

Response to consultation

Shelter's response to the consultation document 'Building Strong Safe and Attractive Communities'

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Shelter

Shelter Scotland supports attempts by the Scottish Executive to pursue community-based approaches to anti-social behaviour as 'non-legal' responses to the problem. Anti-social behaviour is blighting communities across Scotland. Developing and implementing effective non-legal responses should be a priority for this government. According to research carried out for the Scottish Executive in 2000, new laws are not required to tackle anti-social behaviour. The research suggested that developing non-legal remedies is essential.¹

Shelter has worked with both victims and perpetrators and is well placed to comment on specific proposals to deal with the problem. We would like to be involved in future meetings planned by the Executive on any strategy arising from the consultation.

Key points:

- Attempts to deal with anti-social behaviour must be set in the context of an overall discussion about the nature of the problem. In parallel with the introduction of community based initiatives, research is required into perceptions and actual experiences of anti-social behaviour across communities in Scotland, as well the level of need for investment in communities as a way to reduce instances of anti-social behaviour.
- It is important that the initiatives proposed are used to prevent anti-social behaviour, as well as addressing the problem when it has occurred. There is an urgent need for the Scottish Executive to develop innovative responses to anti-social behaviour. Similarly, increased emphasis must be placed on the role of preventative work.
- The paper refers to the need for supervision for anti-social families. Families that carry out anti-social behaviour must bear responsibility for their actions, and supervision may be required in some cases. Shelter is disappointed with the lack of attention given to the provision of support services for these families. Some families may need a low level of support, and others more intensive support to address anti-social behaviour. There needs to be a better recognition of the role which support can play in both preventing and responding to anti-social behaviour.

Perceptions of anti-social behaviour

During the recent election campaign, political parties and the media referred to a rise in anti-social behaviour in Scotland. While Shelter does not dispute that many people live in fear of anti-social behaviour, half the people in Scotland still view their neighbourhood as a good place to live.² Shelter's concern is that disproportionate emphasis is being placed on the *fear* of crime and anti-social behaviour, rather than the realities of the behaviour itself. Initiatives that are proposed to tackle anti-social behaviour should reflect the realities of the problem.

The majority of instances of anti-social behaviour take place in communities where public housing is the main tenure type. Unfortunately, this has led the media to focus on negative perceptions of the people who live there, rather than looking at the causes of the problem and the wider issues of poverty and the condition of the local environment.

Understanding both the perceptions and the reality of anti-social behaviour are important in developing plans to tackle the problem.

Tackling anti-social behaviour

Responses to anti-social behaviour should ensure that perpetrators are made responsible for their actions. However, Shelter does not support using terms like 'no tolerance' when discussing responses to anti-social behaviour. Such an approach could undermine attempts to provide responsible solutions and cause unnecessary homelessness. A Shelter client was threatened with eviction for anti-social behaviour last year following complaints from her neighbour regarding a high level of noise. The reality was that the client had a child who suffered from autism, and the noise was the result of such a family living in overcrowded conditions. A 'no-tolerance' approach would have ensured the eviction of this family.

There should be a rapid response to residents' complaints, but not at the expense of the rights of those deemed to be the perpetrator. The burden of proof should still exist. There should be an emphasis on the need to make residents feel ownership of their own community, and a sense of respect for the surrounding area. This can only be achieved by investing in an area. Many communities in Scotland are dogged by disgraceful housing conditions, and poor public facilities and services. People who live in the communities with the worst housing and environmental standards are those who claim that anti-social behaviour is increasing. Dealing with these problems is key to tackling anti-social behaviour.

Specific initiatives proposed in the consultation document

Neighbourhood compacts

Neighbourhood compacts may provide an opportunity for government agencies to engage with the community with a view to tackling bad behaviour. They could allow all concerned to discuss priority areas of work for the area, and provide an opportunity for residents to feel they had engaged in discussions with key agencies. There is a need for members of the community to feel ownership over the compacts; they should feel enthused rather than obliged to get involved, and should be involved in the wording of the compact, to ensure its success. The compact should be clear about any sanctions that will be imposed should either party breach the compact.

Anti-social behaviour strategies

Shelter has welcomed the provision in the new Criminal Justice (Scotland) Act 2003 that places a duty on the police and local authorities to produce a joint strategy for tackling anti-social behaviour. However, there are a number of other key individuals and agencies that work with communities that should be involved in developing strategies of this kind. While the strategies arising from the Act are intended to plan punitive and legal responses to anti-social behaviour, there is a need for strategies to be developed that ensure alternative approaches are used as well. These should include contributions from RSLs and the voluntary sector.

Community Wardens

The potential success of community warden schemes will lie in how well each warden can liaise between the local community and the police and other agencies. This should be their principle role, and it is recognised in the consultation paper, 'Wardens derive their effectiveness...from the links and relationships they establish...with local people'. However, this role could be in jeopardy should the community see wardens as an extension of the police. According to the consultation paper 'there may be a potential role for wardens to help local authorities and the police in the administration of ASBOs and other legal remedies, including eviction proceedings'. This role would include bringing behaviour that would breach an ASBO to the attention of the relevant authorities. While work of this kind may be required at times, it needs to be coupled with attempts by the wardens to prevent anti-social behaviour, and work with the community to improve the quality of life for local residents.

Shelter supports the view expressed in the paper that eviction should be used as a last resort. There may therefore be a role for community wardens in working with households to prevent evictions taking place. Such a role would not conflict with their role as a liaison between the local community and the police and local authority.

Addressing anti-social behaviour with intensive supervision

The paper outlines ways in which local authorities and others can engage with households carrying out anti-social behaviour. The Homelessness etc. (Scotland) Act will allow support to be provided to the most difficult families that have been homeless, or threatened with homelessness. The policy intention of the Act is to provide support to those households to address the problems that led to homelessness with a view to supporting the household into a full tenancy, and a stable home. Unfortunately, in the paper, the term 'supervision' is used more than support. A very small number of families will require intensive supervision. In many cases the provision of sufficient levels of support can effectively tackle anti-social behaviour. We hope that a strategy arising from the consultation will recognise that providing support to difficult households can be an effective response to anti-social behaviour and is in the interests of the whole community.

Anti-Social Behaviour Teams

Like Neighbourhood Contracts, Anti-Social Behaviour Teams have the potential to be inclusive alternatives to dealing with the issue of anti-social behaviour within communities. Shelter recommends that representatives of community residents are encouraged to be members of these teams, to ensure that the work of the team reflects residents' views on need in the area.

Conclusion

Non-legal measures to deal with perpetrators of anti-social behaviour must be developed for the sake of Scotland's communities, and Shelter is encouraged that community-based approaches are being considered. Effective prevention of anti-social behaviour lies in investment in communities, and in the people who live there. Unsafe, overcrowded housing,

with poor soundproofing simply adds to the stresses and strains of living in communities experiencing anti-social behaviour. Public facilities in these areas must be improved, and children must be given safe spaces to play.

Scotland's parliamentarians must recognise the potential effectiveness of non-legal and preventative measures to deal with anti-social behaviour, and be prepared to invest significant resources to their development. Investment must be made in Scotland's communities to prevent anti-social behaviour from happening in the first place. While the public expectation may be for all anti-social behaviour to be tackled with punitive legal actions, a measured approach is required from politicians, to reflect the realities of dealing with an increasingly difficult problem.

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¹ Mullen, Atkinson and Scott, *The Use of Civil and Legal Remedies for Neighbourhood Nuisance in Scotland*. Scottish Executive, 2000.

² *Scottish Household Survey*, 2002.