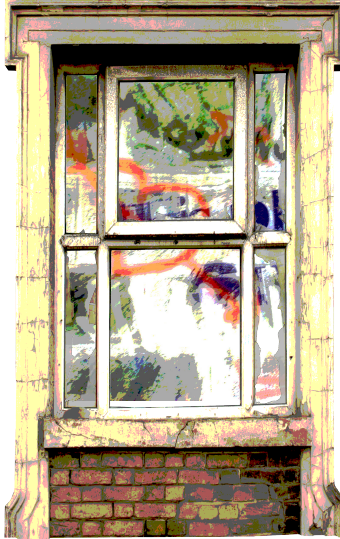




Antisocial Behaviour

Advice & Information



The following advice is for owner occupiers or tenants of private landlords on how to deal with antisocial behaviour. Housing Association and Aberdeenshire Council tenants can seek advice from their housing association or their local Council Housing Officer.

This leaflet looks specifically at Antisocial Behaviour Orders (“ASBOs”) and how these can help to address antisocial behaviour in the community. More information on ASBOs and other powers available under the Antisocial Behaviour etc. (Scotland) Act 2004 (“the 2004 Act”) can be obtained from <http://www.aberdeenshire.gov.uk/antisocial/index.asp>

Antisocial behaviour can come in many forms and can create misery for those who are subjected to it. Some of the types of behaviour that can be classed as ‘antisocial’ include vandalism, graffiti, littering, nuisance behaviour, misuse of drugs, verbal abuse and noise nuisance.

The 2004 Act changed the law on antisocial behaviour in Scotland and introduced a number of powers and measures to deal with it. For example:

- Councils can apply to the Court for an ASBO for anyone aged 12 or over;
- Interim ASBOs can also now be granted against an individual aged 12 or over in cases where urgent intervention is required;
- Breach of an ASBO is a criminal offence and there is now a statutory power of arrest for breach of an ASBO
- Powers for Police Officers and Aberdeenshire Council staff to issue Fixed Penalty Notices for littering and fly-tipping have been improved
- In cases of serious and persistent disorder, Police Officers can now deal with people who are involved in antisocial behaviour in trouble spots through the use of dispersal powers
- The courts and the Police have powers to close premises if a person has persistently been involved in antisocial behaviour on the premises within the last three months;
- Councils or the Principal Reporter (Children's Reporter Administration) can apply to the Court for a 'Parenting Order' to address the behaviour of parents who deliberately or recklessly fail their child or children
- It is now illegal to sell spray paint to under 16's.

Antisocial Behaviour Orders

The 2004 Act enables Aberdeenshire Council to apply for an Antisocial Behaviour Order (ASBO) following consultation with Grampian Police. An ASBO can be used in cases involving both privately owned accommodation and/or all types of rented accommodation. The Local Authority does not have to apply for an ASBO and will only do so if they consider it appropriate after considering the circumstances and any alternative measures which may or may not have been tried.

An ASBO cannot be granted for persons under 12 years of age. If the Council agrees to apply for an ASBO they have to demonstrate to a Sheriff that such an order is necessary. Before the Council will consider an ASBO application, it must be satisfied that other approaches to tackling the antisocial behaviour are thought to be inappropriate or have proven unsuccessful. Such approaches may include mediation, Acceptable Behaviour Contracts and warning letters, where appropriate.

We recognise that all Aberdeenshire residents have the right to enjoy life in their own way, provided their lifestyle does not interfere with their neighbour's enjoyment of their own home. A good neighbour will be considerate in their actions, not disturb others and will tolerate and understand the different lifestyles of others.

However,

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If you have a problem with a neighbour you may wish to consider the following:

Reflect

Talk over the situation with a person you trust, giving them the full facts. In some cases you may realise that you have not been realistic in your expectations of your neighbours, or you may have been the initial cause of the problem and you may have (unintentionally) inflamed the situation.

Communicate

You may wish to speak to your neighbour to try and resolve your differences. If you feel you cannot speak to your neighbour then write to them explaining how you feel and offer to forget the problem and move on. If you do choose to write to your neighbour, make sure the letter is both friendly and reasonable. Irrespective of how obvious the problem is to you, they may not realise how their actions are affecting you.

Correspond

If the problem does not improve, send your neighbour a letter clearly setting out your concerns in a straightforward way and without making threats. Keep a copy of the letter, which should be dated.

Record Everything

You should keep a written record of all acts of antisocial behaviour, including any actions taken by you. This should be done carefully, so as not to inflame the situation. The record should contain the date, time and nature of the incident and, where known, who committed the antisocial act and details of anyone who may have witnessed the event.

Mediation

If the problem persists, you can consider referring the problem to mediation. There are professionals who will act as mediators to try to resolve the issue between you and your neighbour(s) for you. This service is free to you through Aberdeenshire Council. The Aberdeenshire Community Mediation Service can be contacted on 01224 560570 or through your local housing office. Further information on the Aberdeenshire Community Mediation Service is available at http://www.sacro.org.uk/html/community_mediation_service.html

Acceptable Behaviour Contracts

These contracts have proven to be extremely effective at getting individuals and families to take responsibility for and ownership of unacceptable behaviour. Further information on ABCs is available through your local housing office. These contracts focus on the problems and require the perpetrators of antisocial behaviour to sign up to and agree to stop all antisocial activity. An Acceptable Behaviour Contract ("ABC") is a voluntary written agreement between the person displaying the antisocial behaviour (and in the case of a young person, his or her parent or guardian) and one or more local agencies responsible for preventing such behaviour. Examples of local agencies are the police, education and housing and social work services. Although ABCs cannot be enforced, they can act as a strong deterrent from committing further antisocial behaviour. Further information on Acceptable Behaviour Contracts is available at <http://www.aberdeenshire.gov.uk/antisocial/contracts.asp>

Legal Options

Find out what legislation there is in relation to the problem. If it is a noise issue, advice on the options open to you is available from Aberdeenshire Council's Environmental Health Service. You may wish to contact the Principal Environmental Health Officer for your area (see contact details below). If it is a tenancy problem, your landlord should be consulted for help. For traffic or parking issues you should contact Grampian Police.

Contact the Authorities

If the antisocial behaviour persists and if it is a noise complaint, you should contact the Environmental Health Service, as they have officers who can investigate your complaint and have powers to deal with the noise nuisance. For criminal offences you should contact Grampian Police. If you are a tenant, consult your landlord who should have procedures for dealing with any antisocial tenants. If your landlord fails to respond, the Council has powers to act. In these circumstances, you should contact the Environmental Health Service.

Police Involvement

If you find it necessary to call the Police you should keep a record of the date and time of the incident, the name of the officer dealing with your complaint and any reference number assigned to your complaint.

You should also record what action they took in relation to your complaint. Criminal offences, such as vandalism, disturbance, assaults, etc., should be reported to the police. For all non-emergency calls contact Grampian Police on 0845 600 5 700.

Landlord

If you have a landlord you should keep them updated on the problem and they should follow their own procedures for dealing with nuisance. This may include sending warning letters to the offending neighbour or individual, if the offending neighbour is also a tenant of the landlord. If the landlord fails or refuses to deal with the complaint you should contact the Council's Environmental Health Service for further advice on the Local Authority's powers to deal with such matters. You may also contact the Housing Service's Antisocial Behaviour Support Officers, who may be able to advise you of your options.

Warnings/interdicts

When problems persist and it is clear that your neighbour is unlikely to respond to reasonable requests from you to stop their antisocial behaviour, you should consult your solicitor. In the first instance he/she may write a letter to your neighbour. This may be followed by the raising of an interdict. Interdicts may be obtained from a Sheriff following the presentation of evidence by you or your legal representative.

Other Evidence

Where possible you should gather other evidence of antisocial behaviour. This may include photographic or video evidence. Any evidence must be gathered legally.

Witness Statements

Where possible, you should record details of witnesses who can back-up or confirm the antisocial behaviour. Such statements should contain the name and address of the witness, date and time of the incident together with details of the antisocial behaviour.

Evidence from other Agencies

When other agencies are involved, where possible you should find out the details of the individual who attended and what action they took, for example, a police officer, a Environmental Health Officer, or a Housing Official.

Antisocial Behaviour Orders

If you wish to establish whether the Council may consider pursuing an ASBO against your neighbour or some other person you should write to the Housing Officer (Antisocial Behaviour Support) for your area, providing a summary of the evidence you have.

The Council would require you to indicate what steps you have taken so far to resolve the issue. An appointment may be made for you to discuss the problem with a member of staff trained to deal with such issues. It may be possible to address the problems you have been experiencing through the use of other measures, such as mediation or an ABC, and these options would need to be considered before the Council would pursue an application for an ASBO.

Before the Council can pursue an ASBO they will have to be satisfied there is sufficient evidence to put before the Sheriff.

The Council will respond to you in writing.

Your local Housing Officer (Antisocial Behaviour Support) can be contacted on the following numbers and addresses:

Inverurie
Aberdeenshire Council
Housing Office,
Gordon House,
Blackhall Road,
Inverurie,
AB51 3WA
Tel: 01467 620981

Fraserburgh
Aberdeenshire Council
Housing Office
55 Mid Street,
Fraserburgh,
AB43 9EP
Tel: 01346 586341

General Information

If the Council is to pursue an ASBO they have to first prove to a Sheriff in the Sheriff Court that such an order is required. The Sheriff will need to be satisfied that all other reasonable steps have been taken to resolve the issue.

If the Council agrees to proceed with an ASBO application all the evidence will be passed to the Council's Legal Service, who will pursue legal action through the Sheriff Court, provided that there is sufficient evidence. The timescales from then on are not within the control of the Council and in some cases may be lengthy.

Although an ASBO is a civil order made in the Civil Court, breach of the order is a criminal offence. Any breach should be reported to the police. Breach of an order can result in a fine, imprisonment or both.

Aberdeenshire Council's Housing Service can be contacted on the following numbers and addresses:-

Fraserburgh Housing Office,
55 Mid Street,
Fraserburgh
AB43 9EP
Tel: 01346 586300

Inverurie Housing Office,
Gordon House,
Blackhall Road,
Inverurie,
AB51 3WA
Tel: 01467 628352

Banff Housing Office,
32 Low Street,
Banff,
AB45 1AY
Tel: 01261 813259

Stonehaven Housing Office,
16/22 Allardice Street,
Stonehaven,
AB39 2BR
Tel: 01569 768563

Peterhead Housing Office,
51 Broad Street,
Peterhead,
AB42 1JL
Tel: 01779 483226

Huntly Housing Office,
25 Gordon Street,
Huntly,
AB54 8EQ
Tel: 01466 794121

Aberdeenshire Council's Environmental Health Service can be contacted on the following numbers and addresses:

Marr

Environmental Health,
Aboyne Area Office,
Bellwood Road,
Aboyne
AB34 5HQ
Tel: 013398 87373

Kincardine & Mearns

Environmental Health,
Viewmount,
Arduthie Road,
Stonehaven
Tel: 01569 76 8213

Formartine

Environmental Health,
Municipal Buildings,
High Street,
Turriff
Tel: 01888 563417

Garioch

Environmental Health,
Gordon House,
Blackhall Road,
Inverurie
AB51 3WA
Tel: 01467 628140

Banff & Buchan

Environmental Health
1 Kirk Brae
Fraserburgh
Tel: 01346 586323

Buchan

Environmental Health
60 Broad Street
Peterhead
Tel: 01779 483250

The Housing Officers (Antisocial Behaviour Support) can be contacted via
Aberdeenshire Council on 01467 620981.



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