

# **COMMUNITIES COMMITTEE**

Wednesday 17 December 2003  
(*Morning*)

Session 2

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## COMMUNITIES COMMITTEE 12<sup>th</sup> Meeting 2003, Session 2

### CONVENER

\*Johann Lamont (Glasgow Pollok) (Lab)

### DEPUTY CONVENER

\*Donald Gorrie (Central Scotland) (LD)

### COMMITTEE MEMBERS

\*Scott Barrie (Dunfermline West) (Lab)  
\*Cathie Craigie (Cumbernauld and Kilsyth) (Lab)  
\*Patrick Harvie (Glasgow) (Green)  
Campbell Martin (West of Scotland) (SNP)  
\*Mary Scanlon (Highlands and Islands) (Con)  
\*Elaine Smith (Coatbridge and Chryston) (Lab)  
\*Stewart Stevenson (Banff and Buchan) (SNP)

### COMMITTEE SUBSTITUTES

Shiona Baird (North East Scotland) (Green)  
Christine May (Central Fife) (Lab)  
Shona Robison (Dundee East) (SNP)  
Mike Rumbles (West Aberdeenshire and Kincardine) (LD)  
John Scott (Ayr) (Con)

\*attended

### THE FOLLOWING GAVE EVIDENCE:

Liz Gardiner (Fablevision)  
Sheila Gilmore (City of Edinburgh Council)  
Lawrence Hunter (Clackmannanshire Council)  
Gerry McGloin (Fife Council)  
Sandra Martin (Edinburgh Youth Social Inclusion Partnership)  
Lisa Simpson (Clackmannanshire Council)  
Mark Turley (City of Edinburgh Council)  
Teresa Young (Edinburgh Youth Social Inclusion Partnership)

### CLERK TO THE COMMITTEE

Steve Farrell

### SENIOR ASSISTANT CLERK

Gerald McNally

### ASSISTANT CLERK

Jenny Goldsmith

### LOCATION

The Chamber



## Scottish Parliament Communities Committee

Wednesday 17 December 2003

(Morning)

[THE CONVENER *opened the meeting at 10:03*]

### Item in Private

**The Convener (Johann Lamont):** I welcome everyone to today's meeting.

I ask members to consider whether they agree to take agenda item 4 in private, in order to discuss a claim for witness expenses from last week's meeting.

**Members indicated agreement.**

**The Convener:** I also ask members whether they agree that future decisions on witness expenses for the Antisocial Behaviour etc (Scotland) Bill should be delegated to the convener.

**Members indicated agreement.**

## Fire Sprinklers in Residential Premises (Scotland) Bill

10:04

**The Convener:** Under agenda item 2, we are asked to consider our approach to the Fire Sprinklers in Residential Premises (Scotland) Bill. The bill has been referred to the committee by the Parliamentary Bureau and an approach paper has been circulated. Before asking whether members have any comments, I should say that, under the heading "Evidence", the paper says that the bill is "regarded as fairly non-controversial". That does not mean that people will not disagree with it; people may disagree with it and the paper is simply saying that the bill is fairly straightforward and that the job of gathering evidence will be fairly straightforward, too. The recommendation is that the committee tries to complete a stage 1 report before the Easter recess.

**Stewart Stevenson (Banff and Buchan) (SNP):** I am quite happy with the approach paper. However, it says:

"We may also wish take evidence from the Scottish Executive."

I would suggest that, when considering a member's bill, it will almost invariably be useful to know the Executive's views. So it is not that we "may" wish to invite the Executive; we really ought to.

**The Convener:** Are members happy with the suggestions in the approach paper?

**Members indicated agreement.**

**The Convener:** The clerk has asked me to remind members that their mobile phones should be switched off. Mobile phones can affect the sound system. I am not identifying anyone in particular; I am sure that we have all been guilty at times.

## Antisocial Behaviour etc (Scotland) Bill: Stage 1

10:05

**The Convener:** The main item on our agenda today is our continuing consideration of the Antisocial Behaviour etc (Scotland) Bill. I welcome our first panel of witnesses. From Clackmannanshire Council we have Lawrence Hunter, who is the service manager in housing management, and Lisa Simpson, who is the legal services manager; from the City of Edinburgh Council we have Mark Turley, who is the director of housing, and Sheila Gilmore, who is the executive member for housing and community safety. I thank you very much for coming along today and for the written submission from the City of Edinburgh Council.

I beg your pardon. We are also hearing from Fife Council with this panel of witnesses. My apologies to Gerry McGloin, who is the team leader from housing management in Fife Council.

I will kick off the questions by asking about the consultation process. The Scottish Executive has stated that its consultation process for the bill was "unprecedented" in terms of the numbers of communities, organisations and individuals that took part. How effective do you feel that the consultation has been?

**Sheila Gilmore (City of Edinburgh Council):** In the part of Edinburgh that I represent, an effort was made to go out and organise meetings with local communities, which was extremely helpful. At one meeting, people had the chance to speak about their experiences directly to Mary Mulligan and to say what they wanted to say. People do not often have the opportunity to do that kind of thing.

**Lawrence Hunter (Clackmannanshire Council):** The consultation seemed to concentrate on the bigger projects in the cities. A lot of fixes for problems in larger authorities do not work that well in smaller communities such as those in Clackmannanshire. It was good to see the consultation and much of it was really good, but I do not know that it took full account of the small authorities.

**The Convener:** Were meetings held in your area?

**Lawrence Hunter:** I am not aware of any meetings that involved the local communities. It is important to hear what people are saying, but no meeting was set up specifically for local communities.

**The Convener:** Would your council have taken on any work like that?

**Lawrence Hunter:** We consulted our tenants and residents federation, but it would have been good to hear other views as well. The feedback from the federation was that it would like to have played a bigger role.

**Gerry McGloin (Fife Council):** In Fife, the consultation went quite well and was received quite well. The only comment that I would make is that meetings were arranged at fairly short notice. If there had been more notice, turnouts would probably have been better. However, people had the opportunity to make their views known.

**Stewart Stevenson:** I want to focus on the definition of antisocial behaviour. The bill contains three definitions but, in essence, it picks up the definition that is used in the Crime and Disorder Act 1998, in that someone is said to engage in antisocial behaviour if they act

"in a manner that causes or is likely to cause alarm, distress, nuisance or annoyance"

and so on—I am cutting to the chase, to some extent. However, part 2 of the bill provides the qualification that, in determining whether behaviour is antisocial,

"the sheriff shall disregard any act or conduct of the specified person which that person shows was reasonable in the circumstances."

I wondered whether the three councils' experience of the 1998 act—I presume that you have some experience of the ability to take out antisocial behaviour orders under that act—suggested that the definition under the act, which is carried forward to the bill, works in practice on the ground or whether we need to reconsider the definition, which, from some points of view, could be regarded as being extremely wide, although it is moderated by the sheriff's ability to consider reasonableness.

**Lisa Simpson (Clackmannanshire Council):** There is a problem in that the definition is very wide. I can see that it was drawn up in that way to embrace the types of behaviour and conduct that we want to tackle but, unfortunately, much of the application of the definition is down to individual sheriffs. Some sheriffs are highly prescriptive and, even if someone was to define antisocial behaviour by citing the statutory definition, they would want the terms "nuisance", "distress" and "alarm" to be prescribed, even though in many authorities it is generally accepted and understood what types of things are meant and implied by those terms. I think that the situation varies from sheriff court to sheriff court—not just from sheriffdom to sheriffdom—depending on the views of the sheriff concerned.

Having such a wide definition makes it hard to put together a case that balances the opinion that certain complainants are over-sensitive or

intolerant. When I have tried to run a reasonableness argument along those lines, I have had a sheriff say to me, "One man's meat is another man's poison." There is a difficult balancing act to perform. From a legal point of view, a slightly more prescriptive definition might make part of our job easier, but I do not know that it would allow us to achieve what we want to achieve.

There are some problems with the definitions. In general, we might need some education and some consistency in the application of the definitions by the courts, because it is very easy to get antisocial behaviour orders in some areas and not so easy to get them in others. That view is shared by legal colleagues from other authorities, who feel that, if they had raised such-and-such a matter before a particular sheriff, they would have got an ASBO, but they did not get one because they had to go before Mr X.

**Stewart Stevenson:** Would you suggest that another definition might be more effective and would you be in a position—either now or at a later date—to provide such an alternative definition?

**Lisa Simpson:** If I were able to give you such a definition, I would be very rich, because I would have patented it. Although it is difficult to come up with such a definition, we need to apply our minds to that task; perhaps we should consider some of the case law that has come out since the introduction of ASBOs, to see whether we can find some consistency. In certain areas, I do not think that being prescriptive is such a bad thing—it should be possible to support the case that what someone is claiming has occurred, rather than simply to put in a blanket statement that the behaviour in question was likely to cause distress and has therefore, by definition, been antisocial. I cannot provide such a definition today, but I will apply my mind to that.

**Stewart Stevenson:** You were referring to some specific cases and it would be useful if you could give us an indication—perhaps later on—of specific cases in which there have been difficulties. I have asked many witnesses about the adequacy of the definition and the answers that I have received have been variable. If we want to examine the definition more widely, it is likely that we would find an evidence-based approach easier to deal with. I would now like to move across the panel, to Mr Turley.

10:15

**Mark Turley (City of Edinburgh Council):** I agree that there is a degree of difficulty in predicting the outcome of cases. However, in our experience, that has more to do with the level of evidence that different sheriffs require. We believe

that in Edinburgh a very high level of evidence has been needed to secure ASBOs in cases that in other parts of the country would have been taken much more at face value. That is a key issue.

We have not experienced problems with the definition. It works well and reflects the nature of antisocial behaviour, which is necessarily difficult to define. When we developed our strategy, we recognised that antisocial behaviour ranges from littering and issues that might normally be seen as part of an environmental strategy through to criminal action. I do not want to get bogged down in specifying or putting limits on what constitutes antisocial behaviour. It is helpful that we take a broad view. In our experience, that has not hampered our attempts to secure ASBOs through the courts.

**Stewart Stevenson:** Does your difficulty—if there is one—relate to the application of the reasonableness test by sheriffs, or does it come further back in the system? Is there evidence that an assumption about what test sheriffs will apply is restricting the flow of cases to sheriffs?

**Mark Turley:** I am not aware that there is a problem with the reasonableness test. The difficulty has more to do with the level of proof and evidence that is required. In some courts, the sheriff will accept evidence at face value. In Edinburgh, evidence is always heard in detail. We proceed with a case only when we have done considerable investigatory work, which slows the process down.

**Stewart Stevenson:** What is the situation in Fife?

**Gerry McGloin:** We have no problem with the definition. We, too, put antisocial behaviour into three categories and use the definition in conjunction with those. The categories are extreme antisocial behaviour, serious antisocial behaviour and general nuisance. Usually, we will seek ASBOs only in cases that fall into the two more serious categories. We have a specialist team and put considerable effort into gathering adequate evidence to put before the court. If there are particular difficulties, our legal section is quick to tell us about them. As a general rule, we have had no problems with the definition.

**Stewart Stevenson:** You are not suggesting that you ignore low-level antisocial behaviour.

**Gerry McGloin:** No.

**Stewart Stevenson:** You are saying that you do not put such cases into the legal system.

**Gerry McGloin:** That is correct. We have different means of dealing with low-level antisocial behaviour. It tends to be dealt with by our local office staff. More serious cases are dealt with by our specialist investigation team. Those tend to be

the cases in which we seek ASBOs and/or evictions from the courts.

**Donald Gorrie (Central Scotland) (LD):** I want to ask about one narrow aspect of the issue. You all have experience of citizens who are very sensitive and feel genuine alarm and concern about situations that would not cause many other people to feel alarm and concern. How do you deal with that? Do you think that the bill would be improved if we said that for behaviour to be regarded as antisocial it had to cause alarm and concern that the man on the Peckham omnibus would regard as such?

**Sheila Gilmore:** Does the reasonable test not already make provision for that? Fiddling around with the definition is not the critical issue. We make too much of that. Most local authorities, working with their communities, are quite clear. It is not easy to apply a clear written definition to every case, but we have a very clear view of what does and does not require legal action.

All the work that we do is closely linked. If we are dealing with a problem involving an individual, a group of individuals or a wider community, while we conduct an investigation that may lead to legal action, we also intervene and take other action. That allows us to deal with some issues that may be seen as less important or about which people are apparently over-sensitive.

However, I do not deal with many people who are making a fuss about not very much. In general, my constituents—and those of many of my colleagues—put up with a great deal before they come forward to bring the matter to official attention. The argument about over-sensitivity is a bit overplayed. We have to trust those who have to implement the law—the local authorities and perhaps others—to make correct judgments and I think that they are capable of doing so.

As for the different court outcomes, I do not think that there is any piece of legislation that does not result, particularly in its earliest days, in different views being taken in different courts by different sheriffs. That is not unusual. I am a family lawyer and was involved in the early days of the Matrimonial Homes Act 1967, when we got some weird and wonderful decisions out of sheriffs. That is part of our Scottish legal system and we just have to work with it and keep improving the quality of what we bring before the courts.

**Mary Scanlon (Highlands and Islands) (Con):** The recently published Scottish Executive directory of good practice in tackling antisocial behaviour features services provided by Fife Council, Clackmannanshire Council and the City of Edinburgh Council—it illustrates quite a range of services that are being used to tackle antisocial behaviour. However, we received the City of

Edinburgh Council information only this morning, so I have not had time to read through it all.

I would like to put the first question to Sheila Gilmore. When Stewart Stevenson, Cathie Craigie and I visited your ward, Sheila, we listened to many people and your name came up often. Well done for responding to the concerns that many people raised. In our experience, that was an example of good practice, but my question to you is double edged, in that, by the time that many people met you and the good strategies were in place, they had had to put up with an awful lot, as you said. Will you comment on that? Moreover, will representatives of the three councils briefly outline the structures that they have in place for both tackling and preventing antisocial behaviour? I think that we should look at both aspects, rather than waiting until people are at the end of their tether.

**Sheila Gilmore:** On the experiences that you heard about, we would have to put up our hands and say that some things have not been done quickly enough. We are learning all the time. I have told this story often, but I shall tell it again. When I was first elected to the council and went to meetings of tenants and residents where people raised such issues, I used to be defensive. I felt that they were being unfair to people who were having a hard time or that they were being unduly fussy. Eventually I realised that they were right and that they had a real problem. Perhaps we did not always take the problem as seriously as we should have done, but we have had to adjust our thinking, which has informed our practice and policies.

Tackling the problem starts at the very beginning. At local community level, we are trying to put in place the kind of structures that will allow problems to be tackled early. In the community that I represent, the housing department is often the first port of call, because people are used to dealing with it and some of the problems that arise are closely related to housing issues. I am not saying that it is wrong that people do that, but that is where they come.

We have recently reorganised our housing teams so that we have a specialist team in each area dealing with tenancy management complaints and antisocial behaviour complaints—not just about tenants but in general. That allows the staff to develop a bit of experience and confidence, which is important, because the work is difficult for a lot of the people who are involved on the ground. We found that people were perhaps thinking, “That’s difficult. I’ll do the rent stuff and the lettings today and come to the problem issues later in the week.” In the end, they might not come to those issues, because they are hard to deal with. If someone is dealing with only a



few cases, they will not gain experience and confidence in how the system works, so we have developed a basic, first-line approach.

Once a problem has been identified, the next step must be to draw together agencies in the area, particularly if more than one individual is involved. We can deal with the odd individual fairly straightforwardly, but other problems can have greater ramifications. In my area, the agency groups have been meeting fortnightly over the past six months to share information and to talk about the problems.

We will get much better at tackling such problems, but we should have discovered sooner that a lot of the time we are dealing with the same folk. The education welfare officer was chasing the same families about whom we were receiving antisocial behaviour complaints. We were not always getting together to compare notes and work out how to do things better. If kids get bored during the summer holidays, how much more boring is it for kids who are not going to school for months on end? The kids are bored and idle and are staying up late at night.

Those are parts of the cause of antisocial behaviour and should be considered together. We brought some youth agencies into the discussion and we asked them what they would be able to do, where better facilities were required and how that could be organised. Tackling antisocial behaviour is about getting together on a local or neighbourhood basis and being clear about where more effective action is required.

We all see it all the time: most trouble is caused by a minority—not by everybody—and we have to deal with that minority. One thing that drew the sting out of the situation that I described was the action that was finally taken about a couple of youths who had been causing mayhem for a long time. Their names had come to me time and again from when they were 14 and 15. When they turned 16, we were able to use ASBOs against them. We obtained interim ASBOs this summer under the new legislation, which was helpful, as it allowed something to be done more quickly. The process has worked: it has got them out of the area. I am not saying that they have not tried to breach the orders a bit—they have pressed the limits, as people do—but the interim ASBOs have made a huge difference. That gives the community a bit more confidence to come forward with their complaints. Previously, when people eventually came to me, I would ask them, “Have you reported this?” They would reply, “Nah, what’s the point? Nobody did anything before.”

**Mary Scanlon:** When committee members visited various communities in the summer, we came across that, too.

**Sheila Gilmore:** We have to give people confidence to report things sooner when they see something happening. If they report things sooner, we can get involved sooner. When we identify families whose children are causing mayhem in the community, we work with them and a neighbourhood support team can try to co-operate with them if that is what parents want. Clearly, some people will never co-operate but, if they do, we can do some work to help parents to get a grip. They realise that there will be consequences if they do not do so and, having let things get out of hand, they do not quite know how to set the boundaries.

All those things help and it is my firm view that we need them all. There is no magic trick. If we do not put all the measures in place across the spectrum, the strategy will not work. I say this a lot, but I need to say it again. The question is not either enforcement, with the provisions in the bill, or prevention and support; we need them both. Prevention and support are not necessarily legislated for; they are provided in other ways.

**Mary Scanlon:** You seem almost to have integrated the prevention strategy into that of tackling antisocial behaviour. You have also made it okay for people to come forward without being branded as complainers, by giving them the confidence to do so. Has the experience in your area been shared across Edinburgh and across Scotland?

**Sheila Gilmore:** Similar things have been happening around Edinburgh, sometimes on quite a small scale. There was a problem in another part of south Edinburgh during the summer, when there was a lot of construction work going on as part of a huge regeneration project, with millions of pounds going into improving the area. That was being hampered, obstructed and damaged by the behaviour of not just young people but some not-so-young people. The issue was particularly tricky. How do we set in place a range of measures to ensure that people are safe, that work can go on and that the work force are not, as they were at one point, threatening to go off the job because they do not feel safe? We cannot have that. The local community was brought in to meet the contractor, the developer, the local housing office and the police. It helped that the community was at the table, because local people knew what the situation was.

10:30

**Mary Scanlon:** I want to ask you a non-party-political question. Is the local councillor key to the whole approach?

**Sheila Gilmore:** Because we can talk to colleagues and people in all parties, we tend to be

able to pick up a lot of information from all sorts of places. As a result, we are sometimes quite well placed to spot what is happening: after all, we might be in touch with the local school, local community and residents groups and the local housing office. Moreover, in our area, we now have quite good relations with the police and have established our youth action team. Sometimes, the information that reaches councillors will allow them to tie up loose ends. I am not saying that such an approach is unique, but we should be reproducing it all the time and finding forums in which we can bring together the fragmented bits of what is often very good work and information.

**Mary Scanlon:** Councillors are particularly well placed to bring people together to tackle the problem.

**Sheila Gilmore:** That is right. I think that councillors have been able to do that in various parts of Edinburgh.

**Mary Scanlon:** I ask the representatives of the other two councils briefly to outline their strategies on preventing and tackling antisocial behaviour.

**Lawrence Hunter:** We in Clackmannanshire believe that prevention starts with education. As a result, the Clackmannanshire antisocial liaison and mediation—or CALM—team goes into local schools and discusses with 15 and 16-year-olds how the local authority deals with antisocial behaviour. We want to make people aware at an early age of their responsibilities, and to show them how not to fall into the traps of antisocial behaviour.

**Mary Scanlon:** Is that approach working?

**Lawrence Hunter:** Yes, it is. In fact, local schools have recently sent us letters to thank us for coming along and giving kids greater awareness of the issue.

Many more young people are taking up tenancies, but often they do not know what to expect when they make that step, and problems can be caused simply because they have a misguided notion that they can do whatever they want once they are in their flats. We have introduced support mechanisms for young people who take up tenancies and we have introduced PATH—positive action for training in housing—projects that give them basic skills, such as teaching them how to cook, how to budget and so on.

We have also introduced a signing-up procedure in which we sit down and go through the tenancy agreement with the people who are taking on tenancies. In particular, we focus on antisocial behaviour and we make both sides' roles and responsibilities very clear. We see the procedure as a two-way street. We do not say to tenants,

"You are going to do this and that." We also want to find out what we can do for them.

Six months after the sign-up visit, we review the tenancy to find out how the person is settling in. That review covers not only any antisocial behaviour that might have occurred, but indicates to tenants how they can develop their tenancies, for example, by highlighting community associations in the area that might be able to help them. Furthermore, after six months, the person has been able to settle into a house, so other problems might have been identified. After all, during the sign-up period, a tenant has to think about things such as the area they are moving their kids to, how they will organise flitting and so on. Six months after that, people have settled more into their tenancies and will probably have questions that we can answer in order to help them to settle in even more.

We also work closely with other tenants and residents federations and keep them updated on the proposed legislation. Indeed, we regularly visit tenants and residents associations to give presentations on tackling antisocial behaviour.

On some of the successful elements of our strategy, we have for some time had a local antisocial behaviour forum that comprises the police, legal representatives, registered social landlords and social work officers. That forum contains quite a raft of representation to ensure that we have a partnership approach, and that we try to resolve problems before they arise. For example, if the police have identified a situation in one area, we tackle it together. Such partnership working is the key to any strategy.

I turn to what we do when problems arise. We have set up a specialist team—our CALM team—as a standby service or support mechanism that takes into account professional witnesses. Individuals who are too frightened to report an incident can call us out at any hour; we will go to where they are to witness the incident and to support them. The specialist team has more time to spend with the individuals—which is what was missing from the old set-up that was based in the local area teams—to get them to consider the reasonableness of the situation. The team has more time to take evidence and to follow up incidents, which is what we failed to provide enough of in the past.

We have also set up a mediation service. The best solutions are found when people work together, rather than when I, as a housing official, say, "You'll do this and you'll do that." It is about people reaching agreement and resolving problems. That is how we get long-term solutions. Prior to the introduction of funding for community wardens, we established our estate management support officers. They are important in relation to

what has been said about people acting as eyes and ears—we need people on the ground. Many elderly people say, “We really enjoy your coming along. We feel a bit safer because there are people about and we know who we can go to if something happens.” We have always aimed to show the more friendly side to what we do.

**Mary Scanlon:** A lot of good practice is, as Sheila Gilmore said, evolving through experience. I would like Gerry McGloin to tell us what Fife Council does to help victims and to tackle and prevent antisocial behaviour.

**Gerry McGloin:** We take a multi-agency approach. Our specialist team that deals with the most serious cases has been in place for about eight years—it is one of the longest-established teams in the country. We work closely with community police, our local office network, legal services, social work and any individuals who happen to be involved in the particular cases with which we deal. We are also developing close relationships with minority ethnic groups. We are keen to be involved in that, because we believe that we can make an impact there. We are successful at dealing with antisocial behaviour: we use ASBOs a lot and have served 54 so far, plus another six interim ASBOs. We find ASBOs to be effective, and the interim ASBOs have been particularly helpful in allowing us to get round problems with legal issues, such as delays in the court process.

Our work on prevention is similar to what the other witnesses have talked about. At the start of a tenancy, as part of the sign-up process, we go through all the good-neighbour stuff and tell the tenant what they are expected to do to maintain their tenancy. Our tenancy support workers are aimed mainly at young people. We have had in place for a good number of years a mediation service, which we see as being particularly important. It takes about 250 cases per annum, involving about 600 people and it is quite successful in dealing with low-level cases. We also have a relationship with Victim Support Scotland.

**Mary Scanlon:** We have received written information from Fife Council, which is certainly one of the biggest users of ASBOs in Scotland. If everything is working so well, how would the bill benefit you in provision of services?

**Gerry McGloin:** We have always been enthusiastic users of legislation on antisocial behaviour and we will use the bill. We have reservations about various parts of it, as do most councils. We will use ASBOs against young people, depending on what comes out of the bill. We are not expecting to use an awful lot of them, but if we have occasion to use them, we will do so. We tend to take a firm view on antisocial behaviour and to deal with it firmly.

**Mary Scanlon:** Is there anything else in the bill that would enable you to provide services more effectively than you do at the moment?

**Gerry McGloin:** I do not think so.

**Mary Scanlon:** Is the bill necessary?

**Gerry McGloin:** I would like to take a rain check on that question, to see what the final shake-out is. I am sure that there will be changes as the bill progresses through Parliament. We are in the process of examining the bill and are starting to consider how we will adapt to it, so I am not yet in a position to answer the member's question properly. We have reservations about some parts of the bill: we are sure that most people will, especially about the provisions relating to under-16s. Different parts of Fife Council have reservations about how some of those provisions will work. However, we support the general principles of the bill and will make use of its provisions, in so far as that is possible.

**Scott Barrie (Dunfermline West) (Lab):** I want to concentrate on antisocial behaviour orders. I will start with Fife Council, which is my local authority. From previous debates both in the first session and in this session and from questions, we know that there are wide discrepancies between different parts of Scotland as regards use of ASBOs—Fife has been in the forefront of work with ASBOs. Earlier, in answer to a question by Stewart Stevenson, Lisa Simpson touched on difficulties with the legal process. Can you take us through the process that Fife Council follows when applying for an ASBO, particularly given that it has to deal with three different sheriff courts? The other two authorities that are represented here deal with only one sheriff court.

**Gerry McGloin:** Scott Barrie is right that we deal with three sheriff courts. There are differences between the sheriffs and between the solicitors whom we use. Cannot Parliament pass a bill to make solicitors take our cases?

We have a specialist team and there is in-depth investigation of cases. Normally, we are confident that if we take a case to court we have sufficient evidence to justify the action that we are taking. Off the top of my head, I cannot recall our being refused an antisocial behaviour order, although that may happen.

**Scott Barrie:** I believe that there was a case in Kirkcaldy.

**Gerry McGloin:** There may well have been, although I cannot remember it off the top of my head. I am surprised that I cannot remember that an application was turned down. Normally, we are very annoyed when we are refused.

As a general rule, we have few problems getting cases through. We tend to find that the legal

process is very slow and that, increasingly, cases of antisocial behaviour are defended. Normally, we find that an application for legal aid will be made, that there will be an appeal and that the case will go to judicial review, all of which will be refused. In the meantime, the problem continues.

Interim orders have helped considerably to deal with that issue. The first order that we secured was breached three times in 10 days, but the individual concerned wound up in prison within that time. We were really pleased about that, as were the police. The order was very effective, at least in that sense.

One of the main reasons that we are able to secure orders is that we have a specialist team. We are able to put the time and effort into gathering the evidence that is required to prove our case in court. Although evidence is judged on the balance of probabilities, we still have to provide a high standard of evidence. We put considerable work into getting that kind of evidence. Our officers are on call at night and in certain cases they are available 24 hours a day, seven days a week. People can phone up and someone will go out to witness what is happening at any time of the day or night. We will also call the police, with whom we work closely. In our area, the police are very familiar with the action that they can take if an ASBO is granted. In general, the process is quite effective.

We see ASBOs as being a very useful tool. People may think of them as a solution, but they are not. Roughly one third of orders have been breached—there will always be people who breach them—but we are happy that ASBOs are effective tools for dealing with antisocial behaviour and we will continue to use them.

10:45

**Scott Barrie:** Lisa Simpson suggested that there were barriers to securing ASBOs, which have inhibited Clackmannanshire Council. I will not go into too much detail but I think that she suggested that there were difficulties at Alloa sheriff court. Are differences between sheriffs' interpretations the main difficulty, or do other barriers prevent the council from pursuing ASBOs?

**Lisa Simpson:** The court's attitude to orders can be a difficulty. Perhaps Alloa sheriff court does not embrace the idea of ASBOs as warmly as some other courts do.

I work closely with the CALM team that carries out investigations, and with the relevant housing officers and we have a good relationship with the police. We consider all the evidence and I have to be realistic about the prospects of success in securing an ASBO in the local court. The last thing

that we want to do is apply for an ASBO and not get it, because the word would go round like wildfire in a small community like Clackmannanshire. When we have sought an ASBO, we have been successful, but I have to demand a high standard of evidence from the officers in order to be able to say with any conviction that I think that we will secure the ASBO when the case goes to court. I know that some legal colleagues do not have as difficult a time as I do in securing orders.

**Scott Barrie:** How many orders has Clackmannanshire Council applied for?

**Lisa Simpson:** Only one, which is at the interim stage. We have encountered the problems that Gerry McGloin highlighted: legal aid was refused and there has been an appeal—I do not know the legal aid status at the moment. However, the interim order has been effective. One of the problems with ASBOs before interim orders were introduced was that we would have to say to complainants, "I am sorry; we will apply for an ASBO but it might take eight or 10 months for the case to come to a full hearing." That was disheartening for people. The introduction of interim ASBOs has made a difference and in the case that I mentioned, the order worked. However, we had to gather a fairly significant amount of evidence just to get that interim ASBO.

**Scott Barrie:** I think that Sheila Gilmore mentioned the benefits of interim orders.

**Sheila Gilmore:** Interim ASBOs have definitely helped.

The issue is not just about counting how many orders are needed, but about the fact that we can and do have recourse to that remedy. Part of the purpose of having the option to apply for an ASBO is to make it clear to people that we will use that option. We have found that the word gets round when we become involved in a case and send in investigators to follow it up. People know that they are under scrutiny to some extent; they will have had warnings—if they are tenants they will also be going through tenancy procedures—and they know that someone is on their case. We find that sometimes when we take up a case and start to progress it, the situation begins to improve to the extent that we no longer need to go to court to secure an ASBO. However, we need that backstop.

There is a notion that we have failed—or that the legislation has failed—if we have not secured many ASBOs, but I do not agree. As is the case with most legislation, we want people to respect the law and to think, "Maybe I will have to change my views." However, that will not work for everybody—some folk do not listen.

**Scott Barrie:** I agree. I think that the first ASBO in Fife was granted against an individual in the largest estate in my constituency. The system has made a difference—not necessarily because many more ASBOs have had to be granted but because people respect the fact that such orders will be used in the last resort.

I know that the panel has touched on this issue, but want to ask the three authorities their views on the proposal to extend ASBOs to under-16s. I want to have it on the record whether you support that measure. Although we have the view that is set out in your submissions, it would be useful to have amplification of that.

**Sheila Gilmore:** We support the measure not because we want to be tough on kids but because of our experience. We know about the level of trouble that can be caused by some very young people. My view of ASBOs is that they can also be seen as a preventive measure. Especially now that we have interim ASBOs, they are also a quick measure. They enable us to say to kids that they should not be out late at night, nor should they be at the shops where all the trouble is being caused. The orders allow us to be prohibitive in that we are able to define certain actions and behaviours that should not be done. At the moment, there is no other facility through which we can do that.

People say that the children's hearings system should be able to deal with the problem. Children's hearings do not have the power to make those sorts of orders or to get in quickly and say to kids, "Don't do this or that." So many young people say quite blatantly that they know that we cannot touch them because they are not 16. That is not good enough for anybody. The measure will be useful in a small number of cases. In an earlier response, I mentioned two cases that happened over the summer, in which we got interim ASBOs only because the youngsters had turned 16, despite the fact that the trouble was being caused before the summer.

It astonishes me that, although we want to give rights to young people, we almost infantilise them. People always say how important it is to give children rights and that we must listen to the voice of children. I agree with that, but those same people then go on to infantilise children by saying that they are not capable of taking responsibility for their own actions. I do not agree with that. We are dealing with large, powerful and quite mature—in some ways, though not all—13 and 14-year-olds. It is nonsense to see them as some kind of poor child-like souls who do not know what they are doing. They know what they are doing: they know that they are causing mayhem and to a certain extent they enjoy it because they get kudos or whatever. We need the power to impose ASBOs and although we might not take out many

ASBOs against under 16s, they would be helpful in certain circumstances.

Our view is that an ASBO should be the trigger for the young person to go into the children's hearings system if he or she is not already in it. There should be an automatic referral, which would allow us to look at the wider picture. The child's background could be considered and whatever support might be needed could be addressed. To enter the children's hearings system will not, however, result in young persons having imposed on them orders that tell them not to do something or that they must stop doing it: the children's hearings system does not have the power to do that.

**Gerry McGloin:** As I said, we have no qualms about using ASBOs: if the circumstances are appropriate, we will use them. We have no difficulty with the principle of ASBOs for under-16s.

**Lisa Simpson:** In common with all other authorities, Clackmannanshire Council is absolutely committed to tackling antisocial behaviour. We recognise that in a minority of cases young people are guilty of that type of conduct. My concern about the extension of ASBOs to 12-year-olds is not that they should not be held responsible and accountable for such conduct, but that such provision will cut across and undermine the ethos of the children's hearings system. I feel that that measure conflicts with and undermines our philosophy in Scotland about the way in which we deal with juveniles.

I agree that the children's hearings system does not have enough teeth to deal with such issues at the moment, but it would be more appropriate to bolster it so that it could effectively tackle that type of behaviour. To introduce ASBOs for under-16s would mean that we would start to mix the two systems. The young person would ordinarily be subject to the children's hearings system but in certain cases, if they were served with an ASBO, they could find themselves in an adult court.

The sanctions for breach of an ASBO are imprisonment or a fine, which are clearly not appropriate for children. The bill does not seem to take cognisance of the fact that children under 16 are different—they may be equally culpable, but they are different and in Scotland we have a different system for dealing with them.

**Scott Barrie:** As someone who has had a great deal of experience of the children's hearings system, one of the frustrations of that system is not necessarily the legal limitations that are placed upon it, but its practical limitations. In the past, panels have been incredibly reluctant to use supervision requirements imaginatively. They have powers to write almost anything that they want into a supervision requirement, but they never do so.

Sheila Gilmore made a valid point; the extension of ASBOs focuses clearly on the cause of the problem, as opposed to the general disposal to place a young person on supervision without being specific about what the authorities are expected to do about it. She mentioned mixing and matching, but that already happens in other parts of the hearings system; the system needs to be adapted.

**Sheila Gilmore:** It is a fallacy to say that young people do not go to court. For example, if a child is referred to a children's hearing on offence grounds, or indeed any grounds, and the grounds are not accepted, the case would come to court because it is the court and not the children's hearings system that has to decide whether the grounds exist. The child and the parents might accept the grounds, but equally they might not.

There can also be court hearings about appeals. I have done appeals in court for under-16s against children's hearings decisions; young people are in court for those. Children can also be in court in family cases—in fact, we positively invite them to make their views known. That can be done in a closed court; most cases that involve children and that reach a court are dealt with behind closed doors, rather than in public with journalists present. It is not correct to say that children never walk through the doors of a courtroom.

When it is established that an ASBO has been breached, the appropriate place to deal with sanctions is the children's hearings system, as is the case with other criminal offences by young people. I say to Scott Barrie that the powers might exist already, but the problem is that they are invisible to communities and they have been fairly invisible to me. We need powers that are more immediate, such as some form of community service for young people. That would tell young people that if they cause problems, some of their weekends will have to be given up to their doing something more constructive. We must ensure that that happens, rather than merely say that it would be nice were it to happen, or ask whether we want it to happen. We could build that into the hearings system; I agree that the hearings system is the proper place for disposal, but we also need to have the orders in the first place. Surely we can construct a system that gets those two factors to mesh properly.

**Scott Barrie:** I accept that point.

**The Convener:** You say that we should not do things that would cut across the hearings system, but one of the problems in our communities is that people have no faith whatever in the children's hearings system. The worst offender to have been identified by the police in my area has 47 outstanding offences, and the next worst offender on the list has 37. The system is not geared up to deal with that. A particular issue arises for those

who have been in the hearings system when they were under 16, and have had supervision orders. Such people will remain within the protection of the hearings system—as it is perceived by local communities—until they are 18. Even if adult ASBOs are available, they are not available for those young people.

What are the strengths of the hearings system? Do you recognise the picture that I paint, in which people have no faith in the system?

**Lisa Simpson:** I recognise the picture that you paint, and I accept that there is a perception that the children's hearings system is toothless. However, I would prefer that the hearings system were beefed up and bolstered to accommodate and deal with cases such as the one that you mentioned; it should be given some real powers.

Another problem, which applies across the board to many of the proposals, is that the measures will work only if local authorities have the resources to provide the support packages that people need. That applies not only to ASBOs, but to parenting orders and so on. People will require support, and appropriate resources will have to be given to local authorities to enable that. We also have a national crisis with the shortage of social workers. The creation of a plethora of orders, with conditions that will mean that people will need support, will put further pressure on a service that is already over-pressured and under-resourced.

**The Convener:** You are saying that they need more powers, and that it is not just about resources. What powers would you give to the hearings system? You say that it should be beefed up. Do you mean that it should have a harder edge to it? If not, the suggestion is that having lots and lots of social workers would sort the problem. However, that does not confirm the kind of issue—

**Lisa Simpson:** The hearings system does require a harder edge. I agree that there is a place for reparation within the system. I am concerned that the bill seems to be creating myriad orders to tackle different bits of the problem. I would rather see those condensed into one.

11:00

**The Convener:** So you would still have all the orders, but the children's hearings system would be responsible for them.

**Lisa Simpson:** One of the frustrations with the children's hearings system—and most social workers would back me up on this—is that ordinarily the issue is not just the child. Sometimes you have to look at the family as a whole, but children's hearings can only impose conditions on the child. They can determine where the child

resides or when they can see certain people, but there is nothing that can be done to compel other members of the family or the parents to buy in to that whole programme. That is a failing of the system. The number of times I have heard social workers say, "If only we could get an order that could make the parent do that," and tie it in to whatever condition they want to attach to the child. I would like the hearings system to be beefed up in that respect, as opposed to trying to achieve the aim with bits dotted around and somebody somehow having to co-ordinate.

**The Convener:** That suggests that the issue is not the myriad orders, but who is in control of them. You are in favour of parenting orders, but you are in favour of them going into the hearings system. It is not that you are saying, "There are all these extra powers and we don't need them." You are saying that you do need extra powers and that they should be under the hearings system.

**Lisa Simpson:** Yes, but they need to be co-ordinated; if orders are co-ordinated people can be supported and effectively monitored. It would be difficult to resource and support the system if orders came in from the sheriff court and possibly the hearings system and somewhere else.

**Elaine Smith (Coatbridge and Chryston) (Lab):** I have a question for Sheila Gilmore, based on the City of Edinburgh Council's written evidence. Lisa Simpson may comment if she wishes. On page 4 of your written evidence you state that ASBOs should apply to children from 10 years old, rather than from 12 years old, and go on to state:

"Bearing in mind that ASBOs are not a punitive measure we see no need for hesitation in making them as widely applicable as possible."

However, in your answer to Scott Barrie you talked about prohibition under ASBOs and people being under scrutiny when they are served with an ASBO. Why do you say that an ASBO is not a punitive measure? Could you expand on that? Do you not think that there is an element of punishment, or do you see it purely as an interventionist prevention technique?

**Sheila Gilmore:** There will be a punishment if the order is breached, but I see orders primarily as the equivalent of interdicts that say that you shall not do something. If you desist from the behaviour, there are no further consequences. The aim is to change the behaviour. I see ASBOs as a first intervention, but not the only measure. It is important to use them as the trigger for all the other mechanisms.

We do not see why the arbitrary line is drawn at the age it is. We know of serious cases that have involved children from the top end of primary school—around the 10 or 11 mark—who have

behaved extremely badly in their local communities. ASBOs could be used to stop the behaviour quickly and provide some relief to the local community. They are markers that say, "Right, what other work are we going to do here?"

I suspect that there will be many situations where we do not need to use ASBOs. As I said earlier, we are using acceptable behaviour contracts in many cases with younger children, and where those are working we would probably use them in preference. We would use them not always, but in many cases, because they are a way of involving the whole family at the earliest stage and saying, "This behaviour isn't acceptable. If you don't do some of these things, there are consequences, but we're willing to work with you and help you through this."

If we use ASBOs for this sort of age group it would be where we have gone down the acceptable behaviour contract route and it has been like water off a duck's back. Some people will not co-operate; they shut the door on you. You cannot have an acceptable behaviour contract with people who will not talk to you. Some families have clearly decided that they will not talk.

If the other measures have not worked, then using ASBOs could allow some control over the young person's behaviour; it may even help some of the parents. Even with the acceptable behaviour contracts some parents say that it has helped them because they can say to the kids, "Look, you have got to do that." Somebody else has said that to the young person who has not been listening to the parent.

**Elaine Smith:** It was suggested in evidence that Donald Gorrie and I heard in Dundee that something like after-school clubs might be a helpful intervention in such circumstances. Does the City of Edinburgh Council do anything like that?

**Sheila Gilmore:** There is a plethora of such activities. That is the sort of thing that our neighbourhood support team does. If we were intervening with an acceptable behaviour contract rather than through a legal process, at least initially, the offer of support through a neighbourhood support team would usually accompany the contract—resources permitting; the neighbourhood support team has taken on a substantial case load.

One of the things that the neighbourhood support team would do is to help the family access facilities, where they exist. Sometimes we have used funding to help a family access summer holiday activities that had a charge—not a huge charge, but a charge—so that the child could take part in that. Sometimes it is a case of passing on knowledge, because some people do not know

about all the facilities that there are and how to access them. Such support would be part of the contract, the part through which we would help the family, because there are less likely to be problems if people are kept occupied.

However, it is important not to suggest that we do not need the other part of the contract, because we do. Unless you think that we can put on 24-hour, all-singing, all-dancing entertainment, it should not be assumed that there will not still be difficulties. An example of that is an issue that was raised at a public meeting that I attended recently. Some parents in the ward had set up a disco for 11 to 13-year-olds, because there was a lack of such provision in the area. They had received a bit of funding from the local partnership to help them. The complaint was about the behaviour of some of the kids—not all of them—when they came out of the disco. Some people who lived around the school where the disco was held wanted it stopped because it was causing trouble. When some of the youngsters—probably only a few—who had been at the disco came out they thought that it was fun to throw things at the nearby houses, throw gravel at the windows and so on.

I do not think that the answer is to end the activity; the answer is to control the behaviour of the youngsters who are causing the problem. Otherwise, short of 24-hour entertainment being provided, which will never be the case, the activities do not end the bad behaviour. It is necessary to address both aspects of the matter.

It is necessary to provide activities. We have put a lot of money into summer holiday activities over the past few years—they had gone into decline because many used to be run by parents and it is now much harder to get parents to do that sort of thing. We very much welcome the additional money that the Executive made available last summer, albeit it was provided very much at the last minute—about two days before the end of the school term we were told, “Here is some money. Do you want to use it for summer holiday activities?” The money was welcome and it enabled us to do some work with kids, provide them with something that was a bit more challenging and give some structure to the summer holiday period. The funding was extremely useful and we would like to receive it again, but we would like to get it a bit sooner next time.

**Cathie Craigie (Cumbernauld and Kilsyth) (Lab):** I was part of the group that visited Sheila Gilmore’s ward and I echo Mary Scanlon’s comments about the good things that were being said about you. It is not often that we hear councillors being complimented—I do not know how much you paid them. You certainly came across very well. I spoke to some officers who

were involved in the youth action team, which you mentioned earlier. What does the youth action team do and what is its remit? What is the concept? Does the team work only in your area in Edinburgh or has it spread out to other areas?

**Sheila Gilmore:** At the moment, the team operates only in the south Edinburgh area. The idea for the team came from the local social inclusion partnership. The partnership has identified young people as a priority issue and has diverted a lot of the money that it receives into summer holiday activities and opening community centres at times at which they do not normally open, such as evenings and weekends. The partnership also provides a drop-in cafe and a number of outdoor activity facilities. The genesis of the team came from the fact that, although the partnership spent a considerable amount of its funding on the issue, at meeting after meeting it was mentioned that the spending had not resolved other problems such as the vandalism of facilities. People thought that the facilities were a bit of a waste of money if they could not be used properly. As a result, the partnership, which involves many community representatives, decided that it should spend some of its money on improving the level of policing.

The partnership investigated similar projects in London boroughs. We have a four-person police team. The police meet the policing costs, but the partnership met some of the additional costs of setting up the scheme and helps the team to operate more effectively. The council provides premises, which are outwith the police station, which means that the service is not identified quite so much with mainstream policing. The chief constable was clear that the officers in the team had to be additional police officers, which meant that we had to wait for more police officers to be trained to take the places of those who were to be on the team. There was no point in simply diverting resources and shifting the pieces round the board.

The team has a wide remit and covers about four wards in the area. It does a lot of educational work in schools and goes out during the summer holidays to be visible and to get to know people. Obviously, much of the work is in the evening, which is when many problems arise. The team patrols regularly and has tried to build up an idea of where the hot spots are, so that the officers can be in the right place rather than simply trailing around. The officers have developed good relationships with many of the young people whom they encounter. It helps that the team knows young people personally—there is nothing like shouting out a name.

Of course, knowing young people does not eliminate all the problems. For example, the



weekend before last, a couple of officers were seriously assaulted by youngsters when they intervened to try to calm down a situation. The work can be serious, but the team also gets involved with youngsters and youth groups. The idea is to work with young people, but to take firm action in situations that are out of control. We want similar teams to be set up throughout the city, although I do not know whether we can achieve that.

The council is using some of the quality-of-life funding to pay for additional community police officers, over and above those in the youth action team. We decided that people want more police officers because they think that that will give them a better quality of life. Those officers are also additional to the normal complement. In some areas, there is now a much more visible police presence.

**Donald Gorrie:** The issue of resources has been mentioned. At present, do you have sufficient resources to provide more of the normal community and youth facilities that are helpful in reducing antisocial behaviour? The financial memorandum suggests that hundreds more intensive interventions will be needed throughout Scotland to deal with antisocial behaviour. Will you be able to provide for that from present resources or will additional resources be required?

11:15

**Lawrence Hunter:** Certainly, Clackmannanshire does not have the resources to take that on board. That is a good point. There are high expectations and many good ideas, but they might fail because we do not have the resources to pick them up. We can become victims of our own successes. Some of the stuff that we have done with the estate management support officers has meant substantial improvements to certain housing estates, but because such projects are successful in certain areas, other areas want the same thing, and we cannot provide that level of service. We certainly cannot do it with the resources that we have at the moment. We do not have the resources for any orders or support mechanisms that might need to be put in place. It worries me that we are taking such a hard line, but do not have the resources to back that up; certainly not in Clackmannanshire.

**Gerry McGloin:** We are pretty much in the same boat; I agree with almost everything that Lawrence Hunter has just said. Resourcing is going to be a major issue. For example, if we are applying ASBOs to under-16s, we will need to expand our investigation team to cope with that. The support mechanisms that would be required are not in place. The point has been made that there is an acute shortage of social workers and

other people who provide that kind of support. It will be difficult to get them. For problems such as noise nuisance, we would have to buy additional equipment. The funding will have to be available if we are to put such measures in place.

**Mark Turley:** If additional resources are available, it would be more effective to target them at the sort of problems that colleagues have been talking about, where there are established good models, but we need greater scale. I am not sure that we have the scale of resources to address the provision of youth facilities and to act on all the other, more creative ideas that would have a clear impact. The resources that we have at the moment would be lost if we tried to pretend that they could transform the level of community education or standard of youth facilities. They should be targeted in a more focused way to support the delivery of the measures proposed by the bill.

**The Convener:** How much do you currently spend on making good property damage, such as graffiti, and doing other repairs? Yesterday I visited a primary school that had been fire bombed; it must be costing them a fortune to repair the hall. Is there an estimate of how much of that kind of effectively dead money is being spent at the moment?

**Mark Turley:** I cannot answer for other services, but it is a six-figure sum for the housing department alone. I suspect that if we chose to categorise the problem more widely, it would cost more than that. We are already seeing payoffs in areas where we have managed to get more intensity of service such as extra police and wardens, and neighbourhood support teams. In such areas, there is a clear tailing off of the level of costs that we incur for vandalism and graffiti.

**The Convener:** Is that true for the other local authorities?

**Gerry McGloin:** It is pretty much true for the simple things such as graffiti. However, in certain areas houses have to be secured and it is extremely expensive to do that, especially for fairly long periods of time. There is a range of other things that have to be done, such as the removal of graffiti and all the other bits and pieces that are associated with that, such as litter removal. It is expensive. I do not have any figures on me at the moment but we could get them.

**Lawrence Hunter:** We have a similar problem of void properties. A lot of vandalism goes on there and we spend a fortune to prevent vandalism to such properties. If any of our schools is vandalised, it blows the budget totally. We could provide figures although we do not have them with us today.

**The Convener:** It could be argued that there is a cost to doing nothing, as well as to dealing with the problem.

**Sheila Gilmore:** There is definitely a cost. We talk about the costs of intervening with young people, but the cost to society of not acting is huge. It is expensive to allow behaviour to get so bad that we have to pick up the pieces through young offenders' institutions or whatever. Intervention is expensive; however, as everyone agrees that it is the right approach, we have to try to take it. There is no point in saying that we do not want this legislation because it will be too expensive to implement its provisions. It is up to the Executive and the Parliament to think about the various aspects of the matter. After all, there is no point in introducing lots of legislation if one is not prepared to back it up with resources.

That said, it would go against the grain for any local authority to say that it had enough money, although we have welcomed attempts to address some of these matters. For example, the funding that was announced earlier this year for measures such as neighbourhood wardens is very useful. However, we introduced a small-scale neighbourhood warden service because we thought that the great cost of not doing things and then picking up the pieces later made it worth while for us to do so. We are concerned that some of the additional resources that have been made available in the past year or so, such as the quality-of-life money and the funding for neighbourhood wardens are short-term funding streams and believe that they have to be included in mainstream funding in due course. These problems do not necessarily disappear after two years. That is not to say that we do not welcome that funding, but we feel that it should be extended to ensure that the services continue permanently.

**The Convener:** I am aware that we are beginning to run out of time, but we will press on.

**Mary Scanlon:** I wonder whether you could briefly state your views on proposals concerning the dispersal of groups under which, after consultation with the local authority, a senior police officer will be able to designate an area where there have been significant and persistent problems.

I am aware of time pressures, but will you briefly respond to section 18 of the bill, which stipulates that a constable's direction can apply to the

"behaviour of a group of two or more persons"

that alarms or distresses the public?

**Mark Turley:** We support the provision. Although it has been argued that the powers already exist to achieve that aim, we believe that the provision is valuable because of the public

nature of the declaration. As with an ASBO, the provision will make the community aware that an area has been designated in such a way and will help to give the community the certainty and confidence that we are focusing our actions on a specific problem and area.

**Lawrence Hunter:** The challenge that is presented by proposals on the dispersal of groups is whether we will simply move the problem elsewhere. It might be more beneficial to develop more youth partnerships within the police. For example, in Clackmannanshire, the police have been involved with youth football clubs and so on, and a partnership—indeed, a respect—has grown up.

I also wonder whether such proposals verge on contravening human rights. Earlier, it was mentioned that people are overly sensitive to two persons or more simply meeting. I have a few concerns about that.

**Mary Scanlon:** So you think that any such proposal should come with a package of support measures instead of simply dispersing young people to other areas.

**Lawrence Hunter:** Yes. Some support measures should be available and could, for example, involve youngsters working with the police in youth panels. That brings me back to what we are attempting to do locally by going out to schools and getting people to understand these issues. Sometimes, youngsters simply do not understand the fear and alarm that they might be causing. We need to work together with youth instead of simply telling them to move on. That simply moves the problem elsewhere.

**Mary Scanlon:** That is very helpful.

**Gerry McGloin:** We are quite happy with the general principle behind the provision. Obviously, safeguards need to be built in, because a lot of kids are just hanging about with their pals and are not causing any problems. We would expect the police to be aware of the young people who should be moved on. We do not really think that the issue is a major one, but we are happy to support the general principle for certain areas where a particular problem has been identified.

**Mary Scanlon:** So the issue would require tolerant and sensitive handling.

**Gerry McGloin:** Yes.

**Lisa Simpson:** Although the proposals are not restricted to young people, it is young people whom we will probably mention the most in this context. As a result, it is important to recognise that they do not have to be acting unlawfully in any way. They can be perfectly law abiding, but if they are perceived to be hanging about and possibly causing distress, they can be moved on. We must be careful that we do not stigmatise and alienate

young people even more than is already the case in many communities.

**Mary Scanlon:** Do you think that the measure is unnecessary and draconian?

**Lisa Simpson:** The police already have the ordinary powers to deal with young people. This measure could be perceived by young people as having yet another go at them.

**Sheila Gilmore:** The limitations that the bill sets indicate that we are not talking about a general power for the police to come along at any time. An order must be granted in a very specific situation before the dispersal power comes into force. If one reads the relevant sections of the bill, with the limitations that they set out, it is clear that the police cannot come along at any time and move kids around. All teenagers hang around—that is not the problem. The problem comes when hanging around veers towards abuse and physical intimidation, which happens. The bill does not give carte blanche to the police. Some of the criticism is misguided, because people have not read the provisions of the bill.

**Patrick Harvie (Glasgow) (Green):** I have read the provisions of the bill and am aware that the police, in consultation with the local authority, would have to be specific when designating an area. However, the bill does not create that specificity—the police and the local authority would do so when designating an area. If you were to work with the local police on designation, for what kind of areas, days and times would you see this power as useful? How big would the areas that were designated be and what type of areas would be designated? Would they be residential areas or waste ground?

**Mark Turley:** Typically, problems occur around shops and other focal points. Our experience suggests that designated areas would be small and that, as you suggest, designation would probably be limited to specific times when the fear of the local community is greatest.

**Gerry McGloin:** Our experience is similar. Typically, kids hang about near corner shops, specific landmarks—for want of a better word—and places such as shopping centres. We would have to be careful about designating particular areas. Before seriously considering designating an area, we would have to be convinced that there was a known, specific problem there. We receive many complaints from people about kids hanging about. Although they may not be doing much, there is a perception that they are a threat. The reality may be that they are just chatting with their pals. We would have to be careful about how the power was used.

**Patrick Harvie:** Geographically, you would expect designation to affect a street corner, rather than a whole neighbourhood.

**Gerry McGloin:** Yes.

**Lawrence Hunter:** In Clackmannanshire, we would consider designation for areas similar to those that have been mentioned—for example, near shops—and at specific times. We have used quality-of-life funding to get workers on to the street to meet the kids and to ask them why they are meeting in a particular place, whether they are aware that there is an event on up the road or whether there is something that we could get together for them. That approach has been successful on a couple of housing estates where kids have congregated and created fear, without really doing anything. We have started to get them involved in sports activities and have taken some of them away to do something special. We have also helped them to feel part of the community. I support what Gerry McGloin has said. There is much work that we need to do before saying, “Right, we are designating this as the area from which we want rid of you.” Before we do that, we must do a lot of preventive work with the kids.

**Patrick Harvie:** Do you think that the police and local authorities alone are the important agencies to be part of the consultation, or would you like the consultation to be widened?

**Lawrence Hunter:** The whole community needs to be part of it.

**Cathie Craigie:** Before moving on to housing issues, I want to ask Lawrence Hunter, in particular, about the dispersal of groups. You were worried that the power to disperse may be an infringement of human rights, but how would you protect the rights of tenants? Young people may regularly congregate in a sheltered housing complex. They are not doing anything criminal or illegal, and the police do not have the powers—just now—to move them on, but they are causing nuisance to the tenants of that sheltered housing complex. It is a serious nuisance, not a petty nuisance. Using the existing powers that Lisa Simpson spoke about, how would you protect tenants?

11:30

**Lawrence Hunter:** As I have said, partnership working with youths is important. We have to find out why they hang around a particular area and whether we could organise other things for them. I agree that we have to take the rights of people in sheltered homes into account. We have to say to kids, “Look, you’re causing alarm.” We have to work with them and we have to get the community to understand what the problems are. If you just move people on, with no explanation and with nothing else organised, you simply move the problem elsewhere.

We need to do preventive work as well. In the most serious cases, I agree that there are grounds

for moving young people on, but I like to think that we could work with them rather than simply saying, "Right, they are hanging around—get them away." That does not solve the problem; it simply moves it elsewhere.

**Cathie Craigie:** If the intervention measures that you mention have been tried and failed, do you agree that—

**Lawrence Hunter:** In extreme cases, we may have to go down that road.

**The Convener:** So, in extreme cases, you accept that it would be reasonable to identify an area and tell young people that they are not allowed to go there.

**Lawrence Hunter:** If the situation is extreme, we may have to go down that road.

**Cathie Craigie:** I will move on to ask all the witnesses about housing, convener—and I am conscious of your warning about time.

We all have experience of how tenants and residents can feel when they have to report antisocial behaviour. They feel threatened and feel that they might be victimised if they are seen to be complaining to the housing department or the police. What have your local authorities done to protect tenants?

**Mark Turley:** All of us will have used specialised teams as professional witnesses to avoid the need for residents to give evidence if they are really scared. However, I take this opportunity to flag up one of the more controversial points in our written submission. In urgent cases, we should perhaps consider delegating to responsible landlords—and I would hope that registered social landlords are responsible landlords—more powers to move people when they are behaving antisocially. If responsible landlords had the power to move people in those difficult circumstances, without the need for a long-winded legal process, it would be in everyone's best interests. That proposal is not in the bill, but in our submission we have asked the committee to consider one or two additional measures, even at this relatively late stage. Giving power to landlords who can be trusted and who have a continuing responsibility for a household once people have been moved—those people do not disappear but will go to live somewhere else—would be in the community's best interests and often in that household's best interests as well. Landlords should be able to act quickly, so that no one has to suffer for months or years while legal processes are gone through.

**Cathie Craigie:** Last week, some committee members visited a project run by Shelter Scotland in an area of Edinburgh called, I think, Newhaven. I do not know Edinburgh; I am from the west. It was a families project. One point that was raised

with us was that the people who find themselves homeless as a result of antisocial behaviour tend to be in a revolving door. Local authority social work departments or other departments that are dealing with them do not always get enough time to spend with the family because the family might be moving between various different areas. Do you take that into account when you make such suggestions?

**Mark Turley:** Very much so. We need to be clear that the homelessness legislation that is now coming through the system following the two recent acts will give homeless people good, strong protection so that people, even if they have been convicted for behaving antisocially, will not simply be disregarded or have their kids taken into care. That is often the way in which things have been dealt with in the past, with people reappearing on the scene at some point years later. The new homelessness legislation will at least give everyone the right to basic accommodation and support. It is in that context that we are able to say that, because councils will have a continuing responsibility for a household, it is only a question of where they live rather than whether or not they have a home.

It is in everyone's interest that we are able to take action more decisively and more quickly and that we manage the movement of the family and manage the community where the trouble was being caused much more effectively by being proactive. It is in no one's interests to wait months or years for someone to get evicted and for them to disappear temporarily before popping up again in another part of the city. We are talking about regulated landlords, so we should not have fears that the power will be abused.

**Gerry McGloin:** I totally agree with that approach, and I understand the logic behind it. We have recently evicted somebody for antisocial behaviour for the second time. We have recently evicted somebody from a short Scottish secure tenancy. We will have to pick those people up again and put them somewhere else, and I guarantee that we will be evicting them again in another six months, as their behaviour will not improve. I do not have a solution, but I do not think that we solve anything if we constantly move such people around. We have been threatened with legal action by someone because we have knowingly put somebody who has been found guilty of antisocial behaviour into accommodation. That did not actually come to anything, because the individual concerned moved on of their own free will. However, it is almost inevitable that such actions will be raised.

Councils are responsible for picking up such people and for giving them support, but support does not always work. In one particular instance, we have been told where to stick our support.

Support workers have had to withdraw from cases because of the abuse that they have been getting from the people whom they have been trying to help. Many of the people I am talking about are probably beyond support. There is nothing that we can do with them. Under the new homelessness legislation, it seems that we will simply have to keep shuffling them about. That is no solution for anybody. I do not have the answer.

On the prevention side, where I am working, we are trying to take a particular course of action, but what we are doing will be thwarting what somebody on the other side is trying to do. We are in constant conflict with regard to the different pieces of legislation that we are working with. It would be very helpful if we had a piece of legislation that dealt with these issues all the way through. I fully understand the need to house people, but there must come a stage when we have got to wash our hands of them.

**Cathie Craigie:** Would you accept the point that I think Sheila Gilmore made earlier, that many of the solutions to the problems caused through antisocial behaviour do not require legislation, but require, for example, the introduction of good support packages? I accept that the situation is difficult. I deal with such difficult cases as a constituency MSP. How is the right level of support brought in?

**Gerry McGloin:** The kind of people we are dealing with have had support, but they do not want it. They have been in various situations. They will have been seen by social workers and probation officers, and we will have been trying to put in place something to address their antisocial behaviour, but they are not interested. They tend to take the view that everyone else's lifestyle is out of step, not theirs. The problem is very difficult for us. We fully accept the principle that people should have adequate accommodation, but we also accept the principle that other people should not be disturbed, so where can we put them? We will have to put them in the housing of last resort—or whatever it is called in the bill—and we can foresee a situation in which we will simply be moving folk round on a six-monthly basis. Where does that stop?

**Lawrence Hunter:** For a small local authority such as Clackmannanshire Council, moving such people around the community is difficult. Part of the problem is that, if an incident happens in a particular community and we move the people involved elsewhere, we are talking about moving them only 2 miles down the road.

The availability of housing stock is also an issue. What type of stock should we move such people into? The majority of lets that become available in our community are flats, four-in-a-blocks and maisonettes. I am sure that, if we had a serious case and we chose to move those involved, some

people might view that as being beneficial, but does that move the problem somewhere else?

**Cathie Craigie:** My original question was about how you would support tenants or residents who were experiencing antisocial behaviour and wanted to come forward as witnesses.

**Lawrence Hunter:** We are highly envious of the Dundee families project and, ideally, we would like to have such a project in our area, but we do not have the resources. A substantial amount of money was put into that project and it seems to be great. We would like to take on board the idea of that project and develop it when we deal with some of our more serious cases, but the resources are not there.

You asked how we deal with individuals who have alerted us to antisocial behaviour. The use of professional witnesses has been mentioned. We also use partnership working with the police. If a problem has been identified—perhaps by the police or the housing office—and the individual says that they do not want to take it any further, when we get together in our antisocial behaviour forum, we sometimes say that we have been made aware of a problem and ask whether there is something else that we can do in the community. We are quite strong on working with Clackmannanshire Tenants and Residents Federation and, in some areas where there have been drug-related problems, tenants and residents groups have helped us to gain evidence and to work with the police to resolve a problem.

Our estate management support officers, who are out on the ground, are more accepted, because they are a more friendly face and they are seen to be keeping an eye on the estate. Many elderly buddies might be frightened to go to the housing officer at the big hoose up the road, but they are quite happy to have a wee blether with the person who is going around the estate and to alert them of problems that have been identified. Through the estate management support officers, we can take the issue back to our antisocial behaviour forum.

**Sheila Gilmore:** If people are going to put their heads above the parapet, one of the simple things that we need to do is always to keep people well informed of what is happening. We should give them the chance to find out what we are doing. Sometimes bringing people together as a group of witnesses—not necessarily publicly—to talk through what is happening is helpful, because it can be useful for people to see that they are not alone. Sometimes people can think that they are the only ones who are affected. When they realise that other people are affected, they can give each other support and that can be useful.

**Lisa Simpson:** When we have had cases that we thought were going to court, we have always

brought in the witnesses to speak to the lawyers, who go through the whole process, tell them how long it could take and allow them to make an informed choice about whether they can go through with being a witness. Sometimes we just have to rely on the housing officer. That is not always the best evidence. We at least explain fully to people what is going on and, when they receive that explanation, some people are quite happy to be a witness, because they feel supported in the legal process.

**Cathie Craigie:** I want to move on to the private sector. The bill proposes to give local authorities powers to issue antisocial behaviour notices to private landlords and to introduce a discretionary registration scheme. I would like to go into huge detail on that, but unfortunately we do not have enough time. What are your views on the bill's proposals? Will you explain as briefly as you can the experiences that you have had in dealing with antisocial behaviour in the private sector?

11:45

**Mark Turley:** One of the consequences of the old homelessness framework under which we still work is that a lot of people who are declared intentionally homeless because of their antisocial behaviour end up in the private rented sector, following eviction. Two or three communities in Edinburgh are becoming quite distorted because they have become a haven for such people. Many private landlords would say that they house the people that the council has rejected. There is no doubt that a more effective approach to managing antisocial behaviour is needed in the private rented sector.

In that sense, we support the direction that is taken in the bill. However, we are confused about how the proposed rent withdrawal arrangements will work, and we have made a couple of suggestions in our written submission about different ways in which that could be handled. We have concerns about large-scale registration schemes, which we think should be seen more in the context of the housing improvement task force's work to address not only antisocial behaviour but wider conditions and management issues. On a tactical level, we support the declaration of areas if it helps us to trace landlords whom we would otherwise struggle to trace.

**Lawrence Hunter:** On registration areas, we too have experienced problems with tracing the owners of properties. In a couple of instances, it took us months and months to identify who a landlord was and who could deal with a case. The rents issue certainly causes confusion for us—as has been mentioned, some individuals who display antisocial behaviour would benefit by not paying any rent.

We should assist private landlords. We would support a registration scheme to provide guidance, support and training and to help people to become good landlords. In Clackmannanshire, we would benefit from a good landlord scheme being extended throughout the area that is covered by the local authority, so that we all work together and support one another. Designation of one particular area of Clackmannanshire would create a ghetto situation—that would worry me, and there might be a considerable dip in the house prices for owner-occupiers in the area. We must be careful about how the scheme is introduced. It should be about good management and about local authorities working in partnership with private landlords, giving them skills and helping them to develop and become good landlords.

There is confusion about the antisocial behaviour notice. If we took over the management of a particular property, does that mean that we would take on board any repairs that relate to the tenancy? Where would the funding for that come from? What would happen when we hand the property back?

**Gerry McGloin:** Generally speaking, we welcome the proposals, although we have some reservations. We have had a situation in which we took out an ASBO against a private tenant and the landlord refused point blank to do anything about it because she needed the rent. She took no action because to do so would have meant losing the rent. I am not sure whether the bill's proposal regarding stopping the rent would solve that problem—it might cause further problems and people might act in an antisocial manner to try to live rent free.

We are also concerned that we would have to do some fairly extensive investigation to get a notice. Although there is provision for us to recover our costs, we have doubts about whether we would be able to achieve that. We are also not clear whether a notice being served on a landlord would affect our taking out an ASBO against a tenant. Would we have to wait until a landlord had not fulfilled the notice's requirements before we could proceed further?

On the point that Lawrence Hunter made, we too are concerned that if a control order is put in place, and the rights and responsibilities transfer, we could be faced with fairly hefty repair bills. We might well find that we almost have to modernise a house while an order is in place. How do we recover the cost of that? There is mention of a £5,000 fine. If that was imposed, some landlords would probably disappear. That could happen with some properties in our areas, because they are not worth £5,000, even in these days of high-value properties. Although there is provision for us to recover our costs, we fear that in some instances that will not be possible.

We conservatively estimate that the minimum it will cost us even just to get an ASBO is about £3,000, between the investigation costs and the legal costs of going to court. We expect similar costs for carrying out investigations to get the various notices. The costs under the bill could be quite substantial, and we have reservations about whether we could recover the funds.

**The Convener:** We are tight for time and members have not been able to ask a number of questions. The issues are substantial, and we are trying to reflect on the different positions of the authorities, so we might pursue some questions. I hope that you will feel able to respond. We might want to examine further what is in the documents.

I give Mary Scanlon a minute for her question, and I give a minute for the response.

**Mary Scanlon:** I will take less than a minute. I have a question for the Edinburgh team, on part 5 of the bill and noise nuisance. Your submission states that the police already have sufficient powers, that work needs to be done to define the level of noise that would need to be reached before a fixed penalty notice is issued, and that there is not enough money. I do not want you to go into all the details—perhaps a lot of it could be given in writing—but I am minded to lodge an amendment to exempt bagpipes. We have been given a leaflet that states that a boiling kettle makes a 50dB noise. Are you sensitive to bagpipes and tolerant of them because, under the legislation, all sorts of provisions could apply, for example the pipes could be seized. In addition, the permitted noise level does not apply, and bagpipes cannot be turned down. Is the bill a threat to our national musical instrument?

**Sheila Gilmore:** Surely it depends whether it is causing a nuisance. Playing the bagpipes in a residential area or in a block of flats is a noise nuisance, just like a hi-fi, but that is my personal view. There are places where people can practise their bagpipes when they want, but that is not necessarily in the flat above my head.

**The Convener:** For what it is worth, I was disappointed that the coverage of last week's committee did not reflect on the serious matters that were raised about what people's lives are like when they deal with antisocial behaviour. It stoked up a non-story about a bill that is designed to deal with antisocial behaviour, and focused on how people use their weapon of choice when they decide to annoy people round about them.

I thank the witnesses for coming along. We might pursue some points with you further. That session was very useful. I appreciate your time.

11:53

*Meeting suspended.*

11:59

*On resuming—*

**The Convener:** I welcome our second panel of witnesses. I am pleased that you have been able to come and I apologise if it seems that you have been hanging about for ever—I do not expect this evidence session to go on for so long. From Edinburgh youth social inclusion partnership we have the director, Sandra Martin, and the youth participation co-ordinator, Teresa Young, and from Fablevision we have the project co-ordinator, Liz Gardner. We are obviously interested in your views on the bill, but we are also interested generally in your views on the issues that prompted the bill's development. We recognise that you will not be au fait with some of the bill's details and that some of the bill is not particularly relevant to you. If you feel that our questions stray into such areas, please feel free to say so and we will move on to a more productive discussion around the issues that concern you.

I will kick off on the issue of the consultation process. You will be aware that the Executive feels that the consultation was "unprecedented" in terms of the number of communities, organisations and individuals who took part in it. How effective do you think the consultation process was? Indeed, underpinning that question is whether you believe the problem exists that, in the view of the Executive and others, created the need for the bill.

**Sandra Martin (Edinburgh Youth Social Inclusion Partnership):** There has been wide consultation on the bill, but we believe that what is missing is consultation with young people. Young people have much to say about the Antisocial Behaviour etc (Scotland) Bill and have issues around it. We consulted young people on the bill, but that was a speedy process, given the time scale. The young people who got involved in our consultation were disappointed that it appeared that none of their comments was taken on board. In that sense, an opportunity to find out what young people think about the bill was missed.

**The Convener:** Is there a general view of the bill that can be characterised as the view of all young people or are there distinct views in that community—for example, those of young people who feel intimidated by other young people or who feel excluded from facilities by other young people?

**Sandra Martin:** There is a mixture of views. There are young people who understand some of the issues around antisocial behaviour and who believe that the bill should be targeted at those who carry out such behaviour. However, there is a

strong feeling that the bill seems to take a blanket approach to young people. Not all young people exhibit antisocial behaviour, but the media and others make it appear as if they do. Young people as a whole seem to be demonised and held responsible for antisocial behaviour, and they have an issue with that.

**The Convener:** Do you accept that many people, including the Executive and MSPs, have been at pains to emphasise that young people are often themselves the first victims of antisocial behaviour and that adults perpetrate much of that behaviour?

**Sandra Martin:** Yes.

**The Convener:** The Communities Committee and local communities have expressed that view. How do you get that view, rather than the view that seems to stigmatise and demonise young people, across to young people?

**Sandra Martin:** It is about the perception of young people as a whole. The media play a huge role in that perception because they are quick to pick up on examples of bad behaviour but are slow to pick up on examples of positive things that are happening. For example, many positive things are happening with young people in the city of Edinburgh. One thing that we have done in that area is set up the citizen Y campaign, which is about promoting the positive aspects of young people, the things that they are involved in and the role that they play in their communities. However, such positive aspects have been constantly overshadowed. In a sense, the message from the Executive and the Parliament has been overshadowed, too, because the positive aspects of young people do not come through.

**Liz Gardiner (Fablevision):** Young people are a community and an holistic approach towards that whole community is needed. I come from the cultural sector—the socially engaged cultural sector in particular—and we have been hugely encouraged by Jack McConnell's recent endorsement of culture being at the core and informing everything to do with our communities. We certainly feel that culture has a huge part to play. Young people must feel part of a culture and a community; they should not feel stigmatised and have fingers pointed at them.

**Donald Gorrie:** You have produced helpful written material. Will you give us a summary of how you think that your various activities can help to prevent or deal with antisocial behaviour, especially at an early stage, and to create communities where it does not happen? Do you think that your projects could be repeated elsewhere?

**Liz Gardiner:** In the work that Fablevision does through the arts and communities association and

so on, we take a cultural planning approach, which is an old approach—Patrick Geddes first talked about it at the turn of the 20<sup>th</sup> century—where culture is at the core and informs life, work and place. The new modern movement in cultural planning has come from Australia, America and mainland Europe. The UK is a bit behind the times in catching on. That is why Jack McConnell's recent announcements on cultural planning as the way forward for Scotland were encouraging.

There is no doubt that culture surrounds us, but cultural processes work at a subliminal level. They are holistic; they address the root causes of breakdown in communities, rather than take a sticking-plaster approach or an approach that some people call sticking lipstick on the gorilla—tarting things up and hoping for the best. A socially engaged cultural process will allow people to express their points of view and feelings. It will impact on the built environment, encourage people to work together and tackle antisocial behaviour, racism and sectarianism in communities. We feel that culture has a huge role to play, and our First Minister has endorsed that view recently.

**Donald Gorrie:** To some communities, culture is a turn-off and involves people in smart suits going to the opera. You gave an interesting description of some of the things that you did in Glasgow. How do you engage communities in culture?

**Liz Gardiner:** There is a mistaken perception that we are talking about access to the high-arts agenda. We are talking about people's right to have their own cultural expression endorsed, recognised, given a platform and incorporated into the fabric of their community.

In our Royston Road project, we worked in close partnership with a local community group to help to save a local landmark and create a series of community parks. We worked with groups of the most difficult and excluded young people, who were causing the problems and were responsible for the vandalism. You mentioned the media. Even though there was a great success story with one of the parks in Blackhill and Provanmill, where a local group had raised £1.4 million and created a wonderful new community resource, there was still negative press. It is almost as though bad press is the only press allowable for a community such as Blackhill and Provanmill. I heard someone mention moving people on. There is still a group of young people who are taking up residence in one part of the park. The Royston Road project's answer to that is to create another project that will target those young people.

The radio project that took place during the Royston road project was extremely successful—DJ-ing skills and radio broadcasting were seen as really sexy—so Bolt FM is going to run another



broadcasting project with those young people. They will interview shopkeepers, the police and local residents to exchange ideas and create a documentary programme that will be broadcast to the community. Ours is an holistic approach, which involves young people and enrolls them in the whole community.

**Donald Gorrie:** Do our friends from the Edinburgh youth social inclusion partnership want to add anything?

**Teresa Young (Edinburgh Youth Social Inclusion Partnership):** We have been involved in a range of work that would interest the committee, but perhaps the most obvious example is the youth zones project, which aimed to address the conflicts that were arising between young people who were hanging around in public spaces in their communities, adult community members and the police, who were constantly being called out to move the young people on.

Our position is that young people have the right to access public spaces in their communities, so we tried to use a street-based approach to bring together a group of young people who would not normally use a centre and who were probably a wee bit too challenging for the confines of some of the community buildings, which were often not open anyway. We encouraged the young people to identify what they wanted and to design an outdoor space. In two of the communities where we were working, football facilities and shelters, where young people could sit and chat with their friends, were provided.

We took that work forward by working with young people and older community members. The young people had to consult the older people, both on their designs and on the sites for the proposed facilities. The project showed us that young people and adults have very little contact and there is not much of a relationship between the two groups, which means that it is easy for perceptions to be blown up out of all proportion. In one area where we tried to do some cross-generational work, members of the residents association did not come to a meeting with the young people—even though the young people were geared up for them to attend. However, when they met the young people during the consultation process about the youth zones, they said, "Oh, these young people are fine. We don't have a problem with them; they can have what they want. Our problem is with the young people who hang around at the shops." However, the young people who were involved in the project were the same people who had been hanging around at the shops. There is a misperception about young people and a spectre is built up and persists, even when personal experience shows that the reality is different.

In one of the areas, the young people were surprised at some of the adults' positive responses

to their designs. The work involved a really positive input to the community. We found that residents associations, for example, would sometimes oppose the plans, but in one area we organised a community barbecue and when residents saw what was going on they were really positive about it. We were able to go ahead with that particular project. One of the things that we learned was how to break down some of the barriers between groups of people in the community.

The young people who were involved in the youth zones project—they were challenging young people—said that the best thing about the project was not that they had got a football goal or a shelter at the end of it, but that they had done something positive for their community for once. They did not often have such an opportunity. We must develop those opportunities for young people who have challenging behaviour and need a lot of support but who also have a lot to offer.

**Cathie Craigie:** The bill will introduce measures that will require local authorities to develop strategies for dealing with antisocial behaviour. They will be required to consult and involve local communities. How do you envisage the involvement of your organisations in that process? Have they already been involved effectively in the development of local antisocial behaviour strategies?

**Liz Gardiner:** There is a growing awareness that partnership working is the key. In Glasgow north, for example, the police developed the Sighthill festival in response to the dreadful problems that asylum seekers were experiencing when they settled in that community—of course, the Firsat Dag case was a catalyst for change. The Sighthill festival has grown teeth and momentum, and gathered partners on the way. There is a growing acknowledgement that such positive strategies as creating an involvement process through the arts and having a platform where people can come together and express the positive is by far the best approach.

12:15

**Sandra Martin:** One of the ways in which we have been trying to develop is through working closely with the police. The police say that they get lots of calls from residents about noise and young people hanging around outside their houses. The police take a mediation role and work with young people and the complainants, bringing them together to start a dialogue and consider what the issues are. We have found that it helps if young people are made aware of some of those issues. When they are in the street with their friends, the noise level rises and they are not aware of how that affects other people.

It is about raising young people's awareness but it is also about raising adults' awareness that young people have the right to be in certain places. It is concerning to hear constantly about adults seeing young people together in groups and feeling a level of fear. We have to work to change that perception. There is nothing to fear from a lot of young people.

Comments were made earlier about young people being victims, and a lot of the time young people gather in groups for their own safety. They are concerned about their safety when there are only two or three of them so they tend to congregate in larger groups.

We have been talking to young people and have found that if they believe that they are being listened to and that their opinions are taken on board, they feel that they are much more part of their communities. A lot of the work that we are trying to do is about citizenship, involving young people and letting them know that they are part of their communities, that they belong to them, and that they can change their communities for the better. Many young people in many areas do not like what they see happening in their communities and would like to change it. They can do that and we are working with them on doing it in partnership with adults in the community.

**The Convener:** Do you accept that some of that dialogue has to be challenging?

**Sandra Martin:** Definitely.

**The Convener:** What is said to me is not just that young people are gathering, but that they are drinking and that there is some evidence of under-age sex, graffiti and smashed bottles. In those circumstances, is it legitimate to say to young people, or to older people, that the community does not accept such behaviour?

**Sandra Martin:** Yes.

**The Convener:** In some circumstances, when the community does not accept that behaviour, we have to move beyond the dialogue and identify those who do not accept even the opportunity to have a dialogue. Some of the fear comes from knowing that are consequences to be faced as a result of challenging young people's behaviour, such as cars getting smashed up or windows being pelted with eggs. I agree with all the positive things that you are saying about young people needing to feel included and not excluded, but do you accept that there has to be a backstop?

**Sandra Martin:** Yes. You will find that young people say exactly the same things. There is a line and there are people who will cross it. Young people will cross that line just as people in the adult community will cross it, and there are ways of dealing with them. However, all adults are not

targeted in the way that young people are. Young people and adults across the board will say that there is a point at which different measures have to be put in place.

**Liz Gardiner:** It is important that those different approaches are not seen as soft options. I do not believe that anyone is talking about being soft. In some cases, leadership and control would have to be very hard, but it would have to come from love, appreciation and guidance, not from fear or from an approach that blacklists and stigmatises people.

**The Convener:** The experience of the asylum seekers in Sighthill is a good example of where a bottom line should be drawn. We just say that racist abuse and racial harassment of asylum seekers is unacceptable, full stop. We then say that we will act on it. There should be discussion and dialogue, but certain things are still givens.

**Liz Gardiner:** Absolutely.

**The Convener:** And that can transfer to any group in a community that feels under threat.

**Scott Barrie:** I turn to the issue of antisocial behaviour orders. As you know, the bill proposes a reduction in the age limit to 12. What are your views on that proposal?

**Sandra Martin:** I think that it is shocking to reduce the age to include people from the age of 12. I was at a session the other day at which we considered young people and transitions into crime. We discussed a longitudinal study that is going on in Edinburgh right now into antisocial behaviour from the age of 12. It is well known that young people's antisocial behaviour peaks at the age of 14, before they start to mature a bit more. At 12, there are lots of strategies that can be put in place to support and work with young people and to look at their behaviour. I do not think that placing an antisocial behaviour order on a 12-year-old actually looks at their behaviour and works with them to change that behaviour.

A witness from an earlier panel said that interim ASBOs aim to change behaviour, but I would question how that would happen. There needs to be a level of support so that people will look at their behaviour and challenge it, because some of it needs to be challenged. The question is how we go about doing that.

**Scott Barrie:** So you do not think that 12 is an appropriate age but, given that the longitudinal study in Edinburgh suggested that 14 was a peak age, do you think that 14 would be an appropriate age?

**Sandra Martin:** For some, it would be. I would not say that young people do not exhibit antisocial behaviour, but I do not feel that the legislation looks at the real issues behind such behaviour or

at its causes. To change behaviour in communities, you need to look at the causes and then work with the causes rather than with the symptoms.

**Teresa Young:** There is also the issue of young people's vulnerability within their own families. Targeting a young person as the cause of the problem by taking out an ASBO against them can often put them in a precarious position in their own family. In Sheila Gilmore's area, a young 15-year-old was put out of the house by his mother and father, ended up with nowhere to go and would not go to the housing authorities because he was not 16 and feared that he would therefore end up in the care system. Unless we provide adequate support for families to enable them to work with young people—and a support system for the young people, too—we run the risk of increasing the vulnerability of young people to the detriment of the community as a whole.

**Scott Barrie:** Do you accept that the proposed legislation is only part of a strategy, or strategies, to deal with antisocial behaviour? ASBOs are clearly a legislative tool, but other things have to be put in place as well. The Executive has made it quite clear in the explanatory notes that its proposal should not be seen only as a purely prescriptive legislative means to tackle the issue. As Councillor Gilmore said, it made a difference in her ward when a young person turned 16 because, at that age, there were opportunities to use legislative tools that had presumably been denied the previous year. In her opinion, that made quite a difference. Do you accept that, in a very small minority of cases, we need the extra powers to tackle the issue?

**Teresa Young:** That is possible. It is a difficult situation. I know the young people involved in that area and my argument would be that support at an earlier stage would be more effective and would have quicker results than waiting to get an interim ASBO against them when they turn 16.

It is not always clear in the bill how the support and prevention strategies will dovetail with the enforcement side of things. The argument was made earlier in the meeting that it is not possible to legislate for prevention and support, but we do that in other areas of public policy and I do not see why we could not do so in this case.

**The Convener:** In the example that you gave of the 15-year-old, did that experience not bring out into the open what I presume had been a private problem—that this young person's parents were prepared to abandon him? The discussion with the family about an antisocial behaviour order would have triggered a discussion about the reluctance of the family to support their child. You could then have done something about that. Without that trigger the matter would not have been addressed

and the problems faced by the young person would have been left in the air.

**Teresa Young:** Prior to the young person's turning 16, the people who knew about the problem were the youth workers who were out doing street-based work. There was no earlier intervention when we were aware of the issue and were saying that a number of problems associated with that particular young person related to the fact that he was homeless.

**The Convener:** When a young person is fragile and vulnerable inside a family, if something acts as a trigger to make that public, does that not mean that they are more protected than if it does not come out into the open that the child is not being supported in their own home?

**Teresa Young:** I understand what you are saying. However, I am trying to get the point across that the time delay in waiting for the person to turn 16 to trigger action means that they are left vulnerable in the interim.

**Patrick Harvie:** I will talk about the dispersal of groups. You will be aware that the bill gives senior police officers the power to negotiate with councils to designate a specific area where any groups can be dispersed. What is your opinion of that power? What effect would it have? Would it be a useful tool in the toolbox, as it is described, for tackling antisocial behaviour? Will you respond to a suggestion that has been made about linking that power to the availability of alternative provision? It has been suggested that, in designating an area, police and local authorities would have to show that there is an alternative.

**Liz Gardiner:** Fablevision's experience in the Royston Road project is that one group of young people have been and are being constantly moved on. They have been moved to the shops, and from the shops they have been moved back to the park, and so on. It is a constant round of being moved on—it almost became a game and the young people enjoyed baiting the police.

The answer to the problem from the Royston Road project's point of view was to create a detached youth work project, which has worked with the young people to design a shelter for themselves and create a radio broadcast that would feature a documentary programme in which they interview the shopkeepers who move them on and the local residents who do not like them hanging about. We have created a project out of which we hope something will come, so watch this space. I can report back to the committee next summer.

**Sandra Martin:** My understanding is that the police currently have powers to move groups of people on, but such action just stigmatises young people—they have no space within their communities.

The way in which communities are evolving means that there is limited public space because of housing and so on and there are no designated areas for young people. Even for the younger ones there is limited park space and there are limited areas where they can play. There are signs up that say, "No football", "No ball games" and so on. Where can young people go? Not all young people access youth provision—that is a choice that they have. It is difficult for some youth provision to deal with the number of young people that we are talking about. We heard from Sheila Gilmore about the aggravation that can be caused when young people come out of a school disco. Where is young people's space within their communities?

**Patrick Harvie:** One argument in favour of the measure—I will not discuss how strong I think it is—is that publicising an area and demonstrating clearly to the public that it is a hot spot and that there is a problem would, in itself and before any groups were dispersed, be an effective measure. What is your response to that?

12:30

**Liz Gardiner:** I worry that such publicity could stigmatise an area. As Sandra Martin suggested, cultural planning is required. In considering service provision, we have to work with young people and the rest of the community and involve them in the process of designing their communities.

**Teresa Young:** In the four communities in which we have worked—and throughout Edinburgh—young people are increasingly being designed out of their communities. Open spaces where young people once played are sold off for housing. For example, that happened to a BMX track in one of the communities in which we worked. In other areas, when new schools have been built under public-private partnerships, open play spaces have been transferred to the builder to build housing as part of the exchange. The space to which young people have access to be out in public is ever decreasing.

We have done a lot of work with community police officers, who have told us that they already have the requisite power to move on young people who are in groups and doing something wrong. They can take further action if it is required. Police officers do not need new legislation to do that, but they feel that legislation that they will be pressured into applying will have a detrimental effect on their relationships with young people in the community. Many of the community officers with whom we have worked get on well with young people in the area. The officers and young people know each other by name and have positive relationships. When the community officer speaks to young people about a complaint, they respond positively,

but when operational officers in cars come along, simply wind down the window and say, "Come on, move", the young people say, "Why? We're not doing anything." Often, they are not doing anything.

The issue is how we should approach the policing of young people. In one area, a civic square was redeveloped and the young people were hanging out there—they bought chips and juice from the local chippie. Once people had had enough of that, they called the police to move them on. It makes me wonder what our definition of the term "civic" is, if young people cannot be present in a civic square. Businesses are prepared to take young people's money and keep them around while they are spending it, but as soon as they have spent it all, they are sent down the road and dispersed.

**Patrick Harvie:** The bill makes it clear that the power to disperse a group can be used if distress or alarm is caused by a group's presence, as well as by its behaviour. I assume that you would give a similar response to that point.

**Teresa Young:** In the area that Sheila Gilmore talked about this morning, young people hang around outside the shops and the area has been identified as one that would be designated. Many people complained about that. For example, residents who do not live near the shops want the problem left there so that it does not move to their area. I spoke to one frail, elderly lady who said that the issue is not only about young people, but that people of her generation have forgotten how to talk to young people. She said that when she goes to the shops, anybody could knock her over, but she asks the young people to help her and they always respond well. Someone takes her arm and walks her into the shop through the group and she never has a problem with them. A reciprocal relationship is involved. I would never dismiss people's fears and perceptions, but there are different ways of working with them, rather than simply prioritising the fears of one group over those of another.

**Patrick Harvie:** I have one more question for the Edinburgh youth SIP. Your website notes that acceptable behaviour contracts

"are not being used to tackle truly anti-social behaviour but rather targeting young people who are meeting up on the streets."

Will you elaborate on that?

**Teresa Young:** The experience comes from street-based work that we have carried out in one area. We found that, where police officers knew young people and knew their names, it was easy to get the information that is required to send out letters to call people into the housing office and to start with acceptable behaviour contracts and

perhaps move on from that, if necessary. However, where other young people who were more involved in antisocial behaviour were not known, or had no fixed abode, it was difficult to target them. We found that the police were adopting blanket measures to send out a particular message, but were not considering the behaviour of particular individuals or groups.

**Mary Scanlon:** I want to ask the Edinburgh youth social inclusion partnership, in particular, about parenting orders. The bill proposes to introduce powers in cases where parents have been made aware of their children's behaviour but have not complied voluntarily. Is the offering of counselling and guidance only once sufficient? You will have heard the comments of Gerry McGloin from Fife. What are your views on the proposals? Have you undertaken any work to help to support parents?

**Sandra Martin:** I have spoken to a lot of parents. Before doing my present job, I worked in north Edinburgh, where lots of issues of antisocial behaviour arose and where there were some really challenging young people. In one case involving a group of nine young men, I spoke to all the parents and all of them said that they needed help and support. We are open to anything that the Parliament can offer us, because, when we look around, we find very little support for parents to help—in that case, with the behaviour of their sons. We tried to work with that group of young men and their parents.

Parenting orders are fine if parents can access support. I have read recently that, in England, where there are parenting orders, the support is not available. People have to wait perhaps six or nine months to get help. In general, more work should be done with parents to help them to support their sons or daughters. That would have a great impact. I am not sure how parenting orders would be enforced—or whether they should be enforced. Parents should be able voluntarily to seek support, if that support is in place.

**Mary Scanlon:** When we visited Sheila Gilmore's ward, we were made aware of a specific, well-structured course on parenting skills. A single parent told us how she had benefited from the course. Her child was very young, so the course could be seen as a preventive measure. Are you familiar with that course of counselling and support?

**Sandra Martin:** No, I am not.

**The Convener:** Are you anxious about the compulsion element of parenting orders? In my area, a social worker said to me that some cases are *huv-taes*, as we would say in the west of Scotland. If you make someone come to the table, you can then be supportive. That element of

compulsion can be positive, particularly for youngsters who need their parents to be involved.

**Sandra Martin:** I am a bit concerned about compulsion. When people are ordered to do something and told that they have to change, that is very different from when they really want to do something and are prepared to change. People have different perceptions of authority and some people want to avoid it. I think that it was Sheila Gilmore who spoke about people not answering their doors. There should be ways of doing things that do not involve clashes with authority. It is better if things can be done voluntarily, when parents are at the point of agreeing. I have found from speaking to parents that many of them are at that point.

**The Convener:** Some parents are not at that point, however. How, in those circumstances, is it reasonable to use that provision?

**Sandra Martin:** There are indeed some parents who are not at that point and I am not sure how effective it is if they are ordered to do something—that is the point that I was trying to make.

**Cathie Craigie:** The bill proposes the extension of electronic monitoring of offenders under the age of 16, through either a restriction of liberty order or remote monitoring, which would be arranged through the children's panel. What are your views on the use of such sanctions?

**Sandra Martin:** If young people are to be monitored in that way, there must be a link with the parents. If the parents are having difficulties coping with their child's behaviour, tagging will not change that at all. It might make the young person's whereabouts known, but it does not tackle the cause of the child's behaviour. More work needs to be done on the issues around the causes of the young person's offending behaviour.

**Cathie Craigie:** Do you view tagging as preferable to a child being sent to a young offenders institution?

**Sandra Martin:** The Scottish children's hearings system is excellent, but it is under-resourced. If more resources were put into the children's hearings system in order to find ways of working with the children who come before it and to consider more effective interventions, that would have more of an impact.

**Liz Gardiner:** There is evidence from sample projects. In Clydebank, for example, joint work between the police and social work departments identified young people at risk of developing antisocial and criminal behaviour. The young people were encouraged to participate in arts schemes and cultural programmes over the summer and Easter holidays. Such programmes have been monitored in England and there has

been a proven and marked reduction in crime rates. Interventions can work.

**The Convener:** Could both methods be used?

**Liz Gardiner:** Yes.

**The Convener:** One does not preclude the other.

**Liz Gardiner:** No, and I would say that there is no point in having one without the other. We need an holistic approach.

**Teresa Young:** A number of concerns about the human rights issues around tagging under-16s have been voiced. When we spoke to young people, no one was keen on under-16s being electronically tagged. They said that, if that is how things are and we have to start electronically tagging people, the world has gone mad. That reflects on society in a very particular way, as well as on our ability to approach the issues and deal with them constructively.

**The Convener:** Would you be opposed to tagging orders full stop on human rights grounds?

**Teresa Young:** For under-16s, yes.

**The Convener:** What is the distinction? If tagging is an infringement of a human right, is the fact that the person is under 16 the most important factor? Do you have the same concern with regard to 16 to 18-year-olds or to older people?

**Teresa Young:** I would doubt the efficacy of tagging in relation to older people, to be honest. As far as younger children are concerned, the human rights issue is more relevant. Given the age of criminal responsibility in Scotland, the matter is a difficult one, but I would disagree with the use of tagging for under-16s. Once someone is in the adult criminal justice system, it is appropriate to have various sanctions that are different from the ones in the juvenile justice system.

**Cathie Craigie:** Is that your view or the view of your organisation as a whole? You have said that the world is going mad if we are proposing tagging, but would you not view tagging, together with a support package of the type that Liz Gardiner might offer, as preferable to sending a young person to Polmont young offenders institution, for example?

**Teresa Young:** I am very much reflecting the views of the young people in the consultation, who believed that those under the age of 16 should not be tagged under any circumstances. I think that Sandra Martin would be in a better position to comment on the organisation's position, but I would say that we should emphasise the support aspects and ensure that services are in place to prevent things from reaching that stage instead of simply closing the stable door after the horse has bolted.

12:45

**Cathie Craigie:** We are talking about what is perhaps a very small minority of people who have been through those support mechanisms and have been found guilty of a criminal offence.

**Patrick Harvie:** I want to ask two very quick questions. First, do you agree that the proposals have implications not only for human rights but for the United Nations Convention on the Rights of the Child and some elements of Scots law? Secondly, I have not heard much about whether you feel that the tool would be effective. After all, many people argue that young people who are tagged either would not take the matter seriously or would have fun abusing the system.

**Sandra Martin:** I am concerned that, in the few extreme cases that we are talking about, the fact that those young people have been tagged gives them some kudos within their peer group.

**The Convener:** Are you opposed to young people ending up in secure units or do you feel that it is better for them to go into a secure unit than to be tagged?

**Sandra Martin:** No, I do not think that it is better for them to go into secure units. However, other forms of intervention can be introduced to deal with the problem. I do not really see what can be achieved by tagging, which I do not think changes a young person's behaviour.

**The Convener:** A young person under 16—or, for that matter, an adult, although I want to concentrate on the under-16s—might constantly go to a particular area and persistently harass the neighbours simply by standing there. For example, there might be evidence that things have been thrown, although no one has seen that young person do anything. Indeed, it might be clear that the young person is a catalyst for incidents of antisocial behaviour by other young people in the area, which might lead to people not feeling able to come out of their houses or for people in a community being intimidated. In such extreme circumstances, could it be argued that electronically tagging that young person would mean that he or she could not go to that area, which would deal with the problem that they are acting as a catalyst for the behaviour of the other young people about them?

**Sandra Martin:** I know of a young person who had reached that point and refused to move from an area. However, they had some mental health issues. If those issues had been dealt with, that person's behaviour would have changed. Tagging them will simply make them move to a different area.

**The Convener:** I absolutely agree that some youngsters who display such behaviour have

mental health problems, suffer from distressing circumstances and have families who prefer to medicalise problems instead of confronting their causes. However, if we peel away all those factors, we are left with a youngster who, for whatever reason, will intimidate everyone around them, target particular families and generate disorder. Would it be reasonable in those circumstances to use a tag instead of removing the youngster entirely from a community and putting them in a secure unit?

**Sandra Martin:** I still believe that tagging a youngster to ensure that they do not enter a particular area will simply move the problem to another area. The issue is the young person's behaviour. The tag will not address that problem. It might stop the young person carrying out such behaviour in that area, but it will not change things. As I said, it will simply move the problem on.

**Elaine Smith:** I have a question about equal opportunities, which perhaps follows on from that discussion. Many concerns have been raised about equal opportunities in relation to the bill. One is that children with special needs could be subject to ASBOs because of their behaviour. In a briefing, the National Autistic Society raises questions about the definition of antisocial behaviour, which it feels is

"open to interpretation and would mean that enforcement of the Bill would be ... inconsistent. It would also mean that those behaviours displayed by people with autistic spectrum disorders ... could be interpreted as being anti-social and criminal."

The National Autistic Society

"would like to see the definition used in the Bill amended to reflect intent in anti-social behaviour."

However, when we took evidence from the Scottish Executive, we were told that the Executive is confident that the bill will not discriminate against any particular groups. Do you have any views on the bill's provisions in relation to equal opportunities?

**Teresa Young:** The definition's wideness and reliance on perception means that it is open to differential implementation in different areas and to subjective analyses of behaviours. Some of the young people with whom we work who have disabilities and mental health issues would be seen to be antisocial by people who do not know them, their background or anything about them. Their behaviour might be regarded as unacceptable and they might be regarded as causing a nuisance. None of that is clearly defined in the bill.

There could be discrimination not only as a result of mental health or disability issues, but because of differential responses to the behaviour

of ethnic minorities, for example. The young people with whom we worked through the reaching out programme said that certain things about the way that they look, how they gather and where they gather may make them open to a harsher enforcement of the legislation than would be the case with other young people. That is a concern. It is not clear to me where the bill addresses those issues. I cannot see how such situations will be prevented in practice.

**Elaine Smith:** Should the committee take up those issues with the Executive?

**Teresa Young:** Yes.

**The Convener:** Thank you. We thought that this session would be shorter, but once again we could have gone on a great deal longer. I appreciate your time. If we had had longer, we would have had an interesting dialogue about a whole range of issues. We are grateful for the background papers, which have given us the context of what you are trying to do. If you wish to pursue points with us because, for example, you did not get the opportunity to raise them, feel free to do so. Indeed, we may get back to you with further questions.

12:52

*Meeting continued in private until 12:55.*





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