Critical Reflections on the Use of ASBO’s in Scotland

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ABSTRACT
Contemporary social policy aims to create safer communities, in part, through the use of antisocial behaviour legislation, underpinned by the introduction of Antisocial Behaviour Orders (ASBOs). Statistics have demonstrated that there has been continued and increasing use of ASBOs since they came into existence in April 1999. It appears from data that a high proportion of orders are granted on the basis of noise nuisance, yet it is the varying frequency and volume of orders granted per local authority that provokes concern.

This paper will examine the inconsistencies in the interpretation, administration and operation of ASBOs within both Scottish local authorities and the court system. Statistical data suggests that there is wide ranging diversity in the application of local authorities for antisocial behaviour orders. Certain areas are visibly more pro-active in their approach to antisocial behaviour with extensively developed antisocial behaviour strategies while other areas are less engaged with this area of policy. Moreover, it is also apparent that the same level of diversity and engagement applies within the court framework. This paper explores both the implications of such a variational spread and the differing policy approaches of authorities. This paper argues that generating greater social cohesion and security requires that methods of policing disorder be effective but, equally, consistently applied.