



# Antisocial Behaviour etc. (Scotland) Act 2004

2004 asp 8

## PART 1

### ANTISOCIAL BEHAVIOUR STRATEGIES

#### 1 Antisocial behaviour strategies

- (1) Each local authority and relevant chief constable shall, acting jointly, prepare a strategy for dealing with antisocial behaviour in the authority's area.
- (2) Each local authority shall publish the strategy.
- (3) The strategy shall in particular—
  - (a) set out an assessment of the extent of occurrences of antisocial behaviour in the authority's area;
  - (b) set out an assessment of the types of antisocial behaviour occurring in the authority's area;
  - (c) specify arrangements for consulting community bodies and other persons (including in particular young persons) in each part of the authority's area in which there are (or are likely to be) occurrences of antisocial behaviour, about how to deal with antisocial behaviour in the part;
  - (d) specify the range and availability in the authority's area of any services—
    - (i) for persons under the age of 16 years; and
    - (ii) for persons generally,which are designed to deal with antisocial behaviour occurring there, the consequences of such behaviour or the prevention of such behaviour;
  - (e) in so far as not specified under paragraph (d), specify the range and availability in the authority's area of any services for—
    - (i) victims of antisocial behaviour;
    - (ii) persons who witness occurrences of antisocial behaviour; and
    - (iii) the provision of mediation in relation to disputes arising from antisocial behaviour; and
  - (f) make provision about—

*Status: Point in time view as at 12/03/2011.*

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- (i) how the authority and the relevant chief constable are to co-ordinate the discharge of their functions in so far as they may be discharged in relation to antisocial behaviour in the authority’s area;
  - (ii) the exchange of information relating to such behaviour between the authority and the relevant chief constable;
  - (iii) the giving by the authority and the relevant chief constable of information of that kind to such other persons as appear to the authority and the chief constable to have an interest in dealing with antisocial behaviour and the receipt by the authority and the chief constable of information of that kind from those other persons; and
  - (iv) the exchange of information relating to antisocial behaviour among such other persons as are mentioned in sub-paragraph (iii).
- (4) The local authority and the relevant chief constable—
- (a) shall keep the strategy under review; and
  - (b) may from time to time revise the strategy.
- (5) If a strategy is revised under subsection (4), the local authority shall publish the revised strategy.
- (6) In preparing, reviewing and revising the strategy, the local authority shall consult—
- (a) the Principal Reporter;
  - (b) registered social landlords which provide or manage property in the authority’s area; and
  - (c) such community bodies and other persons as the local authority considers appropriate.
- (7) In considering which persons to consult, the local authority shall seek to include those who are representative of persons adversely affected by antisocial behaviour.
- (8) Each local authority and relevant chief constable shall, in discharging functions under this section and in implementing a strategy as published under it, have regard to any guidance issued by the Scottish Ministers about those matters.
- (9) Before issuing any such guidance, the Scottish Ministers shall consult such persons as they see fit.
- (10) For the purposes of subsection (1), the Scottish Ministers may by directions require such persons as appear to them to hold information relating to antisocial behaviour to supply—
- (a) such information as may be specified in the direction; or
  - (b) information of a description specified in the direction,
- to a local authority and relevant chief constable.
- (11) In this section—
- “community bodies” has the meaning given by section 15(4) of the Local Government in Scotland Act 2003 (asp 1); and
  - “relevant chief constable”, in relation to a local authority, means the chief constable for the police area which is wholly or partly within the area of the authority.

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## **2 Reports and information**

- (1) Subject to subsection (3)(b), each local authority shall from time to time publish reports on—
  - (a) how the authority and the relevant chief constable have implemented the strategy as published under section 1(2) or (5); and
  - (b) what were the results of that implementation.
- (2) It shall be the duty of—
  - (a) the relevant chief constable;
  - (b) the Principal Reporter; and
  - (c) any registered social landlord which provides or manages property within the area of the local authority that published the strategy,to provide such information as the authority may reasonably require in order to enable the authority to comply with the duty under subsection (1).
- (3) The Scottish Ministers may by regulations make provision as to—
  - (a) the form and content of reports under subsection (1); and
  - (b) the frequency and timing of publication of such reports.
- (4) Before making regulations under subsection (3) the Scottish Ministers shall consult—
  - (a) such associations of local authorities; and
  - (b) such other persons,as they think fit.
- (5) A local authority shall, on being so required by the Scottish Ministers, provide them with reports or other information (being reports or information about the matters referred to in subsection (1)) of such kind as they specify in the requirement.
- (6) In this section “relevant chief constable” has the same meaning as in section 1.

## **3 Scottish Ministers' power to apply sections 1 and 2 to registered social landlords**

- (1) The Scottish Ministers may make regulations for the purpose of securing the participation of a registered social landlord in the preparation, review or revision of a strategy such as is mentioned in section 1(1).
- (2) Regulations under subsection (1) may in particular make such modifications of sections 1(1), (3), (4), (6) and (8) and 2(1) as the Scottish Ministers consider necessary or expedient for that purpose.

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