



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

**WEDNESDAY 31 AUGUST 2016
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

1

Committee Members Present:

Councillor T Day (Convener)
Councillor J Gillies
Councillor J Goodfellow
Councillor P MacKenzie
Councillor J McNeil
Councillor M Libberton

Police Scotland

Chief Supt I Marshall
Chief Insp M Paden
Supt B Rodgers

East and Midlothian Scottish Fire and Rescue Service

Mr D Farries, Area Manager
Mr T Collins, Station Manager, East Lothian

Council Officials Present:

Ms M Patterson, Depute Chief Executive (Partnerships and Community Services)
Mr P Vestri, Service Manager - Corporate Policy and Improvement
Mr K Black, Safer Communities Team Leader
Mr D Gray, Principal Trading Standards Officer

Clerk:

Mrs F Stewart

Apologies:

Councillor K McLeod
Councillor F McAllister
Councillor J Caldwell

Declarations of Interest:

None

1. MINUTES OF MEETING ON 8 JUNE 2016

The Committee agreed that the minutes of the meeting on 8 June were a true record of the meeting.

2. MATTERS ARISING

Door Step Crime Update

Sergeant Jon Fleetwood, Local Area Liaison Officer, had submitted a Memorandum on Doorstep Crime, the name given to crimes carried out by bogus callers and rogue traders who call uninvited at people's homes under the guise of legitimate business and trade. Members of the Committee had expressed concern over this particular type of crime as it affects some of the most vulnerable people in the community.

The Memorandum outlined how the Police aimed to tackle such crime and stated that the primary focus was on prevention and engagement. Doorstep crime statistics for East Lothian were shown as well as Trading Standards Advice for members of the public.

Chief Inspector Matt Paden presented the Memorandum, highlighting the key points which included a summary of Police partnership working, trading standards activity for vulnerable groups and initiatives to heighten public awareness. Prevention strategies included letter drops to financial institutions, the Nominated Neighbour Scheme, the Trusted Trader Scheme and the introduction of No Cold Call Zones. He stated that doorstep crime was fairly rare in East Lothian but work was being done to prevent such crimes and to identify and prosecute offenders.

Derek Gray, the Council's Principal Trading Standards Officer, stated that both the Police and Trading Standards were represented on a Financial Harm Group which investigated scams aimed mainly at the elderly. He also explained the types of scam reported to Trading Standards and what action is taken.

The Chair stated that banking fraud was becoming more sophisticated at a time when more personal banking was managed on-line. Mr Gray replied that there were agencies which can remove fraudulent sites on-line, but it was important to educate the public regarding such sites. The Chair recalled that, in the past, there were cards to advise older people what to do when they receive unsolicited mail or telephone calls. As scams changed, he asked if these cards could be updated accordingly.

Councillor Goodfellow stated that people were more alert when they received phone calls from a bank, but he stressed that the public needed to be vigilant with any unsolicited call. Mr Gray advised that the onus was on people to say that they did not know the caller and end the call. If they wanted to check that a caller was genuine, they could call back the company using a different telephone number.

Councillor McNeil noted the doorstep crime figures for Musselburgh which he considered were still too high at 30 over 6 months. He asked how these crimes were investigated and how many of the crimes had been solved. Chief Insp Paden advised that some crimes were investigated locally while others were allocated to specialist agencies. The CID also targeted criminal groups involved. He did not have the solvency figures but would report those at a future meeting.

The Chair thanked Chief Inspector Paden and Derek Gray for their reports and suggested that the member of the press attending the meeting could, through his newspaper, inform the public regarding these insidious crimes.

POLICE SCOTLAND

3. POLICE SCOTLAND SCRUTINY REPORT, QUARTER 1, 1 APRIL – 30 JUNE 2016

Chief Superintendent Ivor Marshall provided a context for the report on both national and divisional matters. He began by advising the Committee of a structural change at the top level of Police Scotland: Ruaridh Nicolson had been appointed Deputy Chief Constable and was due to take up his post in October; David Page was the new Director of Corporate Strategy and Malcolm Graham had been appointed the Assistant Chief Constable for Strategic Development. Chief Supt Marshall also highlighted a number of Indicators in the performance report and acknowledged that some of the trends were challenging. He advised that the number of Group 1 serious assaults reported in East Lothian had increased and these were being analysed in detail. One significant aspect of serious violence, however, was that it involved people who were known to each other; they were not random acts. In respect of Group 2 crimes, serious sexual offences, Chief Supt Marshall stated that the public appeared to have increased confidence in reporting these crimes and he was pleased to report that the detection rate was high. Looking ahead, he stated that the Police were now planning for November 5th and Christmas to ensure that all police officers were in the right place at the right time.

Chief Insp Matt Paden summarised the performance report. He advised that the number of Domestic Housebreaking Offences (Indicator 2) was down and that there had been success in reducing break-ins at business premises. There had also been a reduction in the number of Domestic Abuse Incidents reported and a slight fall in the detection rate for those crimes (Indicators 4 and 5). Chief Insp Paden also reported that there had been a significant increase in the number of Disorder Incidents and Anti social Behaviour (ASB) incidents (Indicators 8 and 9) compared with the same period last year. Although the increase might be due to a recording anomaly, he had had talks with Kenny Black, the Council's Safer Communities Team Leader. As a result, a short life working group would be established to provide reassurance to the public. Where there were trends developing, there would be active engagement and partnership working to address that. The number of Hate Incidents (Indicator 10) had risen from 11 to 15 but research showed that there was no particular co-relation with national events. The figures showed that there had been a steep rise in the level of Violent Crime (Indicator 13) however, much of this increase was attributed to a change in the definition of what was classed as a serious assault. Incidents now being classed as serious assaults would in the past have been classed as common assaults and this was similarly reflected across the whole of Scotland. Twenty-three of these crimes had been recorded and the detection rate for violent crime was currently 82.6%. The number of people killed or seriously injured on the road had fallen from 9 to 4 (Indicator 17) and there had been a small increase in the number people detected for drink/driving offences (Indicator 18). Continued preventative and proactive activity had resulted in an increase in the number of people detected for Dangerous Driving Offences (Indicator 19); 13 people had been detected compared to 4 for the same period last year. The Chief Inspector also outlined the Police strategy for improving performance on all of the Indicators.

The Chair thanked Chief Inspector Paden for his report and invited Mr Black, the Council's Safer Communities Team Leader, to provide some context for the ASB figures reported.

Mr Black stated that there had been an increase in the number of ASB incidents reported but not, in his view, to the extent shown in the report. The recording anomaly advised by the Chief Inspector would partially explain this. In terms of ASB incidents reported to the Council, there had been a 7.5% increase but this figure was likely to fluctuate over the year. He did, however, point out that these figures had to be treated with caution as, for example, one person can make multiple complaints and equally, multiple complaints can be received for the same single incident. He stated that a key action was establishing the Short Life Working Group, which would analyse how the Police and the Council record incidents. Action would also be taken to address vexatious complaints.

Questions from Members followed.

Councillor McNeil referred to the priority for making roads safer, and stated that police cars appeared to be less visible on the A1 to detect speeding or dangerous drivers. Chief Supt Marshall responded that there was a range of measures for the policing of roads. He stated that the deployment of officers to monitor roads was normally intelligence or demand led and tactics included speed cameras and police visibility. Unmarked vehicles and bikes were also used. He also advised that he now had the opportunity to draw down national assets and had benefitted from additional resource for the Lothians and Borders area. Superintendent Bryan Rodgers advised that the Safety Camera Partnership was responsible for the speed cameras on the A1 and stated that, in his experience, there were now more road policing officers visible than before. He offered to bring along specialist trunk road officers to a future meeting and the Chair was pleased to accept this offer.

Councillor MacKenzie noted from the Police Scotland Management Information circulated that East Lothian appeared to have seen a greater increase in the number of violent crimes compared to other Local Authorities. He asked if more needed to be done to educate young people of the consequences of violent behaviour and Chief Insp Paden replied that these crimes were not confined to young people and nor were they focussed in any one part of the county. He also advised caution on the interpretation of figures over a 12 week period and advised that figures had stabilised over the second quarter. The Chair enquired if alcohol and/or drugs had played a part in those crimes and the Chief Inspector replied that alcohol had undoubtedly played a part. Only one crime had involved drugs.

Councillor Goodfellow stated that there were notices on the A1 Prestonpans to North Berwick road advising motorists that there were speed cameras ahead and asked if these notices must be displayed by law. Supt Rodgers replied that there were strict guidelines on the positioning of safety cameras and the aim was to discourage motorists from speeding, not to fine them. He would ask the Camera Safety Partnership with regard to the notices. Councillor Goodfellow also enquired if detection rates meant conviction rates and Chief Insp Paden replied that, of the crimes recorded, it is the percentage of offenders arrested and charged.

The Chair asked if there was an update available on the performance of the Police Control Centre which Members visited earlier in the year. He stated that Members still received complaints from constituents that they are unable to get through to the Centre, with a high number of their calls being discontinued. Chief Insp Paden could provide

no further information, but would arrange for someone to address the Committee on call handling.

The Chair invited comments from Members.

Councillor MacKenzie stated that he found the Police Management Information very helpful as it allowed comparisons to be made with other Local Authorities.

Councillor Gillies commented that today's report underlines that East Lothian is a great place to live.

The Chair thanked the Police for their report today and echoed the view of his colleague that East Lothian was a safe place in which to live.

4a. DRAFT STRATEGIC POLICE PRIORITIES FOR SCOTLAND – CONSULTATION PAPER

Paolo Vestri, Service Manager for Corporate Policy and Improvement, stated that the Consultation Paper had been brought to the Committee today for the information of Members. The deadline for responses to the Paper had passed (16 August) and a request to the Scottish Government for an extension had been refused. The Paper outlined the revised strategic police priorities (focussing on 6 themes) and included information on engagement so far and impact assessments.

The Committee noted the content of the Consultation Paper.

4b. COSLA RESPONSE TO CONSULTATION PAPER

The COSLA response to the Consultation Paper was presented for the information of Members. The Chair advised that he had been a member of the COSLA group which had drafted the response. Members made no request for any further comments to be passed to the Scottish Government.

SCOTTISH FIRE AND RESCUE SERVICE

5. SCOTTISH FIRE AND RESCUE SERVICES (SFRS) LOCAL PLAN PERFORMANCE REPORT FOR EAST LOTHIAN, Q 1, 1 APRIL – 30 JUNE 2016

David Farries, Area Manager, introduced Tony Collins, who now managed 4 of the 6 fire stations in East Lothian and had a more detailed knowledge of local operations.

Mr Farries presented the SFRS performance report stating that, generally, it was a very positive report. He advised that the Service had responded to 310 incidents in East Lothian, 32 fewer incidents when compared to the same period last year. The number of accidental dwelling fires had fallen from 19 to 7 and the long term trend was significantly below the trend for Scotland as a whole. This figure suggested that proactive work carried out by the SFRS was having an impact. During this period, 292 Home Safety visits had been carried out, 139 homes had been fitted with smoke detectors and post incident visits had been carried out. There had been no fatalities and only one casualty.

Mr Farries reported that there had been 60 deliberate fires in East Lothian, an increase of 14 on the same period last year. No particular trend for this had been identified, but experience had shown that these incidents increase during more clement weather. Mr Farries stated that there was often a close link between deliberate fires and other forms of anti-social behaviour and the SFRS was looking at ways to address this. The Service had attended 9 road traffic collisions, down on the same period last year. Mr Farries added that the Tomorrow's Driver programme, targeting young people, had been a successful partnership approach to reducing road traffic collisions. Crews had also responded to 10 out of hospital cardiac arrests, as the SFRS continued to assist with medical emergencies as co or first responders. Unwanted Fire Alarm Signals (UFAS) were down and a UFAS Officer had been appointed to help reduce the figure further.

Turning to the Prevention and Protection Activities, Mr Farries reported that the number of Fire Safety Enforcement Audits was below target due to the temporary promotion of an Officer and this would be addressed in Quarter 2. However, the number of Home Fire Safety Visits was above target, with 292 visits completed, partly due to the partnership referrals received from the Council. Mr Farries also summarised the programme of Partnership Working, highlighting the work of the SFRS Community Action Team and the Cooldown Crew.

Councillor McNeil requested further information on the deliberate fires which had been started in Musselburgh earlier in the year and Mr Farries undertook to brief Councillor McNeil on these incidents later.

Councillor MacKenzie noted that Officers carrying out home safety visits were trained to detect fuel poverty and asked what action was taken in such cases. Tony Collins replied that there was a link to signpost people to agencies, and referrals could also be made to the social work team.

In response to a question from Councillor Libberton on partnership working, Mr Collins replied that the Fire Service had a very pro-active relationship with the Police and the Council's Anti-social Behaviour Team. When trends were identified they were acted upon with partners. On the Cooldown Crew youth programme held at Preston Lodge High School in June, Mr Collins stated that it was important to engage with young people. He had received very positive feedback on the programme at Preston Lodge but stated that it was difficult to measure the long term benefits.

Councillor Goodfellow enquired if it had been the Musselburgh fire crew which had attended all of the cardiac arrests and Mr Farries confirmed that it was. He did not have a record of the time taken to attend the incidents but this information was recorded for all incidents. He also advised that, in East Lothian, a fire crew had to be closer than an ambulance to be mobilised for such incidents. The Chair stated that he would like to accept an offer made to Members to visit a command centre and Mr Farries replied that he would look into arrangements for this.

Councillor MacKenzie thanked the Fire Service for the additional services they provided, particularly in relation to fuel poverty.

6. LOCAL FIRE PLAN DEVELOPMENT

David Farries, Area Officer, stated that this report was seeking the Committee's approval to extend the life of the Local Fire Plan, a 3-year plan which was due to expire

at the end of March 2017. The report stated that the Plan had to reflect national priorities and objectives whilst still meeting community needs and expectations, and outlined the reasons to support extending the life of the plan to December 2017.

Councillor McNeil enquired if this report would be going to Council for approval and Monica Patterson, Depute Chief Executive, replied that it would likely go before Council in November or December 2016.

The Chair stated that it was important to have the most meaningful plan and the Service was going through a time of significant change.

Decision

Members agreed to:

- i. note the contents of this report
- ii. approve the proposal to extend the current East Lothian Local Fire Plan until December 2017; and
- iii. approve the proposed timeline to develop the next iteration of the East Lothian Local Fire Plan

OTHER

7. SERVICE LEVEL AGREEMENT BETWEEN EAST Lothian COUNCIL AND POLICE ASCOTLAND

A report had been submitted by the Depute Chief Executive, Partnerships and Communities, to advise the Committee of the signing of a Service Level Agreement (SLA) between East Lothian Council and The Chief Constable of the Police Service of Scotland.

Paolo Vestri, Service Manager of Corporate Policy and Improvement, stated that the Agreement related to the Council entering into a contract with the Police to fund four Police Constables; 3 to provide services within the Council's East Lothian Community Action Team (ELCAT) and one Antisocial Behaviour Police Liaison Officer. These officers were already deployed in East Lothian and were in addition to the core service provided by the Police. The Agreement outlined the remit, deployment and accountability of these Officers.

Decision

The Committee agreed to note the terms of the Agreement.

8. ANNUAL WORK PROGRAMME 2016/17

The Chair advised that he would work with the Police and Fire Service to programme reports on matters discussed at today's meeting.

9. DATE OF NEXT MEETING:

Wednesday 30 November 2016

Signed

Councillor Tim Day
Convener of the Police, Fire and Community Safety Scrutiny Committee

Scrutiny Report 1st July 2016 - 30th September 2016

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 5 Crimes
Target - Increase from 2015/16

Current situation

Off target with a fall of 2.4% from this time last year.

Reasons

Police Scotland have extended their recording parameters to now include Group 5 crimes, which lists all other crimes that have been detected through pro-active activity, such as carrying offensive weapons, production and manufacture of drugs, possession of drugs. This is in addition to Groups 1-4 crimes which includes violence, indecency, dishonesty and fire-raising/ malicious mischief offences.

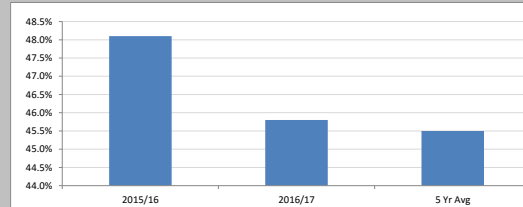
Detection rate in East Lothian is 0.2% above the 5 year average for this period. The detection rate is subject to regular fluctuation and as of 13/11/2016 now stands at 47.3%, this is an improvement on last year to date.

What are we doing

- Intelligence led targeting of known offenders, hot-spots and anti-social behaviour through proactive policing.
- High visibility patrols by local community & funded officers as directed by divisional tasking process & also through Multi-Agency Tasking and Coordinating Group
- Multi-Agency collaboration e.g. Partnership interventions (CCTV, ASB teams, Trading Standards and Housing Associations etc.)

Indicator 1 - Detection Rate: Groups 1 to 5 Crimes

Division TYTD	EL 2015/16	EL 2016/17	5 Yr Avg	Change
47.0%	48.1%	45.7%	45.5%	Down 2.4%



Local Priorities
Indicator 2 - Reduce the number of Domestic Housebreaking Offences
Target - Decrease from 2015/16

Current situation

Off target, with an increase of 1.4% from this time last year.

Reasons

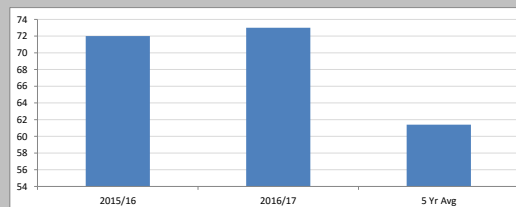
The increase of 1.4% amounts to 1 additional crime compared to this time last year. On a positive note, the number of domestic related housebreakings has continued to reduce and as at 13/11/2016 there is now 3.5% less crimes compared with this time last year.

What are we doing

- Prevention, proactive and reassurance, target hardening of repeat victims, visits to vulnerable premises.
- East Lothian Community Action Team and 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.
- Crime Prevention Surveys.
- Robust enforcement activity utilising local/regional and national support.
- Op Monarda activity focusing on vulnerable members of the community.
- Architectural Liaison consultations/reports, Secure by Design accreditation.

Indicator 2 - Reduce the number of Domestic Housebreaking Offences

Division TYTD	EL 2015/16	EL 2016/17	5 Yr Avg	Change
269	72	73	61.4	Up 1.4%



Local Priorities
Indicator 3 - Increase detection rate in respect of Domestic Housebreakings
Target - Increase from 2015/16

Current situation

Off target, with a decrease of 21% from this time last year.

Reasons

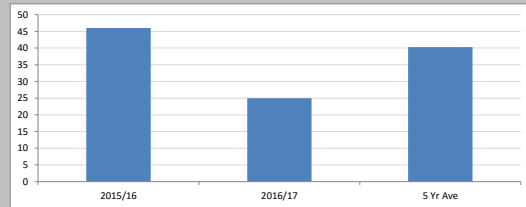
As reported in Q1 Scrutiny report the dedicated department, Criminal Investigation Unit, continue their enquiries into those responsible for housebreakings in East Lothian. These enquiries have identified one culprit who has been recently been charged with 5 domestic housebreaking offences, with additional investigations on-going in respect of 8 further offences. This significant result would represent an increase in detection of just under 15% of all Housebreaking crimes reported in East Lothian for the whole of Quarter 1 and 2.

What are we doing

- Operation Reduce and Capture (RAC).
- Joint work with police officers across East of Scotland and Road Policing resource allocation.
- 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.

Indicator 3 - Increase detection rate in respect of Domestic Housebreakings

Division TYTD	EL 2015/16	EL 2016/17	5 Yr Avg	Change
30.1%	46%	25%	40.3%	Down 21%



Priority 1 - Protecting People
Indicator 4 - Reduce the number of Domestic Abuse Incidents reported
Target - Decrease from 2015/16

Current situation

On target, there has been a reduction of 0.4% compared to this time last year.

Reasons

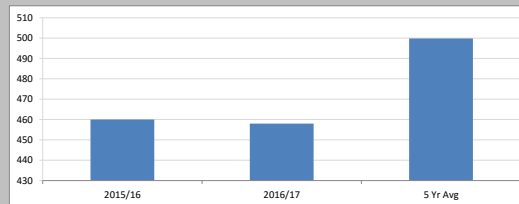
This year to date has seen 2 less Domestic Abuse Incidents reported. Disclosure Scheme Domestic Abuse was rolled out nationally on 1 October 2015. Through the scheme people can request a disclosure if they believe their current partner may have an abusive past, or a request can be made on their behalf. Nationally 1,044 requests for disclosure were made between 1 October 2015 and 29 September 2016. This resulted in 371 disclosures to people who have been told their partner has an abusive past. This scheme has been subject of national and local media coverage with applications made in East Lothian. The anniversary provided an opportunity to promote the work Police Scotland undertake with partners to tackle domestic abuse, and to outline the scale of domestic abuse in Scotland, the needs of victims and the time devoted by Police Scotland.

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 TYTD	EL 2015/16	EL 2016/17	5 Yr Avg	Change
2600	460	458	499.8	Down 0.4%



Priority 1 - Protecting People
Indicator 5 - Increase the detection rate for Domestic Abuse crimes
Target - Increase from 2015/16

Current situation

Off target, there has been a fall of 7.3% in the detection rate compared to this time last year.

Reasons

This reduction amounts to 43 less detected domestic crimes.

The focus on Domestic Abuse over the past three years has resulted in an increase in reporting which has been evident in the longer term incident trend with incident levels peaking in 2014/15. As such it would be expected that this increase would slow to a level with a good balance between proactively impacting on the issue and encouraged reporting. A number of these reports are historical in nature and as such more complex in nature to investigate.

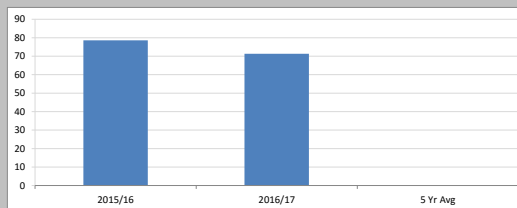
Please note, that the '5 year average' data is not available for detection rates of Domestic Abuse crimes.

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.
- Mental Health Crisis and Suicide Intervention
- Police Scotland Safer Communities have rolled out national training products in respect of Mental Health Crisis and Suicide Intervention. The training was developed in conjunction with NHS Scotland to teach officers and staff about effectively managing mental health incidents and raise awareness of mental health in communities. The training is mandatory for all special constables, police officers up to the rank of Inspector and staff who are in regular face to face contact with the public, e.g. custody staff. It will be delivered on-line and through a half day training course and is due to be completed by February 2017. The training is incorporated into initial training programmes to ensure new staff are trained.

Indicator 5 - Increase the detection rate for Domestic Abuse crimes

Division TYTD	EL 2015/16	EL 2016/17	5 Yr Avg	Change
71.9%	78.6%	71.3%	N/A	Down 7.3%



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.

Reasons

This figure is equal to that for the whole Division and 3.8% above the set limit. Supervisors and officers are fully aware of the importance of these checks and as such a disciplined tasking process is in place between the courts and the police.

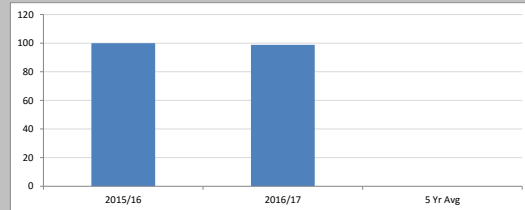
Please note that the '5 year average' data is not available.

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 from incidents to crimes.

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

Division TYTD	EL 2015/16	EL 2016/17	5 Yr Avg	Change
98.8%	100.0%	98.8%	N/A	Down 1.2%



Priority 1 - Protecting People
Indicator 7 - Increase the detection rate for Sexual Offences (Group 2 Crime)
Target - Increase from 2015/16

Current situation

On target, with a detection rate 4.4% up compared to this time last year.

Reasons

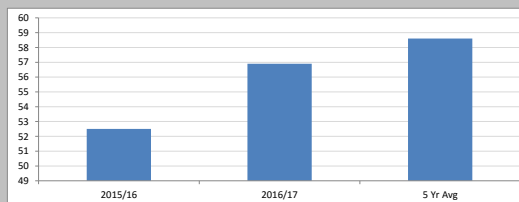
There has been an 18% rise in Sexual crimes being reported compared to this time last year approximately 45% of these investigations are historical in nature. These historical offences remain on-going live investigations due to protracted/complex nature, some of these offences date back to the 1960's. Sexual crime reports have increased this year, we are taking every opportunity presented to us to deal with offences within a domestic settings, it is encouraging that victims feel more confident in coming forward and reporting such crimes, no matter how long ago they may have happened.

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

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

Division TYTD	EL 2015/16	EL 2016/17	5 Yr Avg	Change
68.5%	52.5%	56.9%	58.6%	Up 4.4%



Priority 2 - Reducing Anti-Social Behaviour
Indicator 8 - Reduce the number of Disorder incidents
Target - N/A

Current situation

Off target, there has been an increase of 11.9% in Disorder incidents from this time last year.

Reasons

Following a recent increase in Disorder and Antisocial Behaviour complaints, a Short-Life working Group was formed within East Lothian to explore data recording changes and other factors impacting upon Disorder and Antisocial Behaviour. A more detailed paper, with findings, will be presented for discussion at the Police, Fire and Community Safety Committee. The findings can be summarised as disorder and anti-social behaviour incidents are showing increases of 11.9% and 20% respectively however this is partly due to recent improvements in data capture methods and call handling capacity within East Lothian and Police Scotland. That said, following partnership review it is believed there have been increases year to date but not to the extent reported.

A Service Level Agreement covering the current financial year provides funding for three officers and one antisocial behaviour officer where previously thirteen officers were dedicated to targeting antisocial behaviour. Any correlation between recent increases in antisocial behaviour and funding reductions will remain under close scrutiny. The Night Time Noise Service, reduced its operating hours earlier this year, the review has concluded that this resulted in 100 additional calls being attended over a 6 month period by Police Scotland. These calls would have previously been attended by council officers.

Police Scotland, East Lothian Council and partner agencies are committed to continuous review and improvement in response to antisocial behaviour.

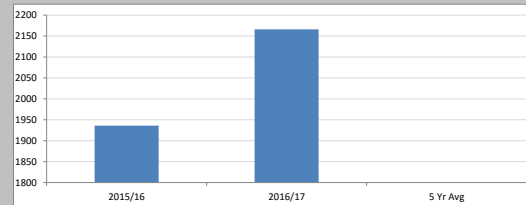
*Please note that Police Scotland do not produce 5 yr average as figures pre Police-Scotland cannot be validated.

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 partners such as Council CCTV, Fire Service and Youth Workers to proactively deploy intelligence led resources.
- Youth Community Officers and Community Ward Officers have been delivering ASB school talks in East Lothian High Schools
- Repeat victim protocol reviewed and updated

Indicator 8 - Reduce the number of Disorder incidents

Division TYTD	EL 2015/16	EL 2016/17	5 Yr Avg	Change
10,796	1,936	2,166	N/A	Up 11.9%



Priority 2 - Reducing Anti-Social Behaviour (ASB)
Indicator 9 - Reduce the number of ASB incidents
Target - Decrease from 2015/16

Current situation

Off target, there has been an increase of 20% in ASB incidents from this time last year.

Reasons

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

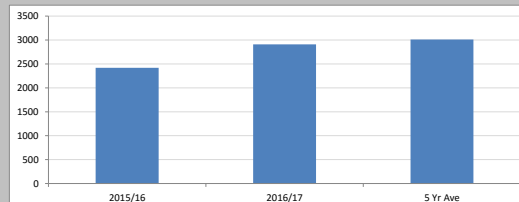
Comments within Indicator 8. Operation Wolf Castle involved a partnership team providing enhanced and dedicated high visibility patrols deployed in the Prestonpans and Musselburgh area to tackle an increase in antisocial behaviour and disorder incidents. This has been highly successful in addressing issues in this area on a partnership basis. Dedicated Community Ward Officers have been active in the community supporting diversionary activity. East Lothian Councils CLD Service agreed to provide a Friday night youth drop in club for secondary pupils in partnership with colleagues from the Preston Seton and Gosford Children and Youth Network. The purpose of the group is to provide a safe environment for young people to socialise with their peers and take part in leisure and informal education activities. The dedicated Prestonpans Community Officers has provided a presence at the club both in uniform and plain clothes. Officers will engage with the youths and form positive relationships with them in order to improve relationships.

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 partners such as Council CCTV, Fire Service and Youth Workers to proactively deploy intelligence led resources.
- Youth Community Officers and Community Ward Officers have been delivering ASB school talks in all EL High Schools
- Social Media promoting antisocial behaviour campaigns

Indicator 9 - Reduce the number of ASB incidents

Division TYTD	EL 2015/16	EL 2016/17	5 Yr Avg	Change
14,389	2419	2910	3011	Up 20%



Priority 2 - Reducing Anti-Social Behaviour
Indicator 10 - Reduce the number of Hate Incidents
Target - Decrease from 2015/16

Current situation

Off target, a 43% increase in comparison to this time last year.

Reasons

The 43% increase is equivalent to 10 additional incidents. Since the last quarter there have been regular Social Media posts promoting Hate Crime awareness. PC Rona Duncan and Transport Liaison for Lothian Buses conducted an input with Smarttalk (Learning Disabilities group) covering Hate Crime awareness. Youth Community Officers conducted several inputs on Hate Crime across the County.

Quarter 2 has seen a significant increase in Third party reporting sites across East Lothian, this has risen from 9 sites to 20. We will continue to provide training in this area and we should see further increases in Third Party Reporting sites across the County, encouraging and supporting reporting of such matters. Many people are reluctant to report directly to the Police and these sites provide a safe and supported environment, to encourage 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.

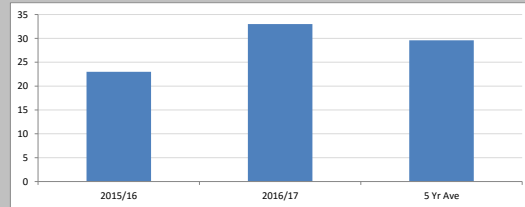
Continued multi agency risk assessment and robust enforcement help mitigate the harm and raise awareness throughout communities.

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 undertaken by Public Protection Unit and Local Authority Liaison Officer.

Indicator 10 - Reduce the number of Hate Incidents

Division TYTD	EL 2015/16	EL 2016/17	5 Yr Avg	Change
205.0	23	33	29.6	Up 43%



Priority 2 - Reducing Anti-Social Behaviour
Indicator 11 - Reduce the number of Hate Crimes
Target - Decrease from 2015/16

Current situation

Off target, there has been a 57.1% increase from this time last year.

Reasons

A 57.1% increase is equivalent to a rise of 12 Hate crimes compared against this time last year, this remains below the 5 year average. The distribution of characteristics is outlined below, it should be noted that some crimes can involve one more than one characteristic-
 Race- 68%, Sex Orient.- 32%, Disability- 2.7%, Religion- 8% Transgender 0%

This along with efforts to raise awareness of such crime coupled with robust investigations should provide a good balance between encouraging reporting and impacting upon the issue.

The distribution of other factors is as follows-

Alcohol involved- 22%, Point of sale- 22%, Violent- 54%, Police Victim- 13.5%, Takeaway- 5%, Neighbours 8%

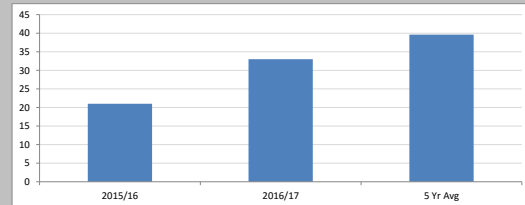
Quarter 2 has seen the Third party Reporting sites increase from 9 to 20, increasing the reporting capacity for Hate Crime. Within the Prevention Delivery Model the Engaging Communities portfolio holder undertakes a review and analysis of each crime, there have been no particular crime patterns identified. This is subject to regular review.

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 TYTD	EL 2015/16	EL 2016/17	5 Yr Avg	Change
214	21	33	39.6	Up 57.1%



Priority 2 - Reducing Anti-Social Behaviour
Indicator 12 - Increase the detection rate for Hate Crime
Target - Increase from 2015/16

Current situation

Off target, a reduction of 44.8% from this time last year.

Reasons

There has been an increase of 12 Hate crimes reported compared to this time last year and of these crimes a number are and remain active and on-going enquiries.

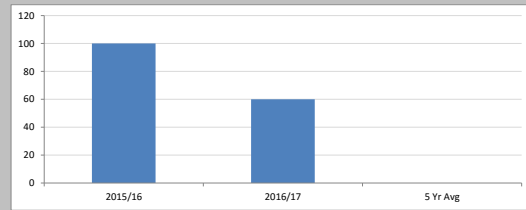
Please note that the '5 year average' data is not available. Hate Crime is not substantive but classed as an aggravator and the data is sourced from the Interim Vulnerable Persons Database (iVPD) system, which was only introduced 3 years ago.

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 TYTD	EL 2015/16	EL 2016/17	5 Yr Avg	Change
70.6%	104.8%	60.0%	N/A	Down 44.8%



Priority 3 - Reducing Violence
Indicator 13 - Reduce the level of Group 1 Violent Crime
Target - Decrease from 2015/16

Current situation

Off target, there has been an increase of 57.1% compared to this time last year, from 28 to 44 crimes recorded.

Reasons

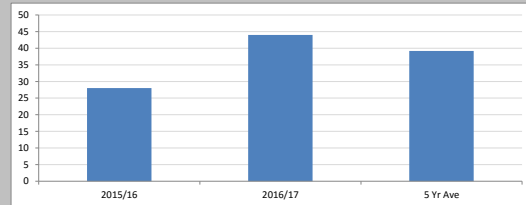
There has been an increase of 16 violent crimes reported compared to this time last year. The largest increase has been in relation to serious assaults which have increased from 9 last year to date to 24 this year to date. In all of these offences except one the offender and victim were known to each other. In 7 of these cases this related to domestic crimes where there had been no previously reported incidents. A great deal of this increase can be put down to the strict adherence to a change in definition of what is classed as a 'serious assault' – consequently we are now recording incidents as serious assaults, which in the past would have been common assaults. This is similarly reflected across a number of Divisions in Police Scotland. There does not appear to be a real pattern to locations/repeat offenders, with a 75% detection rate for serious assaults. It is also worth noting that the detection rate for Group 1 Violent Crime currently sits at 82.8%.

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.).
- East Lothian officers have been promoting prevention advice attending at various public events across the County providing advice and inputs in relation to Get Safe On-Line. This has also involved the Youth Community Officers providing inputs at schools across East Lothian.
- Get Safe On-Line Prevention Media messages

Indicator 13 - Reduce the level of Group 1 Violent Crime

Division TYTD	EL 2015/16	EL 2016/17	5 Yr Avg	Change
281	28	44	39.2	Up 57.1%



Priority 3 - Reducing Violence
Indicator 14 - Increase the number of positive Stop and Searches for Offensive Weapons
Target - Increase from 2015/16

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

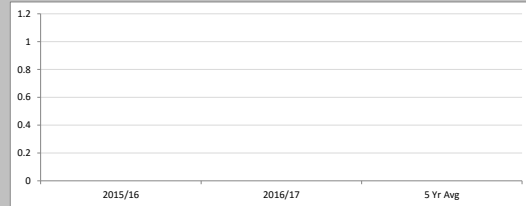
No comparative data is available for stop search figures.

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 TYTD	EL 2015/16	EL 2016/17	5 Yr Avg	Change
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 2015/16

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

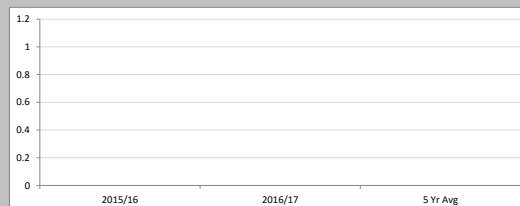
No comparative data is available for stop search figures.

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

Division TYTD	EL 2015/16	EL 2016/17	5 Yr Avg	Change
N/A	N/A	N/A	N/A	N/A



Priority 4 - Tackling Substance Misuse
Indicator 16 - Increase the number of on/off sales licensed premises visits
Target - Increase from 2015/16

Current situation

Off target, down 25 from 184 to 159 visits to licensed premises (including incidents) this year.

Reasons

There are currently no Problematic or Monitored premises in East Lothian. The figure combines the number of visits, which are either, 'proactive' (conducted during routine patrols) or 'reactive' (attending on-going incidents which are linked to a licensed premises). Problematic Premises - those operating in a manner inconsistent with the licensing objectives or outwith the conditions of a Premises Licence and where local Police intervention and support has failed or is unlikely to succeed in resolving the issues. A premises review request to the local licensing board is considered the most appropriate way to address the issue.

Monitored - The premises have come to note for a minor adverse issue and are being monitored. This may result in an informal intervention in terms of advice/support to the premises along with police visits.

As you can see from previous years the number of incidents/visits are down. This should be viewed as a positive, incidents are down and visits are up in this quarter.

With the recruitment of support staff in the Licensing Dept the Licensing Officer has increased proactivity in relation to checks. In addition the introduction of the new Inn Keeper System (April 2016) has improved efficiency allowing increased joint partnership visits with the East Lothian Licensing Standards Officer.

Test purchasing is still an on-going tactic that raises awareness in 'off sales'.

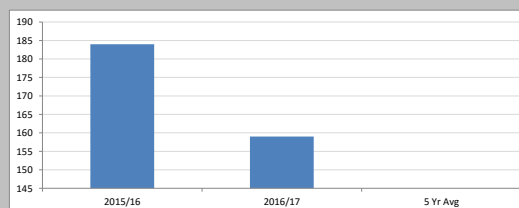
What are we doing

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.
- In East Lothian we continue to utilise the Exclusion Order legislation at every opportunity. We have several pub watches that continue to work well and an increase in Best Bar None applicants, year on year.
- Joint partnership visits with the East Lothian Licensing Standards Officer

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

Division TYTD	EL 2015/16	EL 2016/17	5 Yr Avg	Change
N/A	184	159	N/A	Down 25



Priority 5 - Making Our Roads Safer
Indicator 17 - Reduce the number of people killed or seriously injured on our roads
Target - Decrease from 2015/16

Current situation

On target, there has been a 29.4% decrease in the number of people killed or seriously injured on our roads, from 17 to 12 compared with this time last year.

Reasons

There were no fatalities on East Lothian roads compared to 2 this time last year. The 12 quoted relate to accidents where persons were seriously injured, this is 3 less than the same period last year.

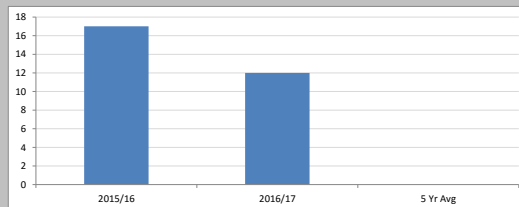
Continued preventative and proactive activity, in conjunction with focused enforcement, using local Divisional officers with support from Road Policing Unit, in accordance with National Road Safety Campaigns and direct tasking following collaboration with partners at ELC Road Safety Working Group and Community Safety Department.

What are we doing

-Local Officers and Roads Policing Officers targeting priority routes positively influencing driver behaviour. They have been paying particular attention to the A198/99 coastal routes (these had 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" delivered to over 1250 6th Year Pupils and Vulnerable Road Users Campaign
 -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. Continued preventative and proactive activity, in conjunction with focused enforcement, using local Divisional officers with support from Road Policing Unit and the Safety Camera Partnership, in accordance with National Road Safety Campaigns and direct tasking following collaboration with partners at ELC Road Safety Working Group and Community Safety Department.

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

Division TYTD	EL 2015/16	EL 2016/17	5 Yr Avg	Change
89	17	12	N/A	Down 29.4%



Priority 5 - Making Our Roads Safer
Indicator 18 - Increase the number of people detected for Drink/Drug Driving offences
Target - Increase on 2015/16

Current situation

Off target, there has been an 12.2% decrease in people detected for drink/drug driving offences.

Reasons

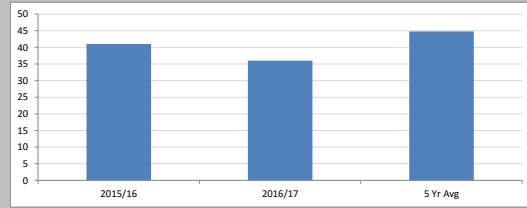
Although this indicator is off target by 12.2%, this is representative of a change from 41 to 36 compared to this time last year.

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.
- Seasonal Drink/Driving campaign.

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

Division TYTD	EL 2015/16	EL 2016/17	5 Yr Avg	Change
278	41	36	44.8	Down 12.2%



Priority 5 - Making Our Roads Safer
Indicator 19 - Increase the number of people detected for Dangerous Driving offences
Target - Increase from 2015/16

Current situation

On target, with an increase of 66.7% compared to this time last year, from 12 to 20 people detected for dangerous driving offences.

Reasons

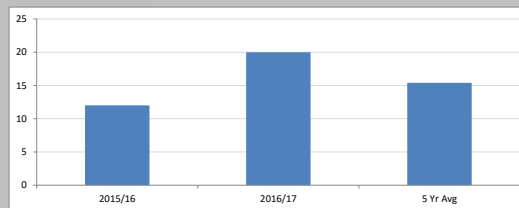
Continued preventative and proactive activity, in conjunction with focused enforcement, using local Divisional officers with support from Road Policing Unit, in accordance with National Road Safety Campaigns and direct tasking following collaboration with partners at ELC Road Safety Working Group and Community Safety Department.

What are we doing

- ELCAT 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 TYTD	EL 2015/16	EL 2016/17	5 Yr Avg	Change
124	12	20	15.4	Up 66.7%



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 2015/16

Current situation

Off target, down by £139,299 from this time last year.

Reasons

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

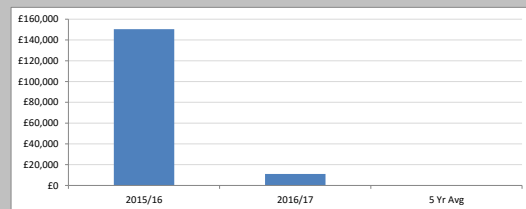
The reported figure represents money seized from those criminals living within East Lothian. It is not indicative of whether or not this money was from the proceeds of crimes committed within East Lothian. Last years total included the sum of £121,115 which was seized from 2 individuals. This years figure is as a result of 7 seizures compared to 9 last year.

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 TYTD	EL 2015/16	EL 2016/17	5 Yr Avg	Change
N/A	£150,334	£11,035	N/A	Down £139,299



Priority 6 - Tackling Serious Organised Crime
Indicator 21 - Increase the number of people detected for Supplying Drugs
Target - Increase from 2015/16

Current situation

On target, with an increase of 3.4% from this time last year of people detected for supplying drugs, from 29 to 30.

Reasons

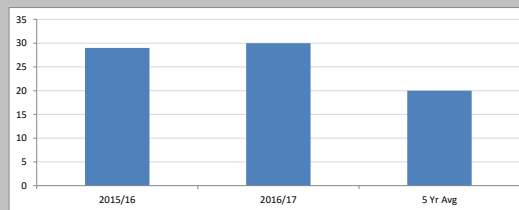
Intelligence led and proactive targeting using the concept of right person, right place, at the right time.

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 TYTD	EL 2015/16	EL 2016/17	5 Yr Avg	Change
185	29	30	20	Up 3.4%



Complaints against the Police

Number of complaints	44
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Number of Complaints per 10,000 Police Incidents	31.4
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Total allegations recorded	On Duty	Off Duty
	42	0

Quality of service allegations	Total number of allegations
17	59



4

LOCAL PLAN PERFORMANCE REPORT FOR EAST LoTHIAN



SCOTTISH
FIRE AND RESCUE SERVICE
Working together for a safer Scotland

Quarter 2 Performance Report, 1st July– 30th September, 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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<i>All fire casualties (fatal & non-fatal (incl. p/c's))</i>	9
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Introduction

This performance report provides information on our prevention, protection and operational response activities within the East Lothian for Quarter 2 of 2016-17 (1st July – 30th September 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 2013 - 23.

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

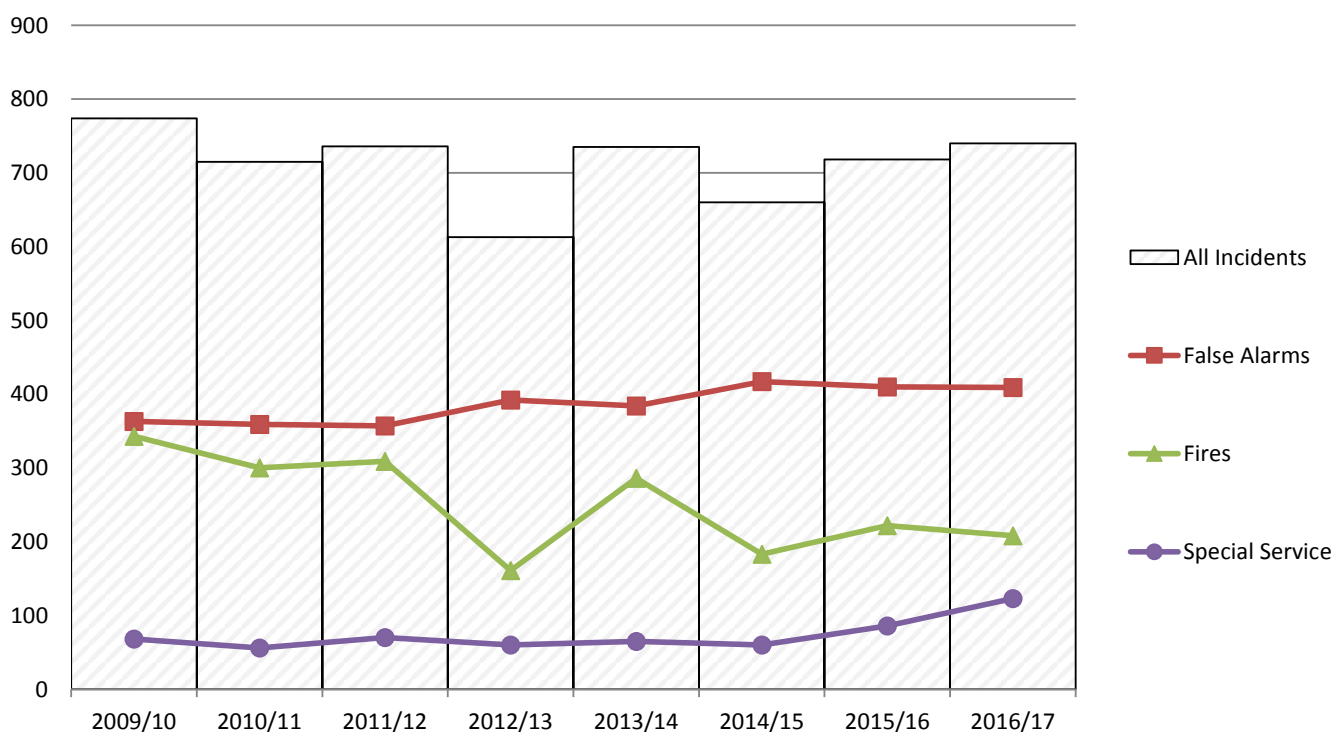
We measure how well we are meeting our priorities using 6 key indicators, depicted below

Key performance indicator	Apr to (& incl.) Sep					RAG rating
	2012/13	2013/14	2014/15	2015/16	2016/17	YTD
All accidental dwelling fires	43	40	35	41	22	●
All fire casualties (fatal & non-fatal (incl. p/c's))	11	5	7	3	2	●
All deliberate secondary fires	53	122	51	79	91	◆
Special Service - RTCs	15	25	19	25	26	▲
Special Service Casualties - All	15	30	12	32	31	●
False Alarm - UFAs	206	234	232	238	241	▲

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
<p>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.</p>
Incident Overview
<p>During this financial year to date, SFRS responded to 740 incidents in East Lothian, an increase of 22 incidents when compared to last year.</p>

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

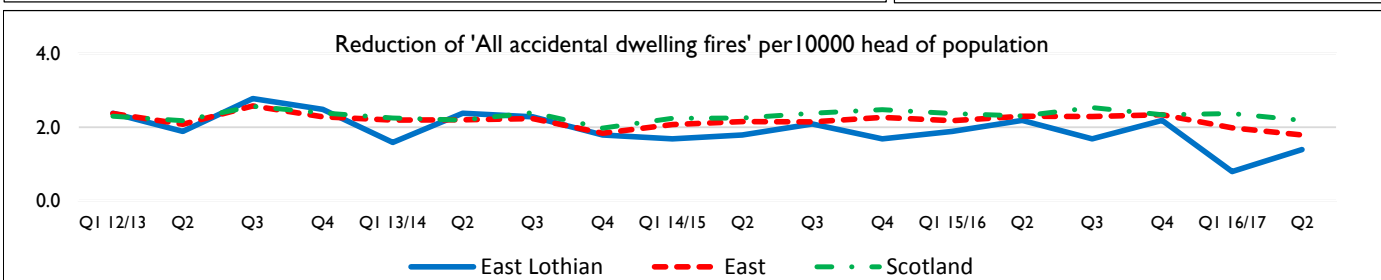
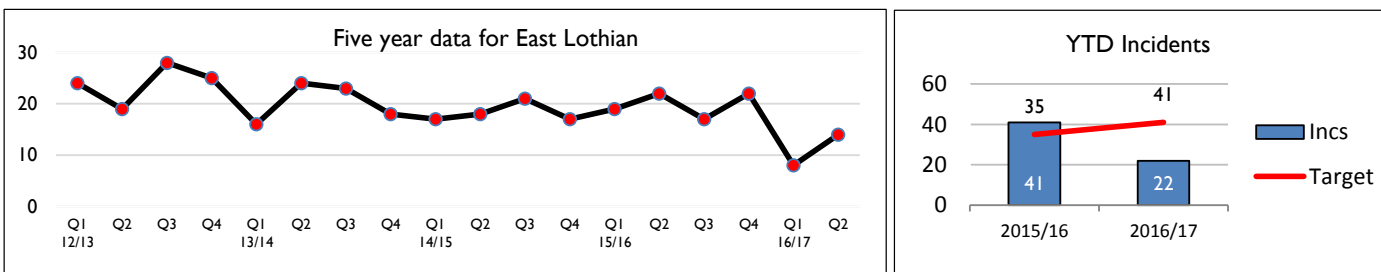
We aim to reduce Accidental Dwelling Fires in East Lothian by contributing towards the SFRS target of 10% reduction per year, over a three-year rolling period. During this quarter, we responded to 14 Accidental Dwelling Fires, which is a decrease of 8 incidents from the same period last year. The long-term trend based upon incidents/10,000 population is significantly below that of both the Scottish and East Delivery Area trends.

Reasons

Of these 14 fires, 80% occurred in single occupancy households with 20% being in the over 65 category and 80% in the 18-64 age category. The main causes were cooking (60%) or electrical faults (30%). 80% of the fires started in the kitchen with 65% of fires caused by cooking and 15% by other domestic kitchen appliances. 93% of the fires were confined to the room where the fire started, one fire spread further from the room of origin. All properties were fitted with smoke detection; however, one smoke detector did not operate. It is clear from this evidence for the need in continuing to target those mostly at risk in single occupancy households.

Actions

During this reporting period, 292 Home Fire Safety Visits were carried within East Lothian. A number of initiatives and events aimed at reducing accidental dwelling fires were conducted. We have introduced a 'Post Domestic Incident Response' policy, which provides a framework to ensure that engagement activity is completed in a structured and appropriate manner following incidents. Appendix 1 provides further details on our prevention activities in relation to this priority.



YTD ward ave. for East Lothian - 3	2012/13	2013/14	2014/15	2015/16	2016/17	Sparklines
East Lothian	43	40	35	41	22	
Musselburgh West	5	3	3	5	0	
Musselburgh East and Carberry	6	8	6	6	5	
Preston/Seton/Gosford	11	5	4	8	4	
Fa'side	7	12	4	4	3	
North Berwick Coastal	5	4	4	5	5	
Haddington and Lammermuir	1	6	6	7	1	
Dunbar and East Linton	8	2	8	6	4	

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

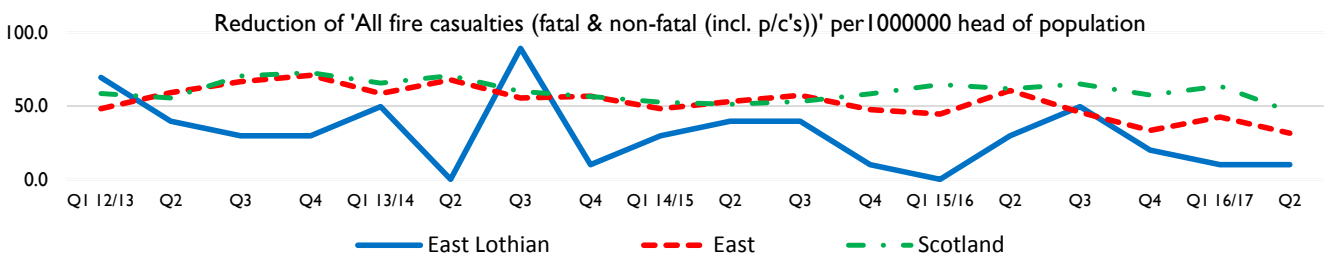
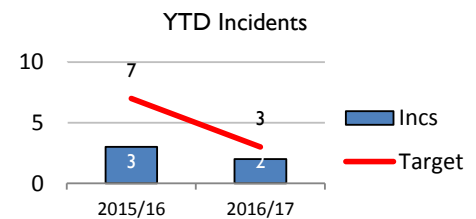
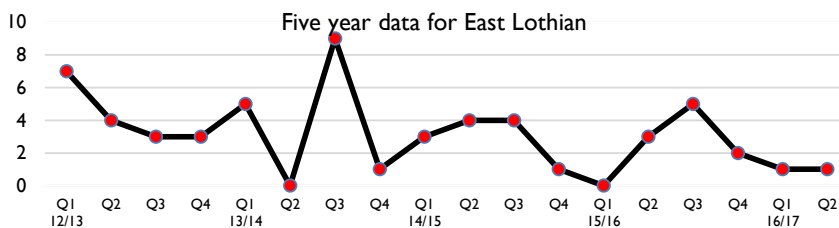
There were no reported Fire fatalities in the reporting period. We aim to reduce Fire Casualties in East Lothian each per year, which contributes towards the SFRS target of reducing Fire Casualties by 5% per year, over a three-year rolling period. In this reporting period, SFRS dealt with 1 casualty due to a fire. This was a decrease of 2 on the same period last year. 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 did not have a working smoke detector in their home.

Actions

During this reporting period, 292 Home Fire Safety Visits were carried within East Lothian. A number of initiatives and events aimed at reducing accidental dwelling fires were conducted. We have introduced a 'Post Domestic Incident Response' policy, which provides a framework to ensure that engagement activity is completed in a structured and appropriate manner following incidents. Appendix 1 provides further details on our prevention activities in relation to this priority.



YTD ward ave. for East Lothian - 0	2012/13	2013/14	2014/15	2015/16	2016/17	Sparklines
East Lothian	11	5	7	3	2	
Musselburgh West	2	0	0	0	0	
Musselburgh East and Carberry	2	1	1	0	0	
Preston/Seton/Gosford	4	2	1	0	1	
Fa'side	2	1	0	1	0	
North Berwick Coastal	0	0	1	1	0	
Haddington and Lammermuir	0	1	3	1	0	
Dunbar and East Linton	1	0	1	0	1	

Reduction of 'All deliberate secondary 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

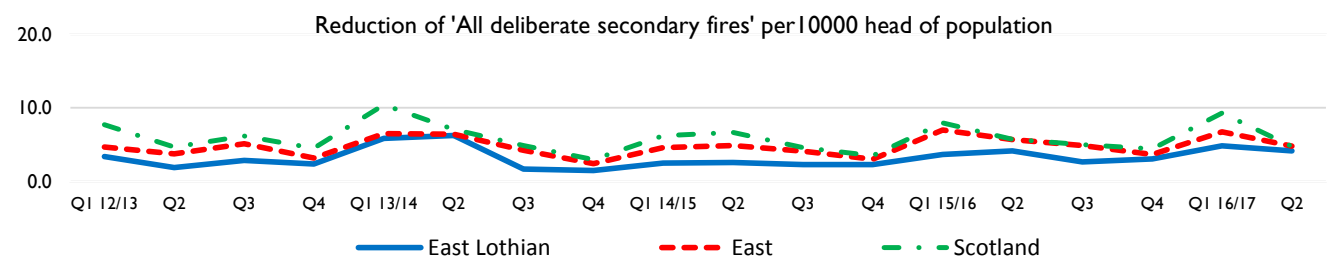
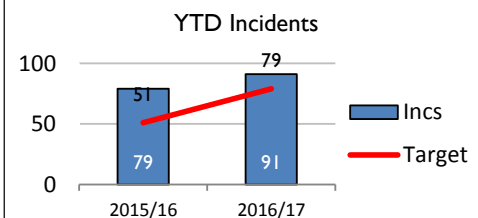
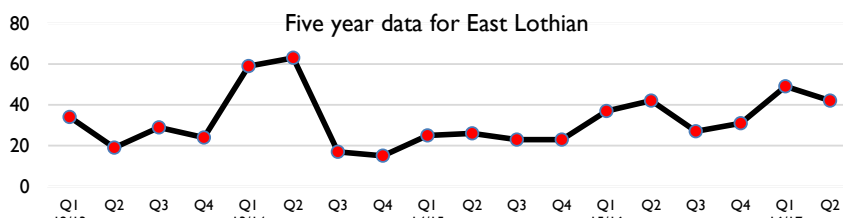
There were 42 deliberate fires during this reporting period, the same figure as period Q2 last year; however, year to date the number of secondary fires has increased on last year. The wards most likely to suffer from this type of fire are Musselburgh, Preston/Seton/Gosford and Fa'side. The long-term trend based upon Deliberate Fire Setting /10,000 population shows East Lothian in line with the Scottish and East delivery area average.

Reasons

Deliberate ignition to scrubland/woodland accounted for over 55% of deliberate fires with 45% to refuse and bins in East Lothian. No patterns emerged in July and August where we usually expect them to, however 65% of the totals calls took place in September with the majority happening in Preston/Seton/Gosford and Fa'side wards.

Actions

A multi-agency approach was taken when the incident trend was identified through the TACG. There was a coordinated approach to identify areas and possible persons involved as well as continued education at Preston Lodge and Ross High schools. There was also prevention activities undertaken at hotspot areas with local youths to raise awareness of the issue. We continue to focus our attention to the areas where this is an issue in terms of communication and education.



YTD ward ave. for East Lothian - 13	2012/13	2013/14	2014/15	2015/16	2016/17	Sparklines
East Lothian	53	122	51	79	91	
Musselburgh West	10	12	9	7	3	
Musselburgh East and Carberry	13	41	11	23	20	
Preston/Seton/Gosford	14	31	14	20	28	
Fa'side	6	26	12	11	28	
North Berwick Coastal	2	0	2	2	3	
Haddington and Lammermuir	3	4	3	8	4	
Dunbar and East Linton	5	8	0	8	5	

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

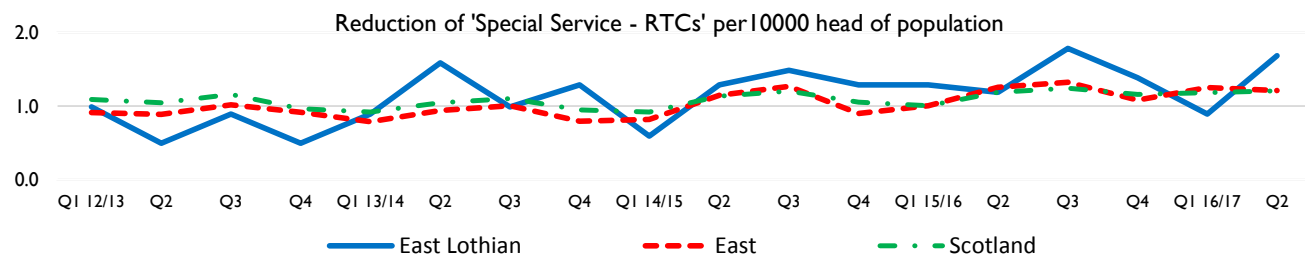
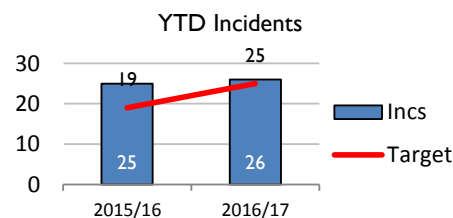
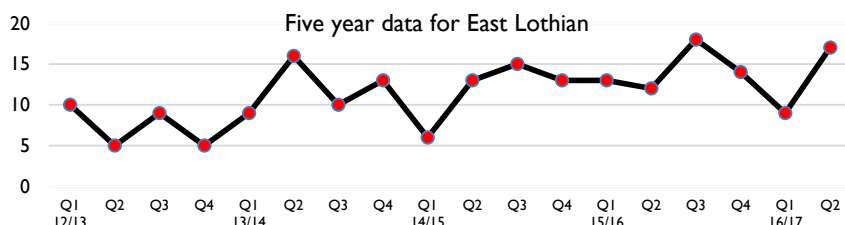
We attended 17 Road Traffic Collisions during this period; this was an increase of 5 incidents from the same period last year. Per 10,000 head of population, East Lothian is above the Scottish and East delivery area trend and the highest year to date figure in the last 5 years.

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 - 4	2012/13	2013/14	2014/15	2015/16	2016/17	Sparklines
East Lothian	15	25	19	25	26	
Musselburgh West	2	1	2	7	2	
Musselburgh East and Carberry	2	2	3	2	5	
Preston/Seton/Gosford	3	6	4	5	1	
Fa'side	2	3	4	4	2	
North Berwick Coastal	1	3	1	2	9	
Haddington and Lammermuir	3	4	1	0	2	
Dunbar and East Linton	2	6	4	5	5	

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

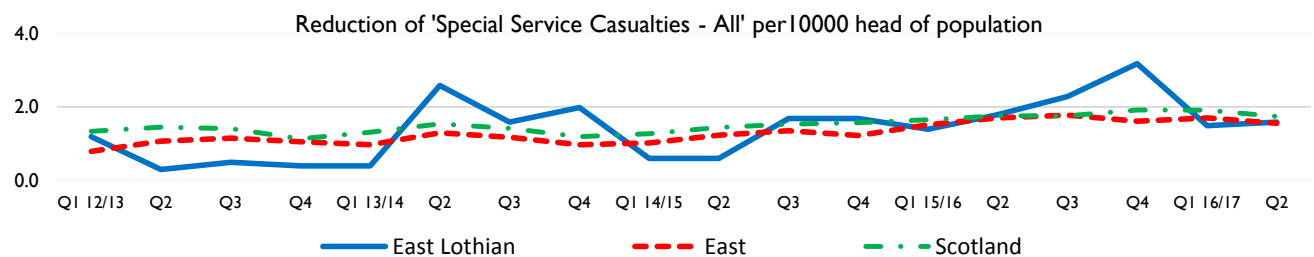
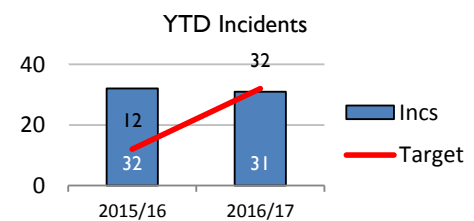
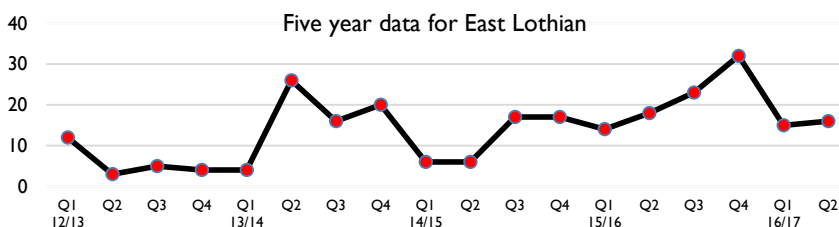
We attended to 16 casualties from non-fire emergencies in East Lothian, which is a decrease of 2 on the same period last year. The trend per 10,000 head of population is in line with the average of the Scottish and East service delivery areas.

Reasons

Of this number, 8 related to crews responding to out of hospital cardiac arrests or assisting the ambulance service, with 5 casualties and 3 fatalities as a result. There were 8 non-fatal rescues from RTC's. As the SFRS continue to assist with medical emergencies as co or first responders, the number of events is likely to increase.

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.



YTD ward ave. for East Lothian - 4	2012/13	2013/14	2014/15	2015/16	2016/17	Sparklines
East Lothian	15	30	12	32	31	
Musselburgh West	2	3	2	7	3	
Musselburgh East and Carberry	4	1	2	2	6	
Preston/Seton/Gosford	2	1	2	12	6	
Fa'side	2	1	0	3	4	
North Berwick Coastal	2	2	2	2	7	
Haddington and Lammermuir	1	9	2	1	3	
Dunbar and East Linton	2	13	2	5	2	

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

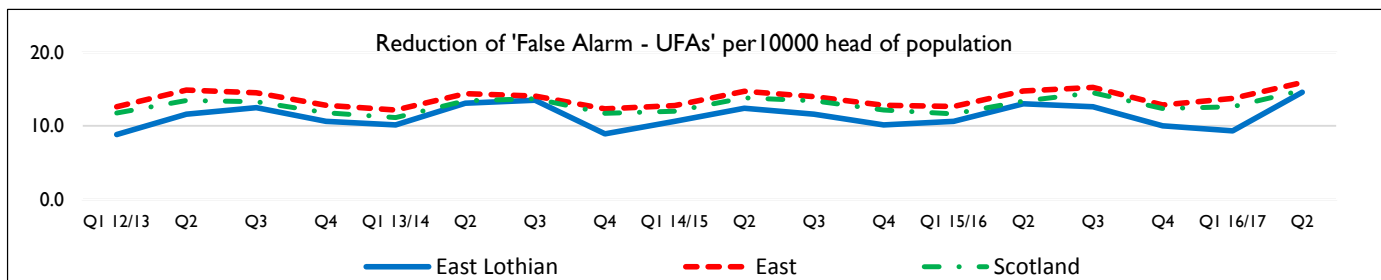
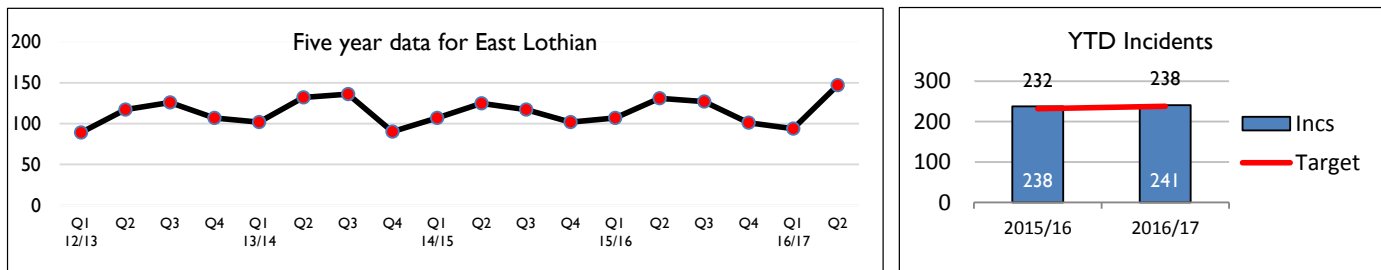
SFRS attended 147 Unwanted Fire Alarm Signals incidents during this reporting period, which is an increase of 16 for the same period last year. East Lothian trend line is slightly below that of Scotland and the East delivery area.

Reasons

Of the 147 Unwanted Fire Alarm Signals incidents we attended, 45% were unwanted caused by failure within the fire alarm system, 53% were caused by human errors and 2% were 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 - 34	2012/13	2013/14	2014/15	2015/16	2016/17	Sparklines
East Lothian	206	234	232	238	241	
Musselburgh West	33	45	35	42	48	
Musselburgh East and Carberry	40	42	39	41	34	
Preston/Seton/Gosford	10	18	24	20	15	
Fa'side	26	26	29	41	35	
North Berwick Coastal	36	45	24	44	44	
Haddington and Lammermuir	52	31	47	29	35	
Dunbar and East Linton	9	27	34	21	30	

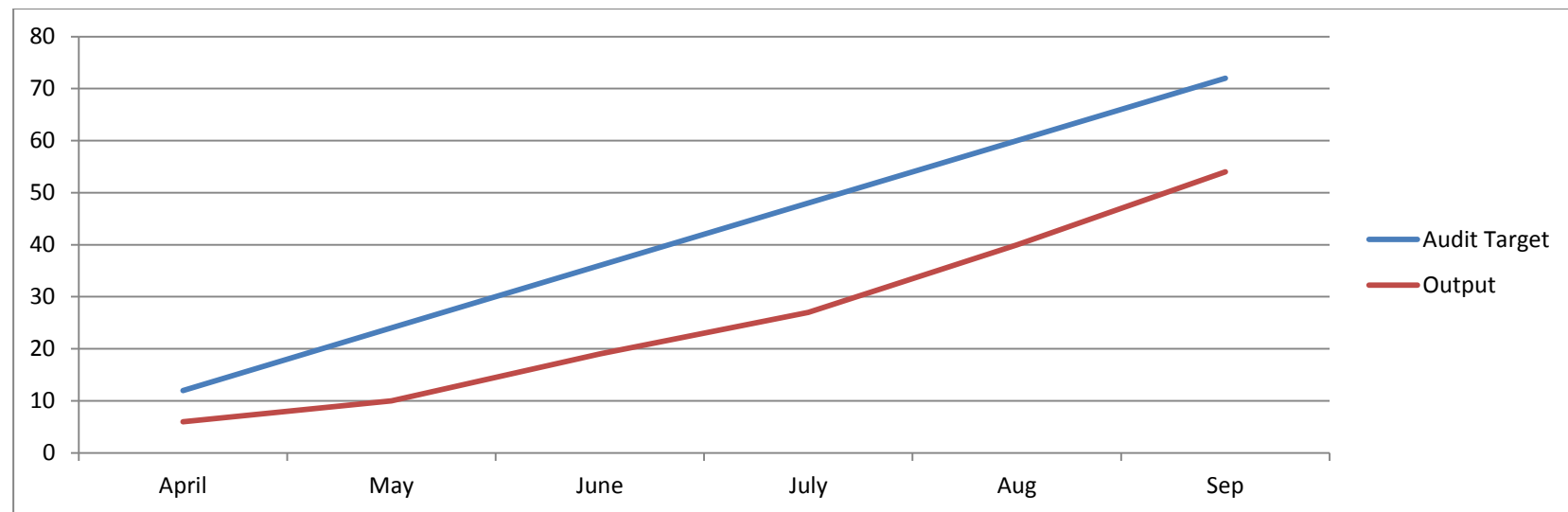
Prevention & Protection Activities

Quarter 2 July 1st -September 30th 2016

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. The quarter 2 audits are below target but there has been an improvement in the output. Having one enforcement officer will see fluctuations in regard to this reporting framework but the focus will continue with those premises with sleeping accommodation and present a higher life risk. The audits delivered have included 3 hospitals and 25 care home premises.

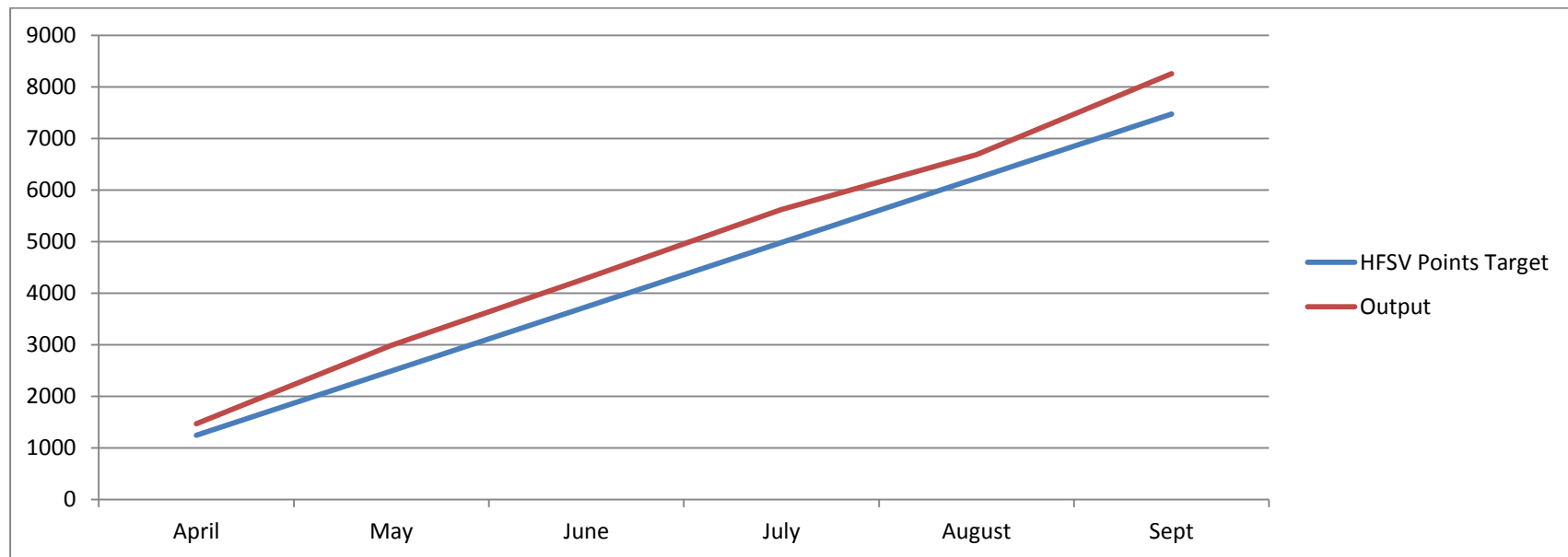
	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Total
Target:	12	24	36	48	60	72	84	96	108	120	132	144	144
Completed:	6	10	19	27	40	54							



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 free 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 an 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 and it is pleasing to report an above target return. During quarter 2 at total of **292 HFSVs** were delivered in East Lothian with free smoke alarms fitted during **153** of these visits (Q1 139).

	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Total
Target	1245	2490	3735	4980	6225	7470	8715	9960	11205	12450	13695	14940	14940
Completed	1468	2988	4292	5620	6684	8252							



Total visits delivered in Q2 2016/17 by ward area of East Lothian:

The following table gives a good indication of the coverage across East Lothian where the SFRRS delivers Home Fire Safety Visits.

Ward Area	Visits delivered in Q1 2016/17	Visits delivered in Q2 2016/17
Dunbar and East Linton	17	20
Fa'side	54	67
Haddington and Lammermuir	26	24
Musselburgh East and Carberry	59	49
Musselburgh West	42	50
North Berwick Coastal	24	27
Preston/Seton/Gosford	70	55
TOTAL	292	292

Partnership Working

Youth Engagement

- The SFRS supported the delivery of the Tomorrows Driver event for secondary schools in East and Midlothian, held at Brunton Hall Musselburgh. This successful road safety event was attended by approximately 1000 pupils.
- Due to recent incidents the SFRS have attended in the Prestonpans area, the Community Action Team and Musselburgh Fire Station personnel have targeted the area as part of a joint agency approach, working with Police Scotland and the local community wardens.
- Because of two deliberate fires at a building site in Musselburgh, two youths were arrested and are subject to the firesetters intervention process.

Vulnerable Adults

- East Lothian fire crews have submitted 4 adult protection referrals during this quarter and the LALO continues to provide fire related risk information as part of the multi-agency risk assessment conference (MARAC).

Home Safety Visit Referrals

- A total of 62 multi-agency referrals were received by the SFRS during quarter 2. A high proportion of these were generated by the East Lothian Community Access Team which is proving to be a valuable source of high value referrals
- A referral pathway will be established with 2 of the area housing associations commencing in quarter 3 of this year, preparatory risk awareness training is underway.
- Training for falls assessments is now complete at Musselburgh Fire Station and the pilot initiative to deliver a more holistic home safety visit will commence in October.

Summer Thematic Action Plan (TAP)

- During quarter 2 the SFRS Summer TAP was supported by East Lothian firefighters to examine areas where, during the school holidays, an increase in fire raising is common. A total of 29 activities were completed on the Community Safety Engagement Toolkit (CSET) recording system linked to the area initiative. The activities ranged from schools visits before the holidays, attending gala days through to working with multi-agency partners, targeting the areas where some young people having been engaging in fire-raising and other forms of anti-social behaviour.
- Despite the efforts with this, a small, determined group, known to the partners involved, have continued with their behaviours, which will be reflected in the statistics.

Steve Gourlay
Group Manager

Mid/East Lothian and Scottish Borders Prevention and Protection

REPORT TO: Police, Fire and Community Safety Scrutiny Committee

MEETING DATE: 30 November 2016

BY: Depute Chief Executive - Partnerships and Community Services

SUBJECT: A Joint Approach to Tackling Antisocial Behaviour

5

1 PURPOSE

- 1.1 To advise the Committee of recent actions taken by local partner agencies in tackling antisocial behaviour.

2 RECOMMENDATIONS

- 2.1 That the Committee notes the terms of the report.

3 BACKGROUND

- 3.1 The Council, Police Scotland and other partner agencies recognise that antisocial behaviour is most effectively addressed by *working together* in conjunction with other partner agencies and local communities.
- 3.2 East Lothian's Antisocial Behaviour Strategy 2014-2016, and the attendant Antisocial Behaviour Policy, create the framework in which multi-agency action takes place; examples of same include the Antisocial Behaviour Case Monitoring Group, the Antisocial Behaviour Overview and Officers Groups, the Community and Police Partnerships and the weekly Tasking and Co-ordinating Group.
- 3.3 A recent increase in the number of complaints made to Police Scotland necessitated further inquiries to be made in to the way in which both agencies were recording antisocial behaviour complaints, how "repeat victim" cases were being addressed and the way in which youth related antisocial behaviour was being responded to. Discussions took place within the context of a Short Life Working Group chaired by the Local Area Police Commander.
- 3.4 Changes to the way in which Police Scotland collates its antisocial behaviour data has had a marked effect on the most recent figures; historically the figures were produced by a locally based council-funded Performance and Statistics Officer who applied a different methodology to that now being used by Police Scotland's centralised performance

unit. In addition, a recent change to the way in which Police Scotland's Area Control Room handle and record all initial complaints has led to a more accurate picture being captured.

- 3.5 In November 2016 Police Scotland and East Lothian Council aligned their respective reporting categories; the Council will now use the same as those shown at Indicators 8 and 9 of the quarterly Police Scrutiny Report.
- 3.6 An interrogation of complaints made to the Council under the headings of general complaint, disturbance, noise, neighbour dispute, drinking in public and communications shows a minor increase from 794 received during 1 April 2015 to 30 September 2015 to 802 received during the first two quarters of the current reporting period.
- 3.7 The disparity in the increase in the number of antisocial behaviour complaints being made to Police Scotland, as compared to those made to the Council, can be attributed, to an extent, to the withdrawal in February 2016 of the council's Night Time Noise Service during the hours of 1800 and 2000 Hours, and 0200 hours to 0330 hours on Friday and Saturday evenings. In addition, and at the same time, the council operated service was completely withdrawn on Sunday evenings between 1800 hours and 0330 hours; it is reported that the police have responded to approximately 100 additional antisocial behaviour noise calls during the first six months of the current reporting period; calls that would have been previously dealt with by council officers.
- 3.8 Police Scotland and East Lothian Council recently signed a Service Level Agreement covering the current financial year providing for the funding of three officers within East Lothian's Community Action Team and one Antisocial Police Liaison Officer. Any correlation between the recent increase in antisocial behaviour complaints made to Police Scotland and the reduction in the number of funded officers from thirteen to four; officers whose sole focus was / is to prevent / tackle antisocial behaviour, remains the subject of ongoing scrutiny, as does the loss of the Police and Statistics Officer's post; this officer provided detailed written analyses to the council and to the community led Community and Police Partnerships. It was on the basis of these analytical reports that decisions as to when and where to deploy joint council/police resources were made.
- 3.9 In October 2016 authority was given, following upon the completion of a Service Review of the Safer Communities Team, for the employment of one additional council based Antisocial Behaviour Investigation Officer. This will bring the total of such officers to four. Each officer will be allocated to an Area Partnership area. They will be responsible for, working in conjunction with local police officers and other council colleagues, in taking the lead in addressing all antisocial behaviour arising from their Partnership area.
- 3.10 In September 2016, and in order to address an increase in youth related antisocial behaviour complaints being made to Police Scotland, the

issuing of Parental Advisory Letters was re-introduced in East Lothian; 64 letters have been sent to date. Parents whose children were witnessed by police officers behaving in an antisocial fashion, or who were found at locations at which antisocial behaviour had been identified as being a prominent issue, are now written to by the Police's Antisocial Behaviour Police Liaison Officer and the council's Safer Communities Team Manager. The purpose of these letters is, not only to alert parents to a situation that they may have been hitherto oblivious to, but also to offer support to them in addressing the behaviour of their children. This initiative, combined with the increase in weekend community warden and police joint patrols of "hotspots", the continued use of Problem Solving Partnerships to combat localised antisocial behaviour, for example, at the Brunton Hall, the ongoing work of Police Scotland's two Youth Community Officers and a marked increase in the use of social media to highlight areas of joint agency activity is aimed at addressing the most visible aspect of antisocial behaviour.

- 3.11 Antisocial behaviour figures can be inflated by multiple complaints being received from the same individual. During 2014/2015 332 such individuals were identified; the figure rose to 350 during 2015/2016. A repeat victim of antisocial behaviour can be defined as someone who has made three or more complaints about the same alleged perpetrator(s) to either Police Scotland or the council within a period of one year. From 1 December 2016, and drawing on information obtained from both police and council systems, repeat victims will be visited by an officer from the council's safer communities team and a police officer. A joint and tailored approach will be formulated in dealing with the problem in point. This exercise will be repeated on a monthly basis.
- 3.12 Police Scotland, East Lothian Council and their partner agencies are committed to a regime of continuous review and improvement in their response to antisocial behaviour. The relationships and structures that currently exist allow for any such changes to be considered, and implemented where necessary.

4 POLICY IMPLICATIONS

- 4.1 None

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report has been through the Integrated Impact Assessment process and no negative impacts have been identified.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – None
- 6.2 Personnel - None

6.3 Other – None

7 BACKGROUND PAPERS

7.1 Antisocial Behaviour Strategy 2014-2016

7.2 Antisocial Behaviour Policy

7.3 Service Level Agreement

AUTHOR'S NAME	Tom Shearer
DESIGNATION	Head of Communities and Partnerships
CONTACT INFO	01620 827 413
DATE	14 November 2016

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.

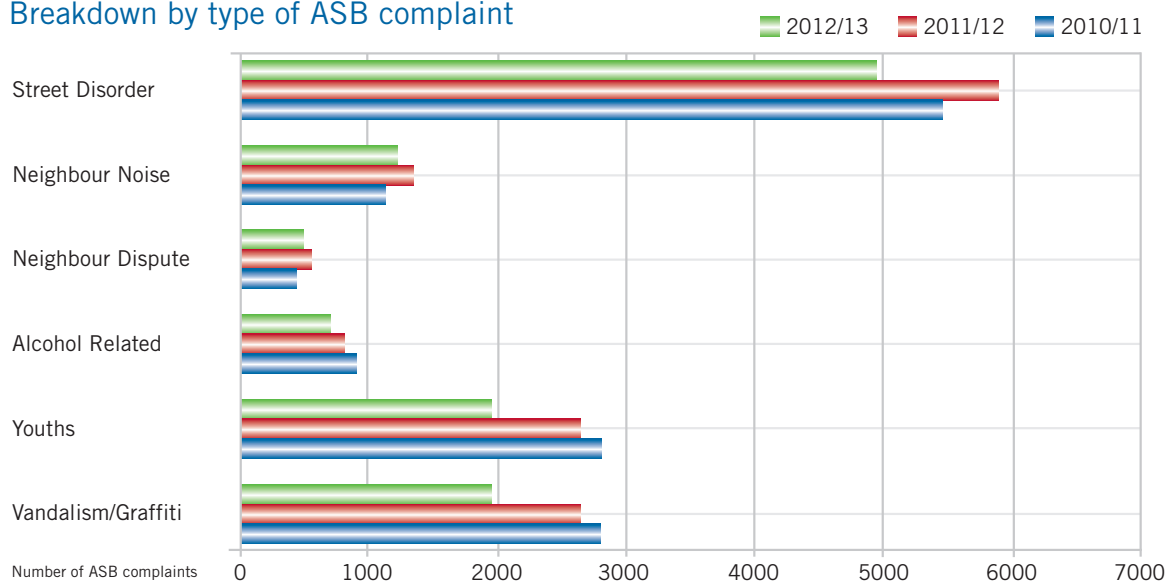
Section Four: Assessment of Antisocial Behaviour in East Lothian

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.

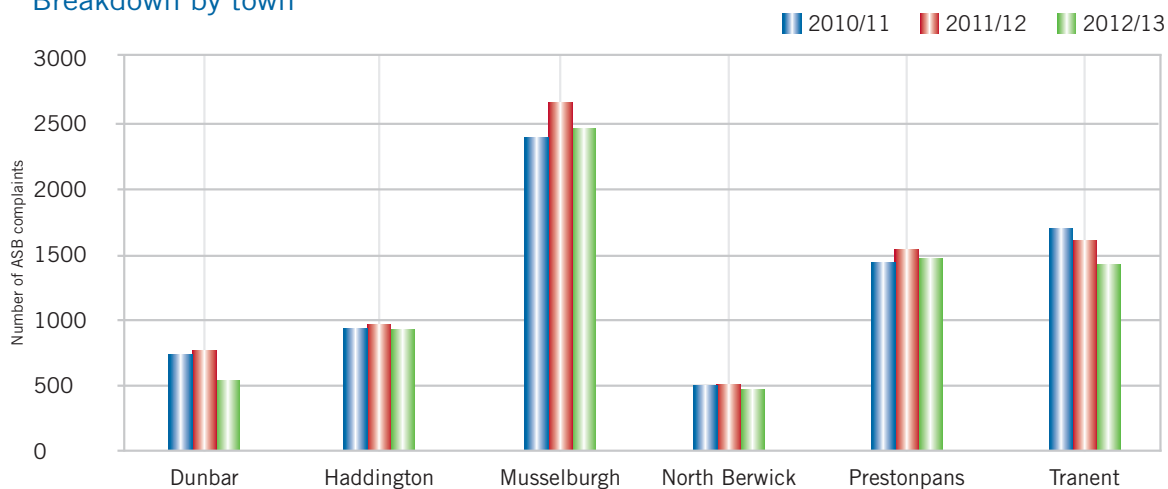
Complaints of street disorder between 2012/13 compared to street disorder in 2011/2012 reduced by 14%. Youth related calls over the same period reduced by 26%.

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 or via the council's website 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.

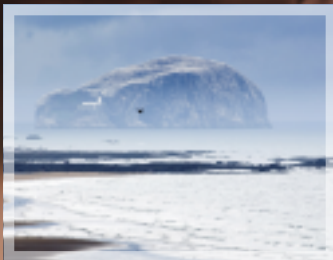
Intervention Warnings: Written or verbal warnings issued to the perpetrators of antisocial behaviour by the council, the police or any partner agencies.

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.



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

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

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[Section 5: Roles & Responsibilities](#)

[Section 6: Legal Framework](#)

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[Section 8: Prevention](#)

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

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Appendices

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

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

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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

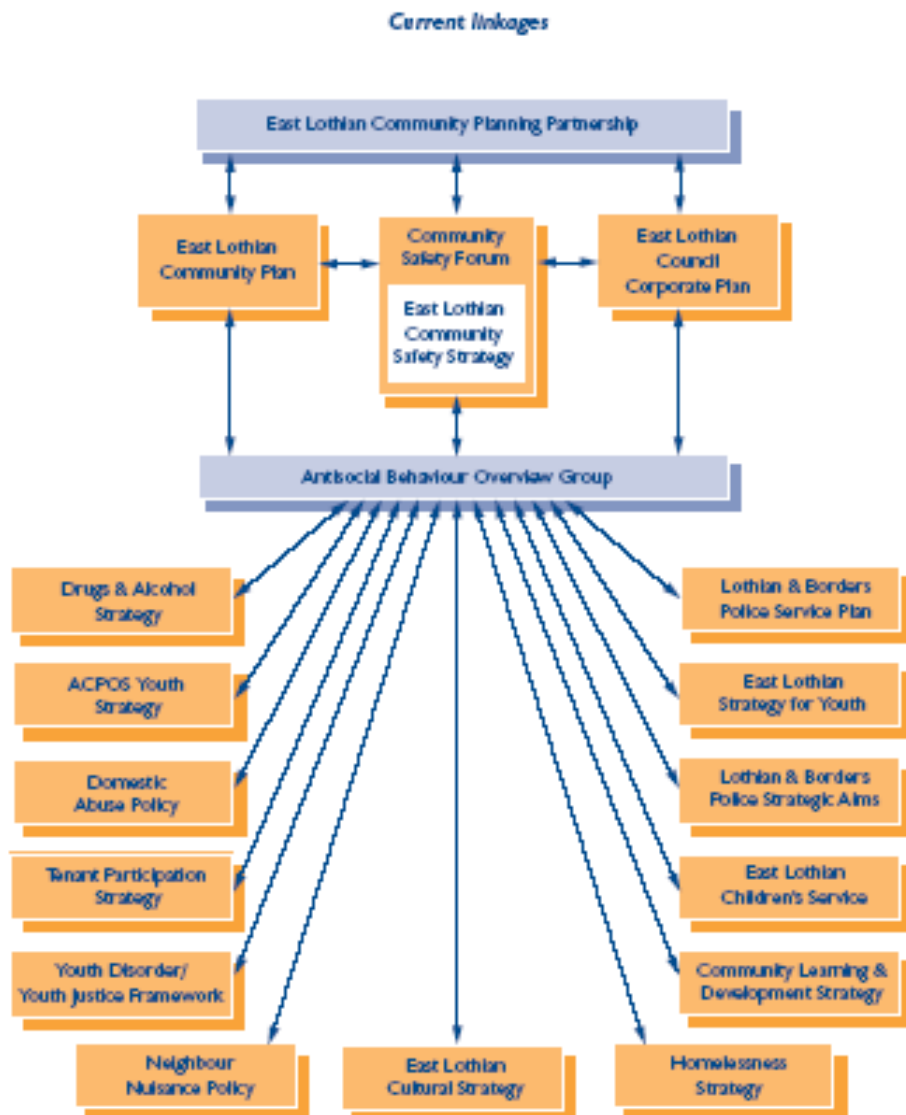
This policy reflects these four broad themes and provides a structure and framework within which the partnership operates.

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 - 2nd 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 - 3rd 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
- 2nd 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.

SERVICE LEVEL AGREEMENT

between

EAST LoTHIAN COUNCIL

and

THE CHIEF CONSTABLE OF THE POLICE
SERVICE OF SCOTLAND

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THIS AGREEMENT is dated

1. Parties

The parties to this service level agreement (agreement) are:

(1) **EAST LoTHIAN COUNCIL**, a local authority incorporated under the Local Government etc. (Scotland) Act 1994 and having its chief office at John Muir House, Brewery Park, Haddington, East Lothian, EH41 3HA ('the Council')

and

(2) **THE CHIEF CONSTABLE OF THE POLICE SERVICE OF SCOTLAND**, appointed in terms of section 7 of the Police and Fire Reform (Scotland) Act 2012 ('the Act') and having his headquarters at Tulliallan Castle, Kincardine, Fife, FK10 4BE ('the **Chief Constable**')

Together "the Parties" and each a "Party"

2. Background

2.1 The Council has agreed to pay funding to the Police Service of Scotland ('Police Scotland') to assist it in carrying out certain services to the Council in terms of section 86 of the Act, in accordance with Council priorities.

2.2 This agreement sets out the terms and conditions agreed between the Parties in relation to the funding of three Police Scotland officers to provide services within the Council's East Lothian Community Action Team ('ELCAT') and one Antisocial Behaviour Police Liaison Officer. The services will be in accordance with agreed local priorities and in support of East Lothian Council's Single Outcome Agreement ('ELC SOA') priorities and will include measures to deal with antisocial behaviour, violence, substance misuse, road and home safety, the protection of people, and the prevention of serious organised crime.

2.3 The agreement refers solely to the provision of the three Police Scotland officers to ECLAT ('the ECLAT Police Officers') and one Antisocial Behaviour Police Liaison Officer and does not reflect core-policing services delivered by Police Scotland.

3. Payment of Funding

3.1 In consideration of the provision of the services set out in 2.2 above the Council shall pay to the Scottish Police Authority the sum of £119,000 by four quarterly instalments payable at the end of each quarter.

- On a quarterly basis the Council shall provide Police Scotland with a statement of the sum due in respect of the services for that quarter, taking into account any deductions or credit arising in terms of this agreement.
- In response to the statement issued by the Council, Police Scotland shall submit an invoice to the Council.

- The Council shall pay the Scottish Police Authority all or any undisputed sums within ten business days of the receipt of the invoice from Police Scotland.

3.2 Purpose of funding

Police Scotland shall use the funding only for the delivery of the services in accordance with the terms and conditions set out in this agreement. The funding shall not be used for any other purpose without the prior written agreement of the Council.

4. Roles and Responsibilities

4.1 The ELCAT Police Officers

The following defines the role and responsibilities of the three ELCAT Police Officers and the expectations in respect of abstractions from duty.

4.2 The provision of the ELCAT Police Officers across East Lothian will include named posts that will support the implementation of this agreement and have a specific focus on community engagement, community safety and antisocial behaviour.

4.3 The sharing of information between both Parties regarding antisocial behaviour and community safety issues should be regular and integral and will be done under the terms of the existing Information Sharing Protocol. The process of sharing information and any consequential tasks will be managed through the current structure of weekly Multi Agency Tactical and Coordinating meetings, with oversight being maintained through the quarterly Antisocial Behaviour Overview Group, which is described in Appendix A of this agreement.

4.4 ELCAT Police Officers and the Antisocial Behaviour Police Liaison Officer should be subject to certain caveats regarding training/promotion prospects they may undertake when in this role. Police Scotland officers who have undergone specialist training and are therefore more likely to be abstracted from core duties, will not routinely be considered as suitable for a funded position.

4.5 On a daily basis, the work of the ELCAT will be supervised by the Police Scotland Community Sector Sergeants.

4.6 The Antisocial Behaviour Police Liaison Officer

The following defines the role and responsibilities of the Antisocial Behaviour Police Liaison Officer.

The officer will review all antisocial behaviour related crimes and incidents over the preceding 24 hours and identify at an early stage which partners require to be alerted/involved.

In addition, he/she will actively promote, and implement, antisocial behaviour legislation and policy. He/she will be co-located with the Safer Communities

Team and work normal council business hours. The officer will assist with enquiries generated from ELC staff and partners. He/she will carry out joint visits with ELC staff. He/she will attend all relevant meetings including, the adult and children's case monitoring groups, the Antisocial Behaviour Overview Group, the Antisocial Behaviour Officers Group, the weekly Antisocial Behaviour Tasking and Co-ordinating Group and the local area housing teams' antisocial behaviour case meetings.

The officer will be responsible for supplying the ELC solicitor with information required to support applications to the court made by ELC under the Antisocial Behaviour etc. (Scotland) Act 2004 and the Housing (Scotland) Act 2001. The officer will give evidence in court, when required, in support of those applications.

The officer will act as the main point of contact for ELC staff in obtaining information pertaining to live ELC cases or inquiries.

- 4.7 On a daily basis, the work of the Antisocial Behaviour Police Liaison Officer will be supervised by the Police Scotland Local Authority Liaison Officer.

5. Functions

- 5.1 ELCAT Police Officers will focus on:

- Patrols within East Lothian, focussing on issues identified through the weekly partnership tasking process, Police Scotland daily briefing/tasking, and on issues raised by communities and through elected members. Therefore, these patrols will respond to local Police Scotland priorities as well as to intelligence. These patrols will provide community reassurance, visibility and engagement, deter offences in known hotspots and detect and apprehend offenders.
- Appropriate attendance at the weekly East Lothian Multi Agency Tasking and Coordinating Group meeting, where further priorities and actions may be identified.
- Active participation in the delivery of localised prevention plans, in known areas of high antisocial behaviour.
- Being aware of the need to make referrals for vulnerable individuals/individuals at risk.
- When available, attendance at meetings of various community groups.
- Supporting Council Community Wardens in their investigation of antisocial behaviour ('ASB') through joint visits and joint patrols.
- When appropriate, funded officers will be able to concentrate on particular operations in identified geographical areas of concern.

- 5.2 ELCAT Police Officers will implement road safety focused activity across the county, in accordance with Police Scotland and Council priorities and with local consultation and engagement with community feedback.

This may include:

Prevention of road crime and protection of communities, including contributing to casualty reduction, through detecting a range of road traffic offences, including dangerous driving, careless driving, drink / drug driving, speeding, seat belt and mobile phone offences and dealing with significant, recurring or problematic traffic obstructions that present a hazard (i.e. dangerous or inconsiderate parking, abandoned vehicles etc).

- 5.3 The recruitment, selection and appointment of the three ELCAT Police Officers and the Antisocial Behaviour Police Liaison Officer will be the responsibility of Police Scotland, although funding for the four posts will be the responsibility of the Council.

6. Deployment

- 6.1 The ELCAT Police Officers are regarded as an enhancement to the core police resource. In this respect it has to be recognised that the ELCAT Police Officers are deployed to deal with the Community Safety priorities contained in this agreement and are not to be sent routinely to Level 1 and 2 calls. These officers are a part of the Community Policing Teams within East Lothian.
- 6.2 Deployment and team complement will be made subject to an intelligence led approach based on analysis and intelligence available. With a primary focus on antisocial behaviour and quality of life issues, the ELCAT will be a taskable resource for actions generated through daily Police Scotland tasking and the East Lothian Multi Agency Tasking and Coordinating Group, which meets on a weekly basis.
- 6.3 The Strategic Steering Group, Antisocial Behaviour Overview Group, will provide scrutiny and oversight on a quarterly basis.

7. Accountability

- 7.1 The Police Scotland officers providing the services for the ECLAT will at all times remain under the direction and control of the Chief Constable, who retains exclusive rights over the deployment of resources, having regard to prevailing wider operational issues and requirements.
- 7.2 Except in the case of an incident of terrorism or another emergency resulting in exceptionally high demand, ELCAT Police Officers will not be routinely abstracted from their core role, which is the provision of the services specified in Clause 5 of this agreement. For the purposes of this agreement the term 'abstraction' means that when the ELCAT Police Officers are on duty they will not be routinely utilised in any other capacity other than their core function as agreed within this agreement and will not be utilised outwith East Lothian.
- 7.3 In the event of any foreseeable disruption to the provision of the services, Police Scotland shall give as much notice as is reasonably practicable to the relevant authorised Council officers.
- 7.4 Any exception will be recorded and included in the Police Scotland report submitted to the Antisocial Behaviour Overview Group, which provides scrutiny and oversight on a quarterly basis.

- 7.5 In the event that Police Scotland has carried out an abstraction of Police Scotland officers from the ELCAT that does not meet the criteria above or has not been agreed in advance with an authorised Council officer, the Council shall be entitled to seek a pro rata reduction of the funding in respect of that abstraction.
- 7.6 In the event that Police Scotland officers are abstracted from the ELCAT to deal with other operations within the provisions of this Clause 7 reasonable efforts should be made to ensure that an ELCAT Police Officer remains available to assist Council colleagues. All abstractions will be included in the monthly report provided by the Local Area Commander.
- 7.7 Police Scotland will identify the senior Police Scotland officer(s) responsible for supervising these matters (“Authorised Police Officer(s)”). For the purpose of this agreement, this officer is the East Lothian Area Commander, on behalf of the Divisional Commander. In the absence of the East Lothian Area Commander, the Divisional Commander will ensure a named deputy carries out this function.

8. Dispute Resolution

- 8.1 In the event of any dispute between the Parties, either Party may serve a notice on the other Party outlining the terms of the dispute and proposing a time and a place for a meeting between the Parties’ representatives where the Parties’ representatives shall attempt to resolve the dispute.
- 8.2 The other Party shall respond to such a notice within five working days of receipt. If the dispute is not resolved within ten working days of service of the notice, the matter may be referred by either Party to the appropriate senior officer of each Party for resolution. If the dispute remains unresolved for a further ten working days then the issue shall be escalated for resolution to the Council’s Chief Executive and Police Scotland’s Local Area Commander and may include use of mediation and arbitration.

9. Information

- 9.1 The information to be reported by the Parties shall relate to the priorities agreed between the Police Scotland Local Area Commander and the Council.
- 9.2 Both Parties shall act reasonably in requesting additional or ad hoc information.
- 9.3 The Community Safety Team shall manage the provision of information to ensure the integrity and corporacy of data provided.

10. Information Governance

- 10.1 The Parties shall comply with the requirements of the Information Sharing Protocol.
- 10.2 The Parties will report all incidents of data loss and breach of confidence in accordance with the Information Sharing Protocol. Appendix D

11. Performance Management

- 11.1 Each Party shall identify a named lead to act as contact point for the management of this agreement.
- 11.2 Within two months of the agreement being signed, a detailed performance matrix will be agreed (see Appendix B for consideration). The matrix will reflect the East Lothian Local Police Plan and the priorities of the East Lothian Single Outcome Agreement (see Appendix C).
- 11.3 The Parties shall meet quarterly to review the performance of this agreement. Either Party can submit matters for discussion at the review meeting. A written record of the review meeting shall be agreed and circulated.
- 11.4 Where performance of the services and/or any other obligations under this agreement falls below the service requirements or priority outcomes in this agreement or could be reasonably expected from a Party to this agreement, then a corrective action plan will be agreed by the Parties setting out the improvement in performance that should be achieved prior to the next performance review meeting.
- 11.5 A record of any corrective action plan and any consequence exercised and actions completed shall be recorded in the written record of the review meeting.

12. Intellectual property

- 12.1 Except as set out expressly in this agreement neither Party shall acquire the intellectual property rights of the other Party.
- 12.2 Intellectual property will not be shared outwith the ASB Overview Group without the express consent of the Party owning that intellectual property and the manner of sharing such intellectual property is governed by the Information Sharing Protocol.

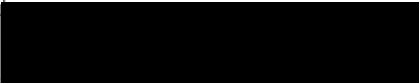

13. Term and termination

- 13.1 This agreement shall commence on the date of signature by both Parties and shall be reviewed on an annual basis.
- 13.2 Recognising the staffing commitment, in the event that the Council wishes to terminate this agreement it must give a minimum of six months' notice in writing to Police Scotland.

14. Charges and liabilities

- 14.1 Except as otherwise agreed, the Parties shall each bear their own costs and expenses incurred in complying with their obligations under this agreement.
- 14.2 Both Parties shall remain liable for any losses or liabilities incurred as a result of their own or their officers' or employees' actions and neither Party intends

that the other Party shall be liable for any loss it suffers as a result of this agreement.

Signed for and on behalf of East Lothian Council	
Signature:	
Name:	THOMAS W SWEARER
Position:	Head of Communities & Partnerships.
Date:	24/8/2016
Signed for and on behalf of Police Scotland	
Signature:	
Name:	IVOR MARSHALL
Position:	CHIEF SUPERINTENDENT
Date:	7/9/2016

Appendix A

Antisocial Behaviour Overview Group – List of Members

Statutory Bodies

East Lothian Council incorporating:

- Children's Wellbeing
- Adult Wellbeing
- Customer Services Team
- Environmental Protection Team
- Housing Management
- Safer Communities Team
- East Lothian Housing Association
- Legal Services

East Lothian's Tenants and residents Panel

Police Scotland

Appendix B – Key Performance Indicators

Performance Indicators

SLA Performance Indicator	Police Plan Priority	ELC SOA Outcome	LYTD	TYTD	Comment
No. of ASB Incidents attended.	Reducing Antisocial Behaviour	Communities experience less anti-social behaviour. People experience less hate crime			
No. of Disorder Incidents attended.	Reducing Antisocial Behaviour	Communities experience less anti-social behaviour. People experience less hate crime			
No. of Stop/Searches Drugs/Weapons	Reducing Violence Tackling Substance Misuse	Communities experience less anti-social behaviour.			
No. of visits to Licensed Premises	Tackling Substance Misuse	Communities experience less anti-social behaviour.			
Road Traffic Speed Checks	Making our Roads Safer	There are fewer collisions, casualties and deaths on our roads.			
Vehicle offences detected	Making our Roads Safer	There are fewer collisions, casualties and deaths on our roads.			
High Visibility Preventative/Reassurance patrols	Protecting People Reducing Housebreaking	Communities experience less anti-social behaviour. People experience less domestic violence at home and elsewhere.			
No. of House Searches Drugs/Stolen property	Tackling Serious and Organised Crime Reducing Housebreaking Tackling Substance Misuse				

Appendix C

Priorities & Indicators

Local Police Plan Priorities	Quarterly Scrutiny Report Indicators		ELC SOA 2013-23 – Outcome/Strategy 7 ‘Safer Place’
Reducing Housebreaking	Ind. 1	Groups 1- 4 (crimes of violence, indecency, dishonesty and fire-raising/ malicious mischief) – Increase detection from LYTD.	<ul style="list-style-type: none"> • There are fewer fires in our homes, which result in death or injury. • Fewer people re-offend
	Ind. 2	Reduce the No. of Domestic Housebreakings – Decrease from LYTD.	
	Ind. 3	Achieve a detection rate of 30% in relation to Domestic Housebreakings – Exceed 30%.	
	Ind. 4	Reduce the number of Domestic Abuse Incidents reported – Decrease from LYTD.	
	Ind. 5	Increase the detection rate of Domestic Abuse Crimes – Increase from LYTD.	
	Ind. 6	Ensure 95% of Domestic Abuse initial bail checks are carried out within the 24hr prescribed time	
Protecting People			<ul style="list-style-type: none"> • People experience less domestic violence at home and elsewhere. • Fewer people re-offend

		limit – Exceed 95% . Increase the detection rate for Sexual Offences (Group 2 Crime) – Increase from LYTD.	
Reducing Antisocial Behaviour	Ind. 8	Reduce the number of disorder incidents – Decrease from LYTD	<ul style="list-style-type: none"> • Communities experience less anti-social behaviour. • People experience less hate crime • Fewer people re-offend
	Ind. 9	Reduce the number of Anti Social Incidents – Decrease from LYTD.	
	Ind. 10	Reduce the number of Hate Incidents – Decrease from LYTD.	
	Ind. 11	Reduce the number of Hate Crimes – Decrease from LYTD.	
	Ind. 12	Increase the detection rate for Hate Crime – Increase from LYTD.	
	Ind. 13	Reduce the level of Group 1 Violent Crime – Decrease from LYTD.	
Reducing Violence	Ind. 14	Increase the number of positive Stop and Search for Offensive weapons – Increase from LYTD.	<ul style="list-style-type: none"> • Fewer people re-offend
	Ind. 15	Increase the number of positive Stop and Searches for Controlled Drugs – Increase from LYTD.	
Tackling Substance Misuse	Ind. 16	Increase the number of on/off sales licensed premises visits – Increase from LYTD.	<ul style="list-style-type: none"> • Fewer people re-offend
Making our Roads Safer	Ind. 17	Reduce the number of people seriously injured or killed on our roads – Decrease from LYTD.	<ul style="list-style-type: none"> • There are fewer collisions, casualties and deaths on our roads.

	Ind. 18	Increase the number of people detected for Drink/Drug driving offences – Increase from LYTD.	<ul style="list-style-type: none"> • Fewer people re-offend
	Ind. 19	Increase the number of people detected fro Dangerous Driving offences – Increase from LYTD.	
	Ind. 20	Increase the number of Cash Seizures and Restraints through the Proceeds of Crime Act – Increase from LYTD.	
	Ind. 21	Increase the number of people detected for Supplying Drugs – Increase from LYTD.	
Tackling Serious and Organised Crime			<ul style="list-style-type: none"> • Fewer people re-offend

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Date	Performance Monitoring/ Inspection Reports	Other Reports / Reports Requested by Members
31 August 2016	Police Scotland Scrutiny Report Q1 Fire Service Local Performance Report Q1	Responses to Strategic Police Priorities Consultation Safer Communities Service Level Agreement
30 November 2016	Police Scotland Scrutiny Report Q2 Fire Service Local Performance Report Q2	
1 March 2017	Police Scotland Scrutiny Report Q3 Fire Service Local Performance Report Q3	
7 June 2017	Police Scotland Scrutiny Report Q4 Fire Service Local Performance Report Q4	