

THE ASBO PROCESS

An ASBO is an Antisocial Behaviour Order, which is granted in the Civil Courts. However, breaching an ASBO is a Criminal offence.

The ASBO process is one of the strengthened measures of the new antisocial behaviour legislation, and the most widely known, but there are some misunderstandings about how it works and where it is appropriate.

Applying for an ASBO is one of the last measures that is considered – after all other attempts have failed.

An ASBO is a court order that can be used to tackle serious antisocial behaviour such as drug dealing, unprovoked assault, severe harassment, persistent vandalism, serious damage to property and racial harassment. While some of these have a criminal element, an ASBO was used because of the fear and distress caused to neighbourhood victims.

Individuals can't take out an ASBO against neighbours because of disputes about boundaries or access rights. ASBOs can only be raised by Councils or Registered Social Landlords (RSLs), where appropriate.

An ASBO works by trying to prevent a person from doing **something specific** which is causing alarm or distress in the community. It can be taken out against anyone over the age of 12 living in the Stirling Council area who commits serious antisocial behaviour on at least two separate occasions.

It's important to note:

- The Council will only consider beginning the ASBO process when all other ways of trying to solve the problem have failed.
- ASBOs are granted by the courts.
- The Council can't apply to the court for an ASBO against someone because their behaviour is different or eccentric, or the result of a mental health disorder.
- ASBOs cannot be used to address disputes between neighbours about boundaries or access rights.

If an ASBO is granted:

- The Sheriff Court will say exactly what the offender is not allowed to do.
- If the person continues to act in the way that led to the ASBO being granted, you should contact Central Scotland Police, who will advise on what to do next.
- The Council will review the need to keep the ASBO in force on a regular basis.
- The Police are given a copy of the ASBO.
- The Council keeps and maintains a register of all ASBOs granted.