

ANGUS COUNCIL

HOUSING COMMITTEE – 26 February 2004

REGISTERED SOCIAL LANDLORDS POWER TO APPLY FOR ANTI-SOCIAL
BEHAVIOUR ORDERS

REPORT BY DIRECTOR OF HOUSING

ABSTRACT

This report provides options for the future of Registered Social Landlords applying for Anti-social Behaviour Orders.

1. RECOMMENDATION

It is recommended that members approve Option A i.e.:-

Registered Social Landlords should now apply for Anti-Social Behaviour Orders themselves, using their own Solicitors, whilst continuing to inform Angus Council of their intentions.

2. BACKGROUND

From 1 April 1999 Local Authorities were given the power to apply to the Sheriff to grant Anti-Social Behaviour Orders (ASBOs) to address serious anti-social behaviour. The orders are intended to prevent the most serious types of anti-social behaviour such as assault, racial harassment, repeated incidents of damage to property and vandalism, other extreme forms of harassment and serious intimidation.

The Criminal Justice (Scotland) Act 2003 received Royal Assent on 26 March 2003. This Act amends the Crime and Disorder Act 1998. Sections 44 and 45 of the Criminal Justice (Scotland) Act 2003 attempts to speed up the process of dealing with anti-social behaviour and came into force on 27 June 2003. Section 44 introduces Interim ASBOs and Section 45 allows Registered Social Landlords (RSLs) to apply for ASBOs in their own right.

Up until 27 June 2003 only a Local Authority could make applications for ASBOs. ASBOs can be applied to anyone over 16 years of age, who is a resident of Angus regardless of whether they are a Council tenant, Housing Association tenant, private tenant, owner-occupier or a member of their family or lodger.

Given that RSLs campaigned to be given the right to apply directly to the Courts for ASBOs, and now have the right, it is necessary to seek the Committee's view on the Council's involvement in cases involving RSLs.

3. OPTIONS

Option A - All RSLs apply for ASBOs involving their own tenants, by employing their own solicitors. It would remain necessary for the RSLs to inform the Council of their intentions to apply for an ASBO.

Option B - Angus Council continues to undertake ASBO cases on behalf of the RSLs, with the RSLs being recharged for all expenses including staff time. Under this option there would be staff resource implications for the Council.

4. FINANCIAL IMPLICATIONS

Currently the Council bears the cost of all expenditure involved in the pursuit of ASBOs. Option A would result in no expenditure being incurred by the Council, whilst Option B would result in expenditure being initially incurred by the Council, this would be recovered from the RSLs.

5. HUMAN RIGHTS

It is considered that in following the recommendation in this report the Council would not be acting in any way, which is incompatible with Human Rights.

6. CONSULTATION

In preparing this report, consultation has taken place with the Chief Executive, Director of Finance and Director of Law and Administration.

Ron Ashton
Director of Housing

Note:- No background papers, as defined by Section 50d of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information), were relied upon to a material extent in preparing this report.