

Tackling antisocial behaviour statement of policy

Housing Services City of York Council

Date:

Version: 2.0

Current Document Status			
Version	2.0	Approved	
Issue Date	14.01.26	Date of Formal Approval	

Version History			
Date	Version	Reviser	Comments

Review History			
Review Period:		Next Review Date:	
Date Reviewed	Reviewed By	Next Review Date	Comments

Document Retention	
Document Retention Period	Until Superseded

Contents

1. Background	3
2. Key Policy Aims	3
3. Key Policy Principles	3
4. Legal and Regulatory Framework	4
5. What Do We Mean By Anti-Social Behaviour?	5
6. Examples of behaviour which is considered Anti-Social include:	6
7. Resident Involvement	10
8. Licence Holders/Licensed Occupiers/Private Residents	10
9. Roles and Responsibilities	11
10. The Community Safety Hub	11
11. Multi Agency working	12
12. Receiving and dealing with reports of Anti-Social Behaviour	14
13. Remedies for dealing with Anti-Social Behaviour	15
14. Support for complainants, victims and perpetrators	18
15. Local information sharing protocols, data protection and the Freedom of Information Act	19
16. Training of Housing Staff	19
17. ASB case review	20
18. Feedback and Complaints	21
Appendix 1 – How to report hate crime card	i

1. Background

The Anti-Social Behaviour Act 2003 inserted a new section into the Housing Act 1996 – s218A. Subsection (2) requires a social landlord (SL) to publish policies and procedures relating to Anti-Social Behaviour (ASB).

Under the Neighbourhood and Community Standard, The Regulator of Social Housing (RSH) requires all registered providers to publish a policy setting out how, in consultation with their tenants, they will maintain and improve the neighbourhoods associated with their homes. Registered suppliers are required to publish a policy on how they work with relevant partners to prevent and tackle ASB.

2. Key Policy Aims

The key aim of City of York Council's Anti-Social Behaviour Policy and associated procedures is to ensure that the council, acting in its landlord capacity, applies correct and appropriate working practices to the task of tackling ASB in York.

In working towards this aim, the council recognises the need to inform tenants and leaseholders of the City of York of its policy, and of the need to involve the communities in developing effective ways to tackle ASB.

3. Key Policy Principles

- City of York Council adopts a harm-centred approach within our ASB case management processes, considering the impact that the behaviour is having when making key decisions such as how to define/categorise a report and the most proportionate response
- We aim to be open and transparent with residents about how we will manage their ASB report, keeping them regularly updated and ensuring that any limitations to our response are clearly explained
- We triage and assess all reports to ensure that they meet our definition of ASB, or whether they are more suited to a different response
- We have processes in place to identify and mitigate risk and vulnerability of parties involved in an ASB case and will make necessary referrals where required

- We work in partnership with relevant agencies such as the Police, the Neighbourhood Enforcement Team, Adult and Children Services and Support agencies in looking to prevent anti-social activity from developing and ensure the most informed and appropriate response is taken in a case
- We consider the full range of tools and powers available to us, including those which our partners can use, to identify the best solution and focus on using prevention, early informal intervention, and warnings whenever possible to avoid ASB escalating
- We will seek the active co-operation and participation of the alleged perpetrator in resolving the issue, and will work with them, their legal or other representatives in the interests of resolving the problem
- We seek to empower residents by working with them to give them tools to deal with neighbour disputes and support them in playing a part in creating harmonious and safe communities

4. Legal and Regulatory Framework

The following pieces of legislation and guidance have been considered when producing this policy:

- Environmental Act 1995 & Environmental Protection Act 1990
- Social Housing (Regulation) Act 2023
- Noise Act 1996
- Data Protection Act 2018
- The Protection from Harassment Act 1997
- Crime and Disorder Act 1998
- Human Rights Act 1998
- Freedom of Information Act 2000
- Criminal Justice and Police Act 2001
- Police Reform Act 2002
- Anti-Social Behaviour Act 2003
- Children's Act 2004
- Housing Act 1985, 1996 & 2004
- Safeguarding Vulnerable Groups Act 2006
- Equality Act 2010
- Anti-Social Behaviour Act 2003 and Police Reform and Social Responsibility Act 2011

- ASB, Crime and Policing Act 2014.
- Misuse of Drugs Act 1971
- Domestic Abuse Act 2021

5. What Do We Mean By Anti-Social Behaviour?

For the purpose of this document, City of York Council uses the definition of ASB found in Part 1 of the ASB Act 2014 which states ASB is:

- (a) conduct that has caused, or is likely to cause, harassment, alarm or distress to any person,
- (b) conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, **or**
- (c) conduct capable of causing housing-related nuisance or annoyance to any person

City of York Council, when assessing reports of ASB will consider the above definition but will also consider whether the behaviour is reasonable. When deciding what is reasonable behaviour, we will consider the time, duration and frequency of the behaviour and whether it was intentional.

Where behaviour does not meet the threshold and is considered reasonable, but it still has a detrimental impact on neighbours, staff will apply the Good Neighbourhood Management process, for more information about this see our web page

<https://www.york.gov.uk/AntisocialBehaviour>

City of York Council Housing Service will not tolerate any form of ASB. In general, it recognises its duty as a landlord to provide safe and secure homes for its tenants and licensees, and, where appropriate, to provide additional support to vulnerable residents needing assistance with independent living.

In considering action on ASB, the Housing Service will act within the contractual obligations of the Tenancy Agreement and Temporary License Agreement. It will take action to prevent ASB that comes from, or which affects areas where there are council homes. The authority will work with the community, and with statutory agencies such as the Police and Adult and Children's Services and voluntary agencies such as

Victim Support, Age Concern and other support agencies to tackle anti-social activity at the earliest possible stage.

At all times, the Housing Service will recognise the rights of the individual and family to the privacy of their home. However, if there is evidence of ASB by tenants, licensees, their families or their visitors, the authority must balance these rights with those of neighbours and the wider community to enjoy their homes and neighbourhoods in peace.

6. Examples of behaviour which is considered Anti-Social include:

Noise Nuisance

All households will create noise associated with people going about their daily life. City of York council will expect neighbours to tolerate reasonable levels of noise, and, in most cases, to resolve minor disputes over noise levels by discussion with the neighbour responsible.

City of York Council will consider the nature of noise nuisance in deciding whether to use its landlord or other statutory powers to tackle the problem.

Typical examples of noise nuisance include loud parties, shouting, dogs barking, excessive noise from television, radio or music and car and house burglar alarms waking neighbours.

In cases where noise nuisance cannot be resolved via negotiation with parties concerned, the Neighbourhood Enforcement Team will consider legal action if necessary. They will be able to use recording equipment to measure the level of noise and decide whether it is a Statutory Noise Nuisance and they can service an abatement notice.

In cases where evidence suggests that noise nuisance is serious, persistent and targeted, the council may undertake concurrent prosecutions with the Neighbourhood Enforcement Officers and will seek to evict the most serious perpetrators from their home.

Intimidation and Harassment

This aspect of anti-social activity is the act of systematic and/or continued unwanted and hostile actions of one party or a group, including threats and demands.

This type of behaviour can be persistent, and targeted, and can have a very damaging effect upon family and home life for victims.

It can include verbal threats to people and to their property, bullying, hate mail, telephone nuisance, intrusion upon a victim's premises and disrespect for their privacy.

Environmental Issues

These activities are those affecting the quality of the local environment, such as fly tipping, litter and graffiti.

Aggressive and Threatening Language and Behaviour

This is linked to behaviours described earlier (intimidation and harassment) but may also refer to anti-social activity, which is not specifically targeted at an individual or family.

The behaviour may include verbal and/or physical attacks on neighbours, members of the community, between family members where others such as neighbours are affected, or those working in the area.

Hate Behaviour

The legal definition of a **hate crime** is any crime which is perceived by the victim or anyone else, to be motivated by a hostility or prejudice towards someone because of:

- Disability
- Transgender identity
- Race or ethnic origin
- Religion or belief including lack of belief/religion
- Sexual orientation
- It can be against an individual or their property

Hate crimes can be, but are not limited to:

- A physical attack like hitting and assault
- Verbal abuse or insults including name calling or offensive jokes
- Offensive graffiti
- Spitting, insulting gestures
- Neighbourhood disputes
- Threats, harassment or intimidation
- Unfounded malicious complaints

- People doing things that frighten, intimidate or distress others
- Offensive letters, posters, emails, texts, phone calls, social media messages, photographs and videos
- Damage to property or belongings, arson and vandalism
- Dumping rubbish outside homes or through letter boxes
- Bullying at work, at school or college or university
- Befriending vulnerable people to take advantage of, exploit and or abuse them – often referred to as ‘mate crime’

In addition, North Yorkshire Police do locally record misogyny and crimes against sex workers as additional strands of hate.

North Yorkshire Police do not record age as a strand but they are able to monitor it. If it is believed that age is a motivating factor in the commission of a criminal offence then this can be highlighted to the CPS as an aggravating factor, increasing the seriousness of a crime. Whilst there is no specific criminal legislation relating to older people as victims, sentencing guidelines require courts to increase the sentence for offences against older people who have been targeted because of their age-related vulnerability.

City of York Council is committed to tackling hate crime, by working in partnership, sharing best practice, and ensuring our staff respond to this issue in a co-ordinated and consistent way.

We will deal with hate crime and racial incidents under the serious/high-risk category in our Anti-social behaviour policy and procedure and will respond to a report within 24 hours during working hours.

We will consider similar tools for dealing with hate incidents as Anti-social behaviour incidents but may also consider more urgent measures in certain cases, taking proportionate action based on the level of harm caused and the seriousness of the incidents.

We will deal with any repairs which are needed because of hate crime and racial incidents as an emergency (within 24 hours); and we will remove offensive graffiti within 24 hours; We may provide additional security measures to a resident's home where necessary, in line with the completed risk and vulnerability assessment and action plan.

Domestic Abuse

This policy uses an abridged version of the definition of domestic abuse provided by the Domestic Abuse Act 2021 which can be found at <https://www.legislation.gov.uk/ukpga/2021/17/contents/enacted>

- Behaviour of a person (“A”) towards another person (“B”) is “domestic abuse” if “A” and “B” are each aged 16 or over and are “personally connected” to each other , and
- the behaviour is abusive. Behaviour is “abusive” if it consists of any of the following:
 - Physical or sexual abuse
 - Violent or threatening behaviour
 - Controlling or coercive behaviour
 - Economic abuse
 - Psychological, emotional, or other abuse

It does not matter whether the behaviour is a single incident or a course of actions: behaviour of this kind is domestic abuse. Domestic abuse includes ‘Honour Based Violence’

City of York Council will hold perpetrators to account for their behaviour in various ways. This may include the right to take enforcement action against City of York tenants, using the powers available under the Housing Act, up to and including recovering possession of a property, for domestic abuse related offences.

If taking any action against perpetrator/s, we will prioritise the safety and wishes of their victim/s and ensure that their wishes and housing needs are considered.

Reports of Domestic Abuse will receive a response within 24 hours during working hours.

Further information on City of York Councils policy on Domestic abuse can be found at <https://www.york.gov.uk/DomesticAbuseResidentAndTenantPolicy>

Unlawful Activity or Conduct linked to a Council Tenancy

This type of anti-social activity is seen in cases where council tenants use their homes to sell illegal drugs, or engage in other unlawful activities, such as harbouring stolen goods, or running a brothel.

City of York Council's Tenancy Agreement sets out specific obligations of tenants and specifies that illegal activity at a council home will be considered as a breach of tenant conditions.

7. Resident Involvement

Creating safe and harmonious communities relies on us all playing a part. This policy sets out the role that we will take in managing cases of ASB, but we also require support from residents to be able to successfully resolve cases.

We encourage our residents to try and prevent ASB from occurring in the first place, including being mindful of the impact that their behaviour may have on others, to listen where people may raise concerns and to be willing to make reasonable changes to their behaviour if it helps others.

All our tenants have either a secure or an introductory tenancy agreement which outlines what is expected in terms of ASB and criminality. Each agreement includes terms around the tenant (and their household members and visitors) not causing ASB or criminal behaviour in the locality of their home. We ask tenants to ensure they are aware of these obligations and abide by them, to avoid action being taken for breach of tenancy agreement.

We also ask residents to be part of managing and resolving ASB incidents they report to us. We do so in a way which is safe and appropriate, based on the circumstances of the particular case, but may include asking residents to report incidents to other agencies, to keep records or to provide evidence to support any action being taken against the tenancy. It is very important for a judge to see the impact that any Antisocial behaviour has on complainants and records such as diary sheets or emails are an effective way to show this.

8. Licence Holders/Licensed Occupiers/Private Residents

City of York Council's temporary accommodation team will act quickly when complaints are received and will look to address the anti-social behaviour to avoid eviction or displacement of other licensees affected by the activity.

City of York Council's Housing service deal with complaints of ASB about council tenancies and leaseholders.

Complaints about private residents would be dealt with by the Community Safety Hub. You can contact them at paul.morrison@york.gov.uk

Where the perpetrator is not linked to one of our properties but causes problems to our residents and/or staff, we will work with our partners such as the Police, Private Landlords or other Registered Providers to determine what action is most appropriate and who should lead on the case

9. Roles and Responsibilities

Position	Responsibility
Director of Housing and Communities Assistant Director of Housing Head of Housing Head of Community Safety	Responsible for the implementation of this policy.
Housing Management Service Manager Neighbourhood Safety Manager Housing Team Leader Neighbourhood Enforcement Manager	Work together to deliver the Policy
Housing Management Officer	Is the 'Lead Role' when managing ASB at the informal stage when it involves a council resident.
ASB Officer	Is the 'Lead Role' when managing ASB at the formal stage
Neighbourhood Enforcement Officer	Responsible for taking action on <u>some</u> aspects of nuisance and environmental ASB

10. The Community Safety Hub

The Community Safety Hub is part of the Safer York Partnership. It is a multi-disciplinary team which includes Neighbourhood Enforcement Officers, Anti-Social Behaviour Officers and North Yorkshire Police (NYP) officers who work together from one location.

The Community Safety Hub meets daily with representatives from the Neighbourhood Policing Team to discuss issues that have arisen within the last 24 hours. There is also a fortnightly Early Intervention and

Prevention Meeting which discusses individuals involved in or at risk of being drawn into county line drug dealing. It has a core group consisting of representatives from the Hub, Housing, Children's Services and Legal Services. Other agencies are invited when appropriate.

The Community Safety Hub and Housing have a service level agreement and meet every 6 months as a minimum to review this.

11. Multi Agency working

City of York Council's approach also recognises that to deal effectively with often sensitive and complex ASB issues, and where the protection of staff or members of the public are a key concern, we have to work together with other agencies such as the police, adult and children services and other support services. We do this in a number of ways such as:

Hot Spot Meetings – Where areas are being raised as concerns at any of our regular meetings, then the Hub will establish a task and finish meeting, called a Hot Spot Meeting to pull all the individual agencies together to complete a specific action plan to address the issues raised. Examples of issues that could lead to hot spot meetings being established include, youth issues, concentration of drug dealing and vandalism.

Community Harm meeting – Every 4 weeks, all Officers working across the areas of West, East, North and City meet to discuss cases of concern. Those attending include, Housing Neighbourhood Police Team, the Hub, Local Area Co-Ordinators, Adult Social Care and Housing Associations.

The Serious Organised Crime meetings – held every month and are attended by the Police, Housing Management, Housing Navigators, Adult Social Care, Children's Services, the Local Area Coordinators, the Neighbourhood Enforcement Team, the Anti-Social Behaviour Team and Legal services.

Daily Operational Tasking Meetings – these are meetings between the police and the Community Safety Hub.

Mental Health and Housing – Each month Officers from City of York Council and Tees, Esk and Wear Valley (TEWV), who deliver the local mental health provision, meet to discuss people that are in need of move

on accommodation from hospital or other similar setting' where enforcement action is being considered, or where issues are difficult for one agency to resolve on their own, and these individuals are reviewed over the following months to ensure successful outcomes.

Officers may also consider that they need to call Multi Agency meetings on an ad hoc basis. Examples of scenarios which might give rise to a Housing Management Officer or police constable calling a Multi agency meeting include:

- Occupiers having to flee rented homes because of alleged threats or attacks on person or property
- Release of a known, potentially dangerous offender, and proposed placement within the community (for example a mentally ill offender or potentially dangerous offender presenting a known risk to the public)
- Reports that give rise to concerns for child protection arising from allegations of neglect or abuse by parents, guardians, and carers or by other children. These meetings can also be referred to as 'planning' meetings.

City of York Council will call these meetings at the earliest possible opportunity and make all reasonable efforts to work with other statutory and possibly voluntary agencies, in minimising the risk to the public. Equally, Housing Services will attend Multi Agency Meetings, or other meetings directed towards minimisation of personal risk to members of the York community arising out of identified risk scenarios.

Where ASB arises from the behaviour of the tenant or licensee's children and not the tenant themselves, Housing Services will work with key partner organisations in developing specific action plans to alleviate the anti-social behaviour of the children, and the resultant effect the behaviour has upon neighbours and the wider community.

In particular, Housing Services recognises that it must also act in the corporate role as 'parent' to children who are looked after by the authority, and its policy in these cases will be to work with City of York Children's Services to develop the action plan to minimise the risk of home loss for the family concerned.

12. Receiving and dealing with reports of Anti-Social Behaviour

Tenants and Leaseholders can report ASB and Hate incidents to their Housing Management Officer (HMO) via the Customer Portal, email, letter or phone. The officer will then contact the complainant within 3 working days, unless the case is of an urgent nature (Hate incidents and Domestic Abuse incidents will receive a response within 24 hours where it is a working day).

An ASB risk assessment will be completed which will assist in determining the risk, nature, duration, frequency of the incidents, the impact and what support is in place.

If there are more incidents, a case will be created and an action plan agreed with the complainant.

The HMO will contact the alleged perpetrator and implement appropriate action to resolve the problem. This may involve working with other agencies.

If a perpetrator is a person with a mental health issue, physical disability, substance misuse, or any other needs the City of York Council will be sensitive to their needs, ensure that any referrals for support are made and take this into account when deciding what action will be taken.

If the support to a perpetrator does not make a difference, or if they are failing to co-operate with the individual or agency concerned, and the ASB continues then you should contact your HMO. They will seek further legal advice and, if necessary, legal action will be taken.

All incidents and cases are recorded on the Open Housing system and all cases reviewed every month with the Housing Team Leader.

The HMO will keep both parties up to date at an agreed frequency but normally every fortnight. It may be that there is action being taken that cannot be shared but HMO's will update complainants as much as possible.

Cases will be closed after discussion with the complainant and the Housing Team Leader, if matters are resolved.

If the ASB persists then the case may be referred to the Community Safety Hub who will assign the case to an Antisocial Behaviour Officer ,

within 5 working days, who will take more formal action. The Antisocial Behaviour Officer will contact complainants within 3 working days. The HMO will carry out an assessment of proportionality before a case is referred over.

Alternative ways of reporting Hate Crime

Hate incidents can feel like crimes to those who suffer them and often escalate to crimes or tensions in a community. For this reason, the police are concerned about such incidents, and you can report non-crime hate incidents by emailing info@saferyorkpartnership.co.uk. The Police can only prosecute when the law is broken but can work with partners from other agencies to try and prevent any escalation in seriousness.

The Stop Hate UK helpline is available on 0800 138 1625 and is staffed by trained operators 24 hours a day. An online chat service is also available on <https://www.stophateuk.org>

Hate crime can now also be reported online through the Supporting Victims website, or using the link below;
<https://www.supportingvictims.org/advice/i-or-someone-i-know-is-experiencing-personal-abuse/> or use the information in Appendix 1

13. Remedies for dealing with Anti-Social Behaviour

Informal remedies

There are a number of informal remedies that can be used to resolve ASB:

- **Personal Resolution** - Where the anti-social behaviour is low-level and there are no threats of violence or much animosity, the complainant may be able to resolve the matter by talking to the other person. This can stop matters getting worse, as when landlords become involved it can make the situation more formal and cause resentment
- **Mediation** - Mediation can be an effective tool for solving issues by bringing all the parties to the table. It enables the parties to work together to find a solution themselves rather than have it imposed by a third party

- **Home visits** – HMOs visit alleged perpetrators to discuss their behaviour. They will discuss any actions that can be taken or support required by the alleged perpetrator and the officers involved to resolve the complaint. These visits may also include other agencies such as the Police, Support agencies and Local Area Coordinators. They can gather evidence, and such visits can be helpful in resolving issues at an early stage
- **Informal warnings** - A warning advises a person what behaviour is causing the issue, what effect this is having on the victim or community, and the consequences of further incidents
- **Acceptable Behaviour Contracts** - An Acceptable Behaviour Contract is a written agreement between the perpetrator and the Council stating what actions or behaviours the perpetrator agrees to, and states the consequences if they do not comply
- **Warning Notices** – These are written warnings served before legal action begins, warning that there has been a breach of tenancy and that further incidents may result in more formal action
- **Statement of Intent** - This is an agreement where the tenant accepts that there has been an issue, and they commit to it not happening again.

Formal remedies

Where the ASB becomes more serious there are more formal tools that often involve legal action that the HMO and the Community Safety Hub can use. Although the council can begin legal action the process can be long and the judge will have the final decision and will take all factors into account including the vulnerability of all parties. Cases are heard in the county court and complainants may be asked to give evidence. Formal tools are:

- **Possession action against the tenancy** - In possession proceedings for Council tenancies a Judge can make the following possession orders:
- A full possession order requiring the tenant to leave the property usually within 14 days or in exceptional circumstances up to 6 weeks; **or**

- A suspended possession order which allows the tenant to remain in their home if they behave in accordance with the Order. If they breach the Order the Council can take action to evict them
- **Eviction** - When the Council have obtained a full Possession Order and the tenant remains in the property the Council can evict the tenant from their home by obtaining a Warrant of Eviction. The warrant is carried out by court bailiffs who have the power to remove the residents and their belongings from their home
- **Extending an Introductory Tenancy** - An Introductory Tenancy is given to new tenants and usually lasts for 12 months. After this period the tenant will become a secure tenant if there has been no legal action. However, it can be extended beyond one year for a further six months for a breach of the tenancy agreement. To do this, the City of York Council must serve a notice on the tenant and carry out a review if the tenant requests one
- **Injunctions** - Civil Injunctions are Court Orders that can be obtained quickly to stop or prevent individuals engaging in anti-social behaviour. The Order contains details of what the individual is not allowed to do and can also include what they must do to get them to address underlying causes of anti-social behaviour. They can be granted against anyone aged 10 years or older. The Court can attach a power of arrest to the injunction where there have been threats of violence, actual violence, or significant risk of harm to others.

Breach of the injunction is contempt of court and can lead to a fine or imprisonment

- **Undertakings** - An Undertaking is a promise given in court proceedings by the Perpetrator agreeing not to act in an anti-social manner
- **Premises Closure Orders** - The Council can apply to the courts to quickly close any premises which are being used, or likely to be used, to commit nuisance or disorder e.g. drug dealing and prostitution. A Closure Notice can close premises for up to 48 hours. This can be followed up with a Closure Order that can close a premise for 6 months. Breach of the Closure Notice or Order is a criminal offence carrying a penalty of a fine and/or imprisonment

- **Criminal Behaviour Order** - A Criminal Behaviour Order is issued by the Criminal Court against a person who has been convicted of any criminal offence to tackle the most persistently anti-social individuals who are also engaged in criminal activity. The Council can ask the Criminal Prosecution Service to make an Order. The Order will describe details of what they are not allowed to do and can also include what they are required to do. They can be granted against anyone 10 years or older. Breach of a Criminal Behaviour Order is a criminal offence and can be punished by up to 5 years imprisonment or a fine or both
- **Public Spaces Protection Orders** – These are intended to stop individuals or groups committing anti-social behaviour in public space. They impose conditions on use of an area which apply to everyone e.g. not to drink alcohol, or to keep dogs on a lead in that area

If a person breaches a Public Spaces Protection Order they can receive a Fixed Penalty Notice up to £100 or up to a £1,000 fine.

- **Community Protection Notice** - A Community Protection Notice (CPN) is a formal written notice issued to the perpetrator informing them of the problem behaviour, requesting them to stop things, do things or take reasonable steps to avoid further anti-social behaviour. The purpose of the Notice is to deal with particular, ongoing problems or nuisances which negatively affect the community's quality of life by targeting those responsible e.g. graffiti, rubbish and noise. Breaching the Community Protection Notice is a criminal offence and punishable by a fixed penalty notice up to £100 or up to £2,500.

14. Support for complainants, victims and perpetrators

City of York council house many vulnerable people, are committed to providing support to those affected by ASB and will do so in the following ways:

- recording of reports
- keeping those involved informed, as far as possible whilst ensuring confidentiality is maintained.
- home visits or office interviews if more appropriate

- referral to appropriate support services with consent, and supporting self referral
- Collection of evidence by installing equipment such as noise monitoring equipment
- liaison with relatives, friends or advocates of victims, for example where an elderly or frail neighbour is finding it difficult to maintain evidence gathering and needs additional support
- protection of confidentiality
- improving safety measures for the victim or the victim's home
- working with other agencies
- transport for witnesses to and from court
- remuneration for loss of earnings for witnesses

15. Local information sharing protocols, data protection and the Freedom of Information Act

City Of York Council will always ensure it has a lawful basis to share information with other housing providers in York that complies with data protection legislation requirements and the Information Commissioner's Office (ICO) guidance and code of practice. This can [be seen on the ICO website](#). You can find more details about how the council uses personal information at [Our Privacy Notice – City of York Council](#)

16. Training of Housing Staff

Relevant City of York Council staff will receive awareness training in our policies and procedures for tackling ASB, though the degree and complexity of this training will largely depend upon the nature of the job they do. Front line staff who deal directly with customers reporting anti-social incidents will receive more detailed training, as will staff whose job it is to liaise with complainants, witnesses and with perpetrators.

City of York Council must, at all times, seek to protect Housing staff from harm, abuse or harassment from perpetrators of ASB, whilst those staff are going about their daily job.

City of York Council hold an incident recording system called BeSafe where staff can report any incidents with tenants or other members of the public where they may have felt threatened.

City of York Council will give active consideration to seeking police action towards criminal prosecution of any member of the public who threatens, assaults or harasses Housing staff going about their job.

17. ASB case review

The ASB case review, is a statutory provision introduced in the Anti-Social Behaviour, Crime and Policing Act 2014. It is a safety net for victims of ASB.

It is the victim's right to request a review of their case if they feel that no effective action has been taken to resolve it. The case review is not about apportioning blame. Its focus is on problem solving the case, utilising the expertise of partner agencies, to identify a resolution.

The Case review confers responsibilities on relevant bodies including the local authority, police, and registered providers of housing to manage and participate in the ASB case review process

Qualifying Complaints and Thresholds

To activate the ASB case review, the victim must meet a threshold. This is:

The victim has reported three separate incidents (Qualifying Complaints) to either the council, police, or registered provider of housing within the preceding 6-month period and feels no effective action has been taken to resolve the ASB, **or**

The victim has reported one hate incident or crime motivated by hate (due to race, religion, disability, sexual orientation, or transgender identity) in the last six months and no effective action has been taken to resolve the matter, **or**

A senior manager within the authority decides that an ASB case review is necessary to safeguard a vulnerable victim of anti-social behaviour. An incident must be a 'Qualifying Complaint'. A Qualifying Complaint is an incident that has been reported to either the council, police, or registered provider of housing within 30 days of it taking place. A single incident which is reported to more than one agency only constitutes as one Qualifying Complaint.

When considering an ASB case review activation request, the administering authority must have due regard for:

1. the persistence of the ASB
2. the harm or potential harm caused by the ASB
3. the adequacy of response to the ASB

Regardless of the previous actions taken in the case, if the anti-social behaviour persists, a ASB case review activation request should be accepted to determine what new or alternative actions are more likely to be effective to resolve it.

18. Feedback and Complaints

CYC welcomes feedback, both positive and negative in order to help improve the service offered. Where tenants are dissatisfied with the service they receive they are encouraged to use the CYC complaints process. Should a tenant wish to make a complaint then please see guidance on the CYC website at www.york.gov.uk or contact CYC using the details below:

Online Form: www.york.gov.uk/4Cs#form

Postal address: West Offices, Station Rise, York, YO1 6GA

Telephone: 01904 554145

Email: haveyoursay@york.gov.uk

Appendix 1 – How to report hate crime card

How to report hate crime

Directly to North Yorkshire Police



999 IN AN EMERGENCY

Does it feel like the situation could get heated or violent very soon? Is someone in immediate danger?

Do you need support right away? If so, please call 999 now.

If you have a hearing or speech impairment, use our textphone service 18000 or text us on 999 if you've pre-registered with the emergency SMS service.

101 FOR NON-EMERGENCIES

A non-emergency is where there is nobody at risk of harm or there is no risk of damage to property and the offender isn't close by and has left the scene.

ONLINE Report Hate Crime online at:
www.northyorkshire.police.uk/hatecrime

CALL YOUR LOCAL POLICE



101

IN AN EMERGENCY
ALWAYS CALL **999**

ANNEX A

How to report hate crime

Third Party Reporting



Supporting Victims North Yorkshire
(online & telephone): 01609 643100
Monday – Friday, 9am to 5pm Online:
www.supportingvictims.org

Offers a tailored victim support service including reporting, counselling, referrals to other agencies and restorative justice.



True Vision (Online only)
www.report-it.org.uk website has a lot of information for victims of hate crime.

Reports are taken and sent back to the 'host' force where the offence has taken place.



Galop (online & telephone):
Online: www.galop.org.uk
Tel: 020 7704 2040
Monday – Friday 10am to 4pm

The UK's LGBT+ anti-violence charity, combating hate crime, sexual violence & domestic abuse.



Community Security Trust (CST)
(online & telephone):
Online: www.cst.org.uk
Tel: 0800 032 3263

Organisation that supports the Jewish community and takes reports of Anti-Semitism.



Tell MAMA (online & telephone):
Online www.tellmamauk.org
Tel: 0800 456 1226
SMS: 0115 707 00 07
Whatsapp: 0734 184 6086

Tell Mama is a service supporting victims and taking reports of anti-Muslim hate.

CrimeStoppers.

Crime Stoppers (online & telephone):
Online: www.crimestoppers-uk.org
Tel: 0800 555 111

Report hate crime anonymously