



**CONSULTATION ON DRAFT GUIDANCE ON THE
ANTISOCIAL BEHAVIOUR ETC (SCOTLAND) [ACT] 2004
(PARTS 1 TO 6)**

**PART 2 – CONSULTATION ON DRAFT GUIDANCE ON ANTISOCIAL
BEHAVIOUR ORDERS**

Paras 102/103

There is no mention here or elsewhere of any suggestion that the sheriff should require information regarding what measures have been taken to resolve the situation prior to application for an ASBO, including, specifically, consideration or use of mediation. This was included in guidance relating to the initial UK legislation in respect of ASBO's and we believe that it should also be included here.

Para 122

It is stated here that the age of the person subject to an order would be one important factor in determining whether interference with human rights is justified in respect of sharing information about that person. We would suggest that this statement requires to be made more specific. What is meant by 'age' – under 16 ? Also, what is the legal position or recommended practice with regard to sharing information with the media and media coverage of the identities of those subject to orders, including those under 16 ? We would strongly urge that under 16's should not have their identities contained in the media if this can be prevented.

Para 142

Questions as above.

Annex B

Why distinguish between VOL and ABC – which is also voluntary ? Why not make specific reference to Mediation ?



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PART 3 – CONSULTATION ON DRAFT GUIDANCE ON DISPERSAL OF GROUPS

Para 2.3

Specification of examples such as *'those on foot or on cycles, motor bicycles or motor vehicles'* could serve to restrict rather than extend suggested applications – what about horses, skateboards, etc ?

Para 2.9

What is the purpose behind the inclusion of *'workers and shoppers'* here – could this be applied to pickets and protestors ?

Para 2.10

The *'activities described above'* are only referred to as examples in the previous paragraph. If the intention here is to restrict the use of dispersal of young people to instances of specific behaviour, then the specifications provided require to be more tightly defined than examples.

Section 3

There is no mention here of the possible use of mediation – e.g. in para 3.4, 3.9 or 3.10.



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PART 5 – CONSULTATION ON DRAFT GUIDANCE ON NOISE MANAGEMENT

Para 5.8

SACRO is the largest single provider of community mediation services in Scotland (currently serving 12 local authority areas). It is not our experience that mediation is more effective *‘where the noise maker and complainant are bound by tenancy agreements’*.

Para 5.9

Whilst we appreciate that this para does not purport to include a full list of areas where mediation is established; the longest established service areas in Scotland are in fact Edinburgh and Fife and it seems strange that they should be supplanted by areas where services are of more recent origin.

Option Matrix – Stage 1

Referral to mediation should also be considered as a possible response after preliminary screening where the complaint is identified as a non noise issue.

Option Matrix – Stage 2

Referral to mediation should also be considered as a possible response where the nature of the noise complained about is music, etc.

There should also be a loop back to further investigation where referral to Mediation Services results in an unsuccessful outcome.

Option Matrix – Stage 3

Referral to mediation should also be considered as a possible response where the noise is occurring at the time of complaint.

Referral to mediation should also be considered as a possible response following explanation by the Investigating Officer as to why no further action has been decided.