports of similar types of behaviour from different complainers on separate occasions), attempt to secure behavioural change of that child by issuing a verbal warning. This will take the form of a meeting or visit to the child and the child's parent by a member of the lead agency and a member of the Antisocial Behaviour Team. All verbal warnings will be recorded and confirmed in writing to the child and his or her parent.

#### **9.3.2 Second Intervention - 2<sup>nd</sup> warning Letter**

If problems continue to persist, a second warning letter will be sent from the Council's Antisocial Behaviour team to the child and to the child's parent/s.

#### **9.3.3 Third Intervention - 3<sup>rd</sup> warning letter**

If problems continue to persist thereafter, a third warning letter will be sent from the Council's Antisocial Behaviour team to the child and to the child's parent/s.

It will be the responsibility of the Antisocial Behaviour Team to monitor the behaviour of the child after the third warning. If further verified reports of antisocial behaviour are received, the case will be presented to the Antisocial Behaviour / Youth Justice Case Monitoring Group for discussion.

#### **9.3.4 Fourth Intervention - face-to-face accompanied final warning**

The Case Monitoring Group will sit on a four weekly basis. The Group will decide what further intervention and diversionary activity and/or enforcement action it considers appropriate. This may include asking a child to consider signing an Acceptable Behaviour Agreement. It may also include the issuing of a Final Warning to the child in the context of a home visit by the appropriate agencies.

If a child is involved in serious anti social behaviour or offending, their case may be considered immediately at the third intervention stage by-passing stages one and two.

### **9.3.5 Acceptable behaviour agreement**

If the Antisocial Behaviour Case Monitoring group consider that an ABA is warranted and appropriate then the Antisocial Behaviour Team will draw this up after consultation with all the partners involved with the child. The ASBT will, after confirming agreement on the contents of the ABA, coordinate an ABA meeting for the ABA to be signed off. The child, plus their parent/s must be invited to attend the ABA meeting. However, if a parent refuses to attend another person (a supportive adult preferably a relative of the child, or an appropriate adult previously identified from the child's case notes) may stand in for the parent. If the child fails to attend the ABA meeting but their parent does attend, another meeting should be organised, and it should be emphasised to the parent of the child that their son/daughter must attend at the re-scheduled ABA meeting.

If the child fails to attend the second ABA meeting the ASBT will send out a letter to the child's parent/s advising them that their son/daughter will be subject to further review by the Antisocial Behaviour Case Monitoring Group for it to decide how best to proceed with the case.

If after an ABA has been signed by the child or if the child decides not to sign an ABA, and they continue to exhibit antisocial behaviour, an application for an ASBO may be considered.

## **9.4 Intervention Framework - Adults Subject to Supervision Requirement**

Persons aged 16 and over and still subject to a supervision requirement remain within the jurisdiction of the Children's Hearing system. Intervention action for such persons will be as per the children's sector and at the appropriate stage their cases will be referred to the children's Case Monitoring Group.

## **Section 10: Enforcement**

This section of the policy sets out the enforcement action that the partnership can ultimately take if required. Enforcement action will be applied with common sense, appropriateness and proportionality.

### **10.1 Antisocial behaviour orders**

East Lothian Council will apply for an Antisocial Behaviour Order (ASBO) on behalf of the partnership in the following circumstances:

- on request from the Police.
- on request from the one of the ASB Case Monitoring Groups.
- where an Acceptable Behaviour Agreement (ABA) is breached.
- where a notice of proceedings has been served on the grounds of antisocial behaviour and there is a further incident of ASB.
- where repeated ASB is being evidenced such as threats of violence and significant neighbour dispute.
- where persons exhibit behaviour causing or likely to cause alarm or distress to partnership staff in the performance of their duties.

The Council cannot apply to the Court for an ASBO in relation to a child under 12 years of age.

### **10.2 Interim antisocial behaviour orders**

East Lothian Council will apply for an Interim Antisocial Behaviour Order where it is necessary:

- on request from the Police.
- on request from the Council's ASB team.
- on request from one of the East Lothian Antisocial Behaviour Case Monitoring Groups.

Interim Orders are intended to provide more immediate protection and can be applied for pending the court granting a full ASBO.

### **10.3 Criminal antisocial behaviour orders**

East Lothian Council will provide information and assistance to the Procurator Fiscal to request that the Sheriff attach a Criminal Antisocial Behaviour Order (CRASBO) as part of a sentence following conviction, this will be:

- on request from the Police.
- on request from one of the East Lothian Antisocial Behaviour Case Monitoring Groups.

### **10.4 Parenting orders**

Where a parent has been offered support on a voluntary basis and has refused to engage with that support and where their behaviour is having a



negative impact on their child the Council can consider applying to the court for a Parenting Order.

### **10.5 Warning notices - noise nuisance**

East Lothian Council will issue a statutory warning notice for daytime (07.00 hours - 19.00 hours), evening (19.00 hours - 23.00 hours) or night time (23.00 hours - 07.00 hours) noise offence.

### **10.6 Fixed penalty notices**

East Lothian Council will issue a fixed penalty notice for:

- non-compliance with a warning notice for noise offence
- littering
- dog fouling
- fly tipping.

### **10.7 Evictions for drug related incidents**

Partner landlords will normally seek to evict tenants on evidence of drug related incidents where the property has been used for any of these purposes. These will include:

- supply of drugs
- being concerned in the supply of drugs
- possession with intent to supply
- cultivation within the property or the grounds of the property
- 2<sup>nd</sup> or subsequent conviction for possession

### **10.8 Evictions for other antisocial behaviour**

Housing providers within the East Lothian Antisocial Behaviour Partnership will normally seek to evict tenants who:

- breach an ASBO
- evidence significant ASB within the property or in the locality of the tenancy and who do not alter their behaviour when their tenancy agreement is enforced.
- allow ASB in the property or in the locality of their tenancy by those living with or visiting the tenant and who do not alter their behaviour when their tenancy agreement is enforced.
- are convicted of a serious crime of a violent or threatening nature within the property or in the locality of the tenancy.

### **10.9 Short Scottish secure tenancy**

Housing providers within the Partnership may consider restriction to a Short Scottish Secure Tenancy (SSST) agreement on evidence of ASB in temporary or previous accommodation. This may be done where a tenant:

- has had order for repossession made against him/her in the UK on the grounds of antisocial or similar behaviour in the previous 3 years;
- or member of household is subject to an antisocial behaviour order (ASBO).

Partner landlords may convert a full Scottish Secure Tenancy (SST) agreement to a Scottish Short Secure Tenancy (SSST) agreement when an ASBO has been granted.

#### **10.10 Revoke licence - houses in multiple occupation (HMO)**

East Lothian Council may submit an application to the Licensing Sub-Committee to revoke an HMO licence where the conditions of licence award no longer exist including:

- the licence holder is no longer a “fit and proper person”
- deterioration of property standards

#### **10.11 Antisocial behaviour notice**

If a landlord fails to comply with an antisocial behaviour notice then the Council can take action to deal with the antisocial behaviour and pursue the landlord for expenditure incurred as a consequence of the landlord’s failure to comply. The Council can also refer the matter to the Procurator Fiscal for prosecution of the offence of failure to comply with the notice.

#### **10.12 Order as to rent payable**

The Council can apply to the Sheriff for an Order as to Rent Payable in respect of a property in relation to which an antisocial behaviour notice has been issued. If granted, this has the effect of stopping rent payments being received by the landlord for the property concerned. Careful consideration must be given as to the details of each individual case to ensure that serving an Order as to Rent Payable is not seen by a tenant as a reward for antisocial behaviour.

#### **10.13 Management control order**

Where tenants of private landlords are behaving in an antisocial manner and the landlord has failed to address that behaviour effectively as specified within the antisocial behaviour notice, the Council can apply for a Management Control Order through the Court. If granted, the Council can then intervene and take over the management of the tenancy in question such that it can take actions that the private landlord should have taken but did not. When a Management Control Order is in force the Council will have the sole right to claim any rent or other income due on the property. A Management Control Order is in practice an alternative to the Order as to Rent Payable.

#### **10.14 Private landlords de-registration**

East Lothian Council will submit an application to the Licensing Sub-Committee to deregister a private landlord who no longer meets the “fit and proper person” test. It is a criminal offence to operate as a private landlord and not be registered.

#### **10.15 Closure of premises orders**

A senior police officer (of the rank of Superintendent or above) can, in consultation with East Lothian Council, take action through the Sheriff Court to close premises where significant and persistent disorder or serious nuisance to the local community is regularly occurring.

#### **10.16 Dispersal notice**

A senior police officer (of the rank of Superintendent or above) can, in consultation with East Lothian Council, designate an area where significant, persistent and serious antisocial behaviour is occurring and the behaviour of groups is contributing to this problem, and utilise the power of dispersal.

#### **10.17 Seizure of vehicles**

Lothian and Borders Police have the power to deal with individuals who cause alarm, distress or annoyance to members of the public through the antisocial use of vehicles on public roads or off road. The police can stop and seize or remove motor vehicles that are being driven in such a manner.

#### **10.18 Seizure of noise making equipment**

Where a warning notice has been served in respect of noise and an authorised officer has reason to believe that noise emitting is above a permitted level, the equipment producing the noise may be seized and removed.

#### **10.19 Vexatious complainers**

Following investigation, the Partnership may declare unjustified, repeated, unfounded or frivolous complainers as vexatious and may decide to take no further action as a result of those complaints.

## **Section 11: Rehabilitation**

The East Lothian Antisocial Behaviour Strategy 2005-2008 defines rehabilitation as “putting in place measures that will break the cycle of repeated antisocial behaviour”.

Successful rehabilitation depends on many facets and each case is case specific.

The Partnership, through either its own resources or through accessing other resource, will endeavour to rehabilitate antisocial behaviour offenders.

Support mechanisms and resources that can deliver successful rehabilitation include:

- users with dependencies engaging with treatment and rehabilitation centres
- safeguarding Communities, Reducing Offending (SACRO)
- ELC Youth Justice
- ELC Criminal Justice
- ELC Community Care Mental Health team
- sensitive rehousing through East Lothian Council’s Rehousing Panel or management transfers through other partnering landlords.
- ELC Community Housing support and homelessness prevention.

## **Section 12: Service Standards**

### **12.1 Principles**

The Partnership will

- aim to take early action to prevent disputes and behaviour from escalating
- seek to act in a manner that is consistent with accepted good professional practice
- ensure that it does not act in a discriminatory manner when dealing with antisocial behaviour complaints.

### **12.2 Framework for prioritisation**

To provide a framework for prioritisation and to help indicate how types of behaviour will be acted upon, agreed priority groups for examples of ASB are set out below:

#### **Group 1:**

More serious antisocial behaviour where the involvement of the Police is necessary. For example:

- violence towards a neighbour or staff member
- threatening behaviour
- drug related incidents
- vandalism
- racial harassment

#### **Group 2:**

Antisocial behaviour is of a more minor but persistent nature. For example:

- noise nuisance
- threats
- disturbance

#### **Group 3:**

Disputes solely between two neighbours. For example:

- use of common areas
- maintenance or use of boundaries
- noise

#### **Group 4:**

Breach of tenancy conditions. For example:

- not keeping garden tidy
- parking persistently in unauthorised areas
- failing to control pets

### **12.3 Target response times**

Partnership members will accept complaints by letter, email, phone or interview.

Anonymous complaints will be recorded but it will not normally be possible to act on such complaints unless that complaint can be subsequently verified.

The Partnership is committed to responding to complaints of antisocial behaviour as quickly as it can but will prioritise complaints such that it can also ensure that it investigates the most serious complaints it receives immediately. Target response times for complaints received by the Council (initial response) are outlined below:

- Group 1: visit / interview complainant (organised through the ASBT) within 2 working days.
- Group 2: undertake initial investigation and assess appropriate action. Contact complainant by phone call / letter or visit within 5 working days of complaint.
- Group 3: Investigate complaint and contact complainant by phone / letter or visit within 10 working days of complaint.
- Group 4: Investigate complaint and update complainant by phone / letter or visit within 10 working days.

Target timescales relate to initial response to a complaint. Timescales for further action and involvement should be included in any action plan drawn up to resolve the case.

### **12.4 Information sharing arrangements**

Partnership members will respond to formal information sharing requests within 5 working days.

**Categories of Antisocial Behaviour**

**Category A: Disregard for Community / Personal Wellbeing**

- A1 Ordinary Breach of Tenancy Conditions  
Not keeping garden tidy, stair cleaning, rubbish dumping  
Parking in unauthorised areas  
Failure to control pets
- A2 Noise  
Noisy Neighbour  
Noisy cars/motorbikes  
Loud music  
Alarm (persistent ringing / malfunction)
- A2 Rowdy Behaviour  
Shouting and Swearing  
Fighting  
Drunken Behaviour  
Hooliganism / Loutish Behaviour
- A3 Nuisance Behaviour  
Urinating in Public  
Setting Fires  
Inappropriate use of Fireworks  
Throwing Missiles  
Climbing on Buildings  
Impeding Access to Communal Areas  
Games in Restricted / Inappropriate Areas
- A4 Hoax Calls  
False calls to Emergency Services
- A5 Animal Related Problems  
Dog Fouling

**Category B: Acts Directed at People**

- B1 Intimidation / Harassment  
Groups or Individuals Making Threats  
Verbal Abuse  
Sending Nasty / Offensive Letters  
Obscene / Nuisance Phone Calls and Text Messages  
Menacing Gestures  
Intimidation and threats to emergency services personnel  
(Can be on the grounds of; Race, Sexual Orientation, Gender, Religion, Disability, Age)

**Category C: Environmental Damage**

C1 Criminal Damage / Vandalism  
Graffiti  
Damage to bus shelters  
Damage to phone kiosks  
Damage to furniture  
Damage to buildings  
Damage to trees / plants / hedges

C2 Litter / Rubbish  
Dropping Litter  
Dumping Rubbish  
Fly-Tipping  
Fly posting

**Category D: Misuse of Public Space**

D1 Drugs / Substance Misuse and Dealing  
Taking Drugs  
Sniffing Volatile Substances  
Discarding Needles / Drug Paraphernalia  
Presence of Dealers or Users

D2 Street Drinking

D3 Prostitution  
Soliciting  
Discarded Condoms

D4 Kerb Crawling  
Loitering  
Pestering Residents

D5 Abandoned Cars

D6 Vehicle Related Nuisance and Inappropriate vehicle use  
Setting Vehicles Alight  
Racing Cars  
Off Road Motorcycling / Quad Bikes



### Examples of Prevention Initiatives and Diversionary Activities

#### Prevention

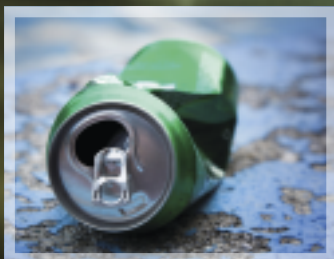
- Centre-based provision - universal opportunities for participants to engage in activities and with professionals through organised building-based provision. Examples would include youth clubs, projects and drop-ins.
- Street, detached or outreach provision - engagement with members of the community outwith centre-based provision with a major aim of communicating with 'harder to reach' individuals and groups.
- Publicity and information initiatives - promotion of services available or help offered which ultimately aim to develop stronger safer communities. Examples include Dump the Dealer initiative, promotion of teen play areas, litter initiatives.
- Community-based education programmes - programmes designed to educate participants with the aim of reducing anti-social behaviour. Examples would be drug and alcohol education, education around housing.
- Active Citizenship - initiatives or projects engaging with participants in order to improve local democratic process. Examples include Dialogue Youth.
- Sports and outdoor education/pursuits - opportunities for participants to engage in healthy and active lifestyles.
- 'Street or Midnight sports' activities - opportunities for participants to engage in locally-based informal sports programmes

#### Diversion

- Individual or one to one diversion programmes - designed to challenge and address an individual's behaviour. Examples would include work performed in the Youth Justice field.
- Group-work based diversion programmes - mixture of activity and issue based programmes designed to engage, develop participants with the ultimate aim of reducing adverse behaviour. This can take the form of referrals to established provision, for example Cooldown Crew, Bridge Centre Motorcycle Project or a bespoke programme designed specifically around locality, common issues or group behaviour.

- Activity-based group diversion programmes - designed to give referred participants opportunities to take part in positive activities. Examples include Active Steps.

# Antisocial Behaviour Strategy



East Lothian 2014 - 2016

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## Joint foreword

### *(Councillor Willie Innes and Chief Superintendent Gill Imery)*

East Lothian is a safe place to live, work and visit. However we know that some local residents don't always feel as safe as they could around the county. Whether at home, or out in their local community, antisocial behaviour can cause fear and distress. This is why the Council, working with Police Scotland and others, is determined to do all it can to support local residents who experience antisocial behaviour.

Antisocial behaviour covers a wide range of inconsiderate and disruptive actions that can cause distress and concern to other individuals and communities. This type of behaviour is usually carried out by a very few individuals but affects the lives of many others.

We are pleased to introduce this strategy aimed at tackling antisocial behaviour in all of its forms. It considers circumstances and likely causes and seeks to provide opportunities to reduce concerning behaviour. The strategy provides information about reporting incidents and what action can be taken against those behaving antisocially.

Antisocial behaviour can only be solved by local residents, the Council and Police Scotland working together. It is something that we take very seriously and we will continue to engage with local communities to support and assist as required. We would like to thank everyone who has contributed to the formation of the strategy and look forward to working with you in the future.

**Councillor Willie Innes**

**Leader, East Lothian Council**

**Chief Superintendent Gill Imery**

**Police Scotland**

# Antisocial Behaviour Strategy 2014 - 2016

## Section One: Introduction

Antisocial behaviour is defined in Section 143 of the Antisocial Behaviour etc. (Scotland) Act 2004 as being “any behaviour that causes or is likely to cause alarm or distress to a person or persons outwith the same household as the perpetrator of that behaviour.”

Section 1 of this Act places a duty on the council and the police to prepare an Antisocial Behaviour Strategy for their authority area.

### **This strategy will seek to:-**

- Outline the key principles, the strategic context and the aims and objectives of the local authority and the Chief Constable in dealing with antisocial behaviour in East Lothian.
- Set out an assessment of the extent and type of occurrences of antisocial behaviour in East Lothian.
- Specify local arrangements for consulting and engaging with community bodies and other people (including young people) in each area where there are (or are likely to be) occurrences of antisocial behaviour, on how to prevent and tackle antisocial behaviour.
- Specify the range of available services designed to prevent or tackle antisocial behaviour, which are available for all residents in East Lothian, irrespective of sex or marital status, race, disability, age, sexual orientation, language, religious belief or social origin.
- Reinforce the commitment to stamp out discriminatory behaviour on any of the above grounds and, in particular, hate crimes.
- Set out the range of available services designed to support the victims of antisocial behaviour.

- Specify the ways in which members of the public can report antisocial incidents.
- Facilitate a range of mediation services as a way to settle antisocial behaviour-related neighbour disputes and to resolve conflict, including large group mediation.
- Describe how East Lothian Council and the Chief Constable will co-ordinate the discharge of their functions in relation to tackling antisocial behaviour.
- Provide for the lawful exchange of information relating to antisocial behaviour between East Lothian Council and the Chief Constable, and any other relevant person.
- Provide for a system whereby this strategy is reviewed on a regular basis.

This strategy is linked to a wide range of other strategies and plans. These are summarised in Appendix 1 (page 11).

The council will be implementing an Equalities Monitoring Framework to ensure that no equalities group is disadvantaged through this strategy.

In particular, information regarding a person's sex or marital status, race, disability, age, sexual orientation, language, religious belief or social origin will be gathered for this purpose and, if required, ensure the better targeting of resources.

## Section Two: Context

### National

This strategy has been developed in the context of the Scottish Government's national framework for tackling antisocial behaviour, "Promoting Positive Outcomes" (2009).

The framework was published following upon a comprehensive review of national antisocial behaviour policy and practice. It recognises that prevention and early intervention are the most effective ways of tackling antisocial behaviour.

This strategy also takes account of the recommendations contained within the Christie Commission's "Report on the Future Delivery of Public Services" (2011).

This report acknowledged the importance of preventative work and the need for services to become more efficient by working together in partnership in order to maximise resources.

### Local

Every local authority has a formal Community Planning structure. "East Lothian Partnership" provides the overarching framework for tackling antisocial behaviour.

A key strand of the Community Planning structure is the Safe and Vibrant Communities Partnership which is accountable for delivering the relevant outcomes contained within the Single Outcome Agreement 2013-2023. Through this Partnership, the council, police and other agencies, including communities, will monitor delivery of the outcome relating to antisocial behaviour and scrutinise performance against same.

An Antisocial Behaviour Overview Group, which includes representatives from Police Scotland, East Lothian Council, East Lothian Housing Association, the Scottish Children's Reporters Administration and representatives from East Lothian Tenants and Residents Panel, oversees:-

- The implementation of the Antisocial Behaviour Policy (March 2007).
- The work of the Antisocial Behaviour Officers Group and the Case Monitoring Groups.

- Formal Information Sharing Protocols and Service Level Agreements.
- Performance reporting on agreed targets, including those required by the Scottish Housing Regulator.
- The amount of money being spent by the council on tackling antisocial behaviour.

Operational matters are overseen by the Antisocial Behaviour Officers Group, the Adult and Children's Case Monitoring Groups and the multi-agency Tasking and Co-ordinating Group.

Ensuring the safety of those who live, work in and visit East Lothian is a priority for the council, the police and other partner agencies. To facilitate this objective, the council and the police established a Safer Communities Team in 2012. This Team includes a Team Leader, Antisocial Behaviour Investigators, a specialist Housing Officer, an Amenity Protection Officer, an Environmental Protection Officer, members of the council funded Police Teams, the East Lothian Community Action Team, the Prestonpans Initiative Team, the Musselburgh Policing Team, the Tranent Policing Team, a Police civilian Information and Statistics Officer, an Antisocial Behaviour Police Liaison Officer, the Community Warden Team and two administrative support officers. The team has close links with a number of council teams, including the Local Area Housing Offices.

An Action Plan detailing the way in which the objectives of the Strategy are to be met will be published by the Summer of 2014. The Antisocial Behaviour Overview Group will monitor progress against the Action Plan objectives.

## Section Three: Aims, Objectives and Strategic Themes

Everyone has the right to feel safe in their community and it is unacceptable for people to be afraid when going about their normal daily business. East Lothian's Single Outcome Agreement 2013-2023 commits East Lothian Council, Police Scotland and partner agencies to creating, supporting and maintaining safe and vibrant communities.

East Lothian Council and the Police Service of Scotland will take the lead in working with partner agencies and the people of East Lothian to sustain and, where possible, improve the quality of life of those who live, work in and visit the county.

Partners will work together using recognised good practice in addressing the various forms of antisocial behaviour that negatively impact on the quality of life. It is recognised that partners working together have a greater chance of delivering positive outcomes than they have working in isolation.

Partners will work together in promoting a positive image of the county's young people in acknowledgement of the fact that only a small minority of young people become involved in antisocial behaviour.

Partners will focus on prevention and early intervention when tackling antisocial behaviour and promoting community safety.

**Partners share one clear aim, which is:-**

*“ To reduce the number of people in East Lothian experiencing antisocial behaviour by delivering appropriate interventions.”*

### Strategic Themes

Partners will take account of four broad themes in attempting to achieve this objective: prevention, early intervention and diversion, enforcement and rehabilitation.

#### 1. Prevention

Put in place resources and programmes designed to divert individuals away from behaving in an antisocial manner.

Put in place measures that will create a physical and social environment where antisocial behaviour is less likely to occur. This will include the effective use of permanent and mobile CCTV facilities and regular estate management inspections.

Use recognised “Secured by Design” techniques in architecture and design in order to minimise antisocial behaviour.

The council aims to let houses to those in need while also addressing the objective of ensuring balanced and sustainable communities. It will achieve this through its Local Housing Strategy, Allocations Policy and the appropriate use of local Letting Plans.

Make use of all forms of media in advertising initiatives designed to prevent and tackle antisocial behaviour.

Make use of all forms of media in publicising judicial successes in antisocial behaviour cases.

Undertake joint Police/Community Warden high visibility patrols in areas affected by antisocial behaviour.

Work with local licensees to encourage the responsible sale of alcohol.

Deliver joint council/police presentations to local school children and adult learners on the key components of “good citizenship.”

#### 2. Early Intervention and Diversion

Identify those who behave antisocially at the earliest possible stage through the effective sharing of information.

Refer children involved in antisocial behaviour to the fortnightly Multi-agency Screening Group.



Identify antisocial behaviour “hotspots” via an analysis of complaints and thereafter deploy resources via a weekly multi-agency Tasking and Co-ordinating meeting.

Provide tenancy support to council tenants who have behaved antisocially.

Facilitate appropriate forms of support to those who have behaved antisocially across different housing tenures.

Use community mediation as part of an early intervention strategy whereby many neighbour (and neighbourhood) disputes can be dealt with and resolved at an early stage.

Work alongside those who have behaved antisocially in addressing the causes of their behaviour.

Issue restorative justice warnings to the perpetrators of antisocial behaviour.

Increase the use of Acceptable Behaviour Agreements (ABAs).

Work alongside and assist private landlords in addressing the antisocial behaviour of their tenants.

Positively engage with young persons in a number of contexts, including street-based youth outreach work.

Provide organised diversionary activities for young people in partnership with other services, agencies and communities.

### **3. Enforcement**

The appropriate use of all powers made available to partners under the Antisocial Behaviour etc. (Scotland) Act 2004, the Housing (Scotland) Act 2001 and other relevant statutes.

This includes applying to the Sheriff Court for Antisocial Behaviour Orders (ASBOs) and evictions, serving Fixed Penalty Notices and using the powers made available to the local authority under Parts 7 and 8 of the Antisocial Behaviour etc. (Scotland) Act 2004 in respect of private landlords.

### **4. Rehabilitation**

Increase use of Short Scottish Secure Tenancy Agreements (SSSTs).

Continue support for the perpetrators of antisocial behaviour by partner agencies following enforcement action.

Regular reviews and monitoring of the perpetrators of antisocial behaviour by partner agencies, with appropriate action being taken where necessary.

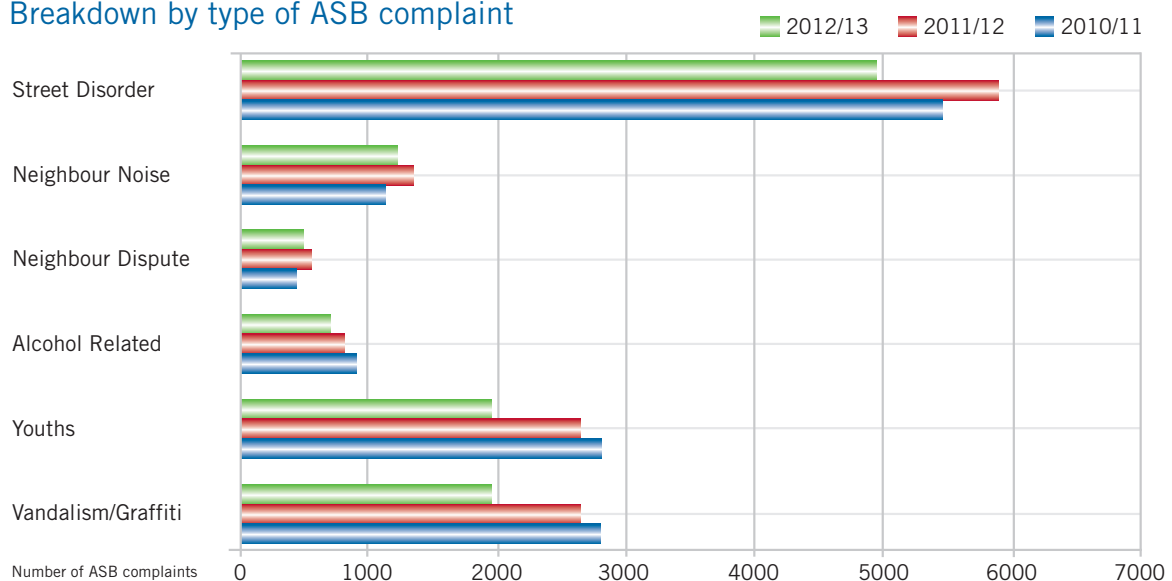
## Section Four: Assessment of Antisocial Behaviour in East Lothian

The following graphs show the extent of antisocial behaviour complaints made to the Police in East Lothian between April 2012 and March 2013, with a comparison made to the periods April 2011 to March 2012 and April 2010 to March 2011.

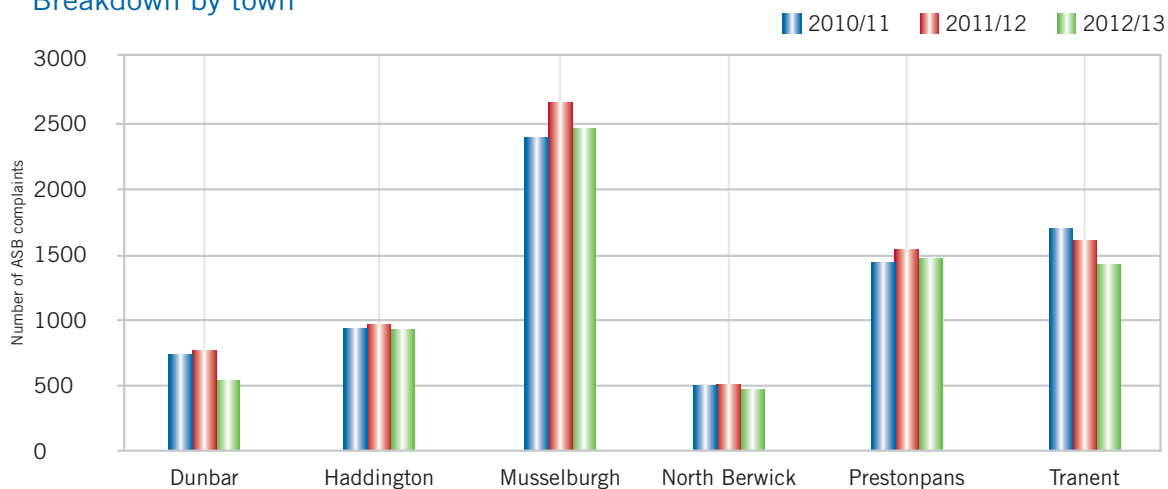
Complaints of street disorder between 2012/13 compared to street disorder in 2011/2012 reduced by 14%. Youth related calls over the same period reduced by 26%.

All towns witnessed a reduction in antisocial complaints made to the Police between 2012/2013 compared to 2011/2012, with Dunbar recording the biggest fall of 25% followed by Tranent with a reduction of 16%. Overall, antisocial behaviour complaints reduced by 11% over the two periods.

Breakdown by type of ASB complaint



Breakdown by town



The graphs demonstrate that the majority of antisocial behaviour experienced in East Lothian is confined to what can be described as “low-level

nuisance.” However, all partners recognise that this type of behaviour can have a corrosive impact on the lives of individuals and communities.

## Section Five: Community Engagement and Decision Making

The police and the council acknowledge the role the community and its representatives have to play in allocating resources to tackle antisocial behaviour problems.

In every council ward there exists a Community and Police Partnership (CAPP). These monthly public meetings allow the community to task Police Officers and Community Wardens in dealing with issues most affecting their area.

Members of East Lothian's Tenants and Residents Panel will continue to form part of the Antisocial Behaviour Overview Group and members of the Safer Communities Team will attend local residents meetings and Community Council meetings subject to other operational commitments.

The council and the police will engage with young people throughout the period of the strategy via school talks, a series of organised events and street-based contact, with a view to eliciting opinion on the measures to be used in tackling antisocial behaviour.

## Section Six: Resources and Services

The list below provides examples of the resources and services available to tackle antisocial behaviour in East Lothian.

Local communities and their representatives

Safer Communities Team

Community Beat police officers

Police Response Teams

Community Response Team (including CCTV suite) (East Lothian Council)

Scottish Fire and Rescue Service

Customer Feedback Team (East Lothian Council)

Night Time Noise Team (East Lothian Council)

Environmental Protection Team (East Lothian Council)

Adult Wellbeing (East Lothian Council)

Children's Wellbeing (East Lothian Council)

Amenity Services (East Lothian Council)

Multi-agency Screening Group

East Lothian Care and Accommodation Project (ELCAP)

Graffiti Removal Team (East Lothian Council)

Local Area Housing Teams (East Lothian Council)

Tenancy Support Officers (East Lothian Council)

Neighbourhood Outreach Workers (East Lothian Council)

East Lothian Community Mediation Service

Victim Support (Scotland)

Community Learning and Development (East Lothian Council)

Recharge (Tranent)

East Lothian Housing Association

Homes for Life

Castlerock Edinvar

## Section Seven: Support For Victims of Antisocial Behaviour

Both the police and council recognise the devastating impact that antisocial behaviour can have on the lives of those exposed to it.

East Lothian Council and the Police currently work with Victim Support (Scotland) to supply emotional support to those most affected.

Victim Support will provide confidential support through professionally trained volunteers and staff that will be made aware of the issues likely to be presented. Staff and volunteers have a firm understanding of the process to be followed in antisocial behaviour cases.

East Lothian Council operates a dedicated 24 hours a day Antisocial Behaviour Helpline (0845 601 8518).

Fully trained operators are on hand to provide immediate advice, support and assistance to those experiencing antisocial behaviour.

Reports of antisocial behaviour can also be made by way of e-mail to [asb@eastlothian.gov.uk](mailto:asb@eastlothian.gov.uk) or via the council's website [www.eastlothian.gov.uk](http://www.eastlothian.gov.uk).

## Section Eight: The Provision of Mediation Services

Mediation is seen as a critical part of the police and council's overall approach in tackling antisocial behaviour.

Mediation enables parties in dispute to find practical, workable solutions to a wide range of problems. Mediation is a voluntary and confidential process of conflict resolution.

Trained impartial mediators provide a safe, structured

and positive environment to enable those in dispute to resolve their differences, reach a better understanding of the other party's position and to agree conflict resolution strategies for the future.

East Lothian Council currently contracts SACRO to supply mediation services across the county. The Safer Communities Team will work alongside SACRO in promoting this service.

## Section Nine: Formal Information Exchange

Section 139 of the Antisocial Behaviour etc. (Scotland) Act 2004 allows agencies involved in tackling antisocial behaviour to share relevant information.

In November 2007, the police and the council signed an Information Sharing Protocol.

Other partners share relevant information via separate protocols and at the Case Monitoring and Tasking and Co-ordinating Meetings.

## Section Ten: Review of The Strategy

The Antisocial Behaviour Overview Group will be responsible for reviewing the Strategy on a six-monthly basis.

## Appendix One: List of Related Strategies and Plans

East Lothian's Antisocial Behaviour Partnership's Antisocial Behaviour Policy (2007)  
East Lothian's Children and Young People's participation strategy 2011  
East Lothian Council's Allocations Policy 2007  
East Lothian Council Plan 2012-2017  
East Lothian Council's Tenant Participation Strategy 2012-2015  
East Lothian's Homelessness Strategy 2009-2014  
East Lothian's Integrated Children's Services Plan 2013-2017  
East Lothian's Local Housing Strategy 2012-2017  
East Lothian's Local Policing Plan 2014-2017  
East Lothian's Older People's Strategy 2011- 2020  
East Lothian's Partnership's Community and Learning Development Strategy 2011-16  
East Lothian's Single Outcome Agreement 2013-2023  
East Lothian's Youth Strategy – A Shared Vision -2009  
Midlothian and East Lothian Drugs and Alcohol Partnership's (MELDAP) Drugs and Alcohol Strategy Implementation Plan 2010-2013

## Appendix Two: Glossary of Terms

**Acceptable Behaviour Agreements (ABAs):** Voluntary contracts signed by the perpetrators of antisocial behaviour that seek to change the behaviour of the signatory.

**Antisocial Behaviour etc. (Scotland) Act 2004:** The primary piece of legislation dealing with antisocial behaviour in Scotland.

**Antisocial Behaviour Fixed Penalties:** “On the spot” financial penalties issued by the police and the council in relation to certain types of antisocial offences.

**ASBOs:** Antisocial Behaviour Orders are orders granted by a Sheriff. The applications are of a civil nature but a breach constitutes a criminal offence. Only social landlords and local authorities can apply for such orders in Scotland.

**Eviction:** A formal court action where a landlord repossesses a property from a tenant.

**Housing (Scotland) Act 2001:** The principal piece of legislation relating to the relationship between social landlords and their tenants.

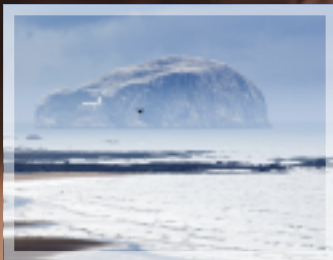
**Intervention Warnings:** Written or verbal warnings issued to the perpetrators of antisocial behaviour by the council, the police or any partner agencies.

**Mediation:** A voluntary process where parties involved in dispute attempt to reach an agreement regarding future peaceful co-existence with the assistance of trained mediators.

**Restorative Justice:** A practice where the perpetrators of a harmful or destructive act make amends by taking part in activities designed to compensate either the victim or the community.

**“Secured by Design” Scheme:** An attempt by designers and architects to design buildings and other facilities in such a way that reduces the likelihood of incidences of antisocial behaviour occurring.

**Short Scottish Secure Tenancy Agreement (SSST):** Short probationary Tenancy Agreements issued to individuals who have been subject to formal court action relating to antisocial behaviour.



[www.eastlothian.gov.uk](http://www.eastlothian.gov.uk)



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Versions of this leaflet are available on request on request in Braille, large print or your own language. ☎ phone 01620 827188

**Police, Fire and Community Safety Scrutiny Committee: Annual Work Programme 2016/17 (May 2016)**

Date	Performance Monitoring/ Inspection Reports	Other Reports / Reports Requested by Members
25 November 2015	Police Scotland Scrutiny Report Q1 and Q2 Fire Service Local Plan Performance Report Q1 and Q2	
24 February 2016	Police Scrutiny Report Q3 Fire Service Local Plan Performance Report Q3	Police – Council Response to SPA Scrutiny Plan Police – Briefing Paper – Proposed Development of Current Police Model – EL. Fire - Unwanted Fire Alarm Signals Fire - Preventative Work Safe and Vibrant Communities – Report and Minutes
8 June 2016	Police Scotland Scrutiny Report Q4 Fire Service Local Performance Report Q4	Review of Safer Communities (Kenny Black)
31 August 2016	Police Scotland Scrutiny Report Q1 Fire Service Local Performance Report Q1	
30 November 2016	Police Scotland Scrutiny Report Q2 Fire Service Local Performance Report Q2	