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**Report of the Anti-Social Behaviour Review  
Task Group**

**January 2012**

**Anti-Social Behaviour Scrutiny Review – Interim Report**

**Purpose of Report**

1. This interim report presents information received to date in support of this review and based on the Task Group's findings, suggests an alternative focus for the review, for their consideration.

**Background to Review**

2. Since the formation of the Community Safety Overview & Scrutiny Committee in 2009, it has received regular update reports on the implementation of York's Safer Neighbourhood Teams priorities, which have continually shown that ASB remains an unresolved issue and a serious concern for residents across the city. In response, at a scrutiny work planning event held in July this year, the committee agreed to carry out a review of ASB during this municipal year.
3. In September 2011 the Community Safety Overview & Scrutiny Committee met to consider their work programme for this year. They agreed to form a Task Group to carry out this review on their behalf, and agreed the review should focus on Westfield and Rural West wards with the general aim of 'Reducing ASB across the city through the introduction of improved collaborative working methods'. The Committee suggested the Task Group consider the measures being taken by the Council and its partners to identify and tackle ASB, including identifying barriers to collaborative working and investigating alternative approaches.

**Consultation**

4. The Task group recognised that to support their work on the review, they would need to involve the Safer York Partnership (SYP), North Yorkshire Police (and other appropriate partners), City of York Council (CYC) Neighbourhood Safety Unit and Environmental Protection Unit (EPU). Having agreed to focus the review on a specific geographical area of the city, the Task Group also agreed that subject to their findings they may need to meet with affected residents from those

wards and perhaps look at one or two suitable case studies to identify the efforts taken to tackle ASB and understand its affects on residents / communities.

## **Information Gathered**

5. In October 2011, the Task Group met for the first time to consider an introductory briefing paper on ASB – see Annex A. They also received detailed information on the levels of ASB in the city, and in particular in Westfield and Rural West wards
6. Levels of Anti-Social Behaviour in York  
Overall ASB fell in York between 2009-10, and 2010-11 by 1%. However, it had previously risen between 2008-09 and 2009-10 by a similar amount (1%).
7. The overall yearly totals and monthly averages for 2010-11 and 2011-12 (up to April 2011) were also compared by the Task Group - see Annex B. Table 1 in the annex identifies the external organisation / CYC team responsible for providing the data (column 1), and the numerous ASB classification categories (column 2).
8. Prior to April 2011, there was a high number of Police classification categories used to record ASB for audit purposes. However, in April 2011 the Home Office replaced these with 3 new classification categories, based on the type of harm they involve, as follows:
  - Personal i.e. impacts an individual;
  - Nuisance i.e. impacts a community and;
  - Environmental.
9. Prior to the ASB classification change in April 2011, the key types of police recorded ASB (Sep10-Mar11) were behaviour incidents (66%) followed by malicious communications (8%) and neighbour nuisance incidents (7%). Following the change, the main types of ASB recorded have been nuisance (68%) followed by personal (23%), and a very small number of environmental (8%) incidents. The average number of ASB incidents recorded by the police has also increased by 17%.
10. The wards with the highest number of incidents (in this time period and historically) were Guildhall (23%), Micklegate (13%) and Westfield (10%).
11. Between Sept 2010 and Aug 2011, there were over 12,000 ASB incidents recorded by the Police – see below:

## York - NYP Recorded ASB Calls for Service

### Totals

**Target 2013-14**

12361

**Forecast**

**14393**

**Cumulative**

5997

**Target Monthly Total**

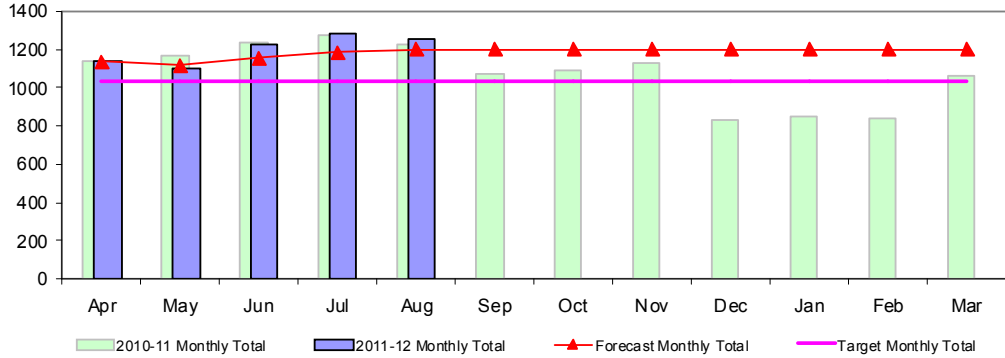
1030.1

**Previous Years**

2007-08	12827
2008-09	12847
2009-10	13012
2010-11	12927

**Milestone Targets**

2011-12	12687
2012-13	12524
2013-14	12361



**The Graph shows:**

- 1) Target level 2013-2014 (Strategy end not the Yearly milestones)
- 2) Forecasted annual total based upon a moving average of months (There has been no allowance for known seasonal patterns)

**Key:**

	- Action Needed (>120%)
	- Caution (100% - 120%)
	- No Action (<100%)



Month	2011-12	2010-11	2009-10
Apr	1139	1142	1158
May	1097	1170	1123
Jun	1225	1238	1150
Jul	1285	1270	1235
Aug	1251	1229	1320
Sep		1069	1046
Oct		1094	1164
Nov		1125	1015
Dec		833	966
Jan		854	939
Feb		843	836
Mar		1060	1060

12. In addition, between Sept 2010 and Aug 2011 there were over 3,500 ASB Calls for Service recorded by CYC – see below:

## York - CYC Recorded ASB Calls for Service

### Totals

**Target 2013-14**

3126

**Forecast**

**3602**

**Cumulative**

1501

**Target Monthly Total**

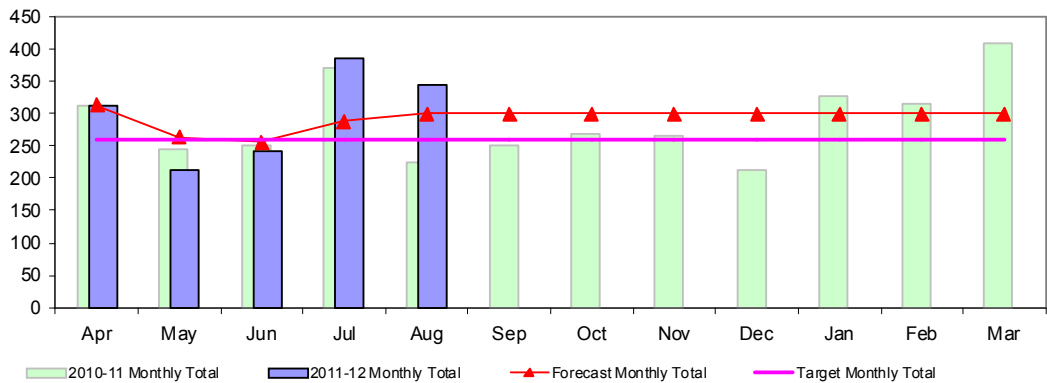
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**Previous Years**

2007-08	4806
2008-09	4112
2009-10	3291
2010-11	3227

**Milestone Targets**

2011-12	3209
2012-13	3168
2013-14	3126



**The Graph shows:**

- 1) Target level 2013-2014 (Strategy end not the Yearly milestones)
- 2) Forecasted annual total based upon a moving average of months (There has been no allowance for known seasonal patterns)

**Key:**

	- Action Needed (>120%)
	- Caution (100% - 120%)
	- No Action (<100%)



Month	2011-12	2010-11	2009-10
Apr	314	312	348
May	213	246	236
Jun	242	252	368
Jul	387	372	293
Aug	345	224	248
Sep		252	308
Oct		269	264
Nov		265	220
Dec		213	177
Jan		328	216
Feb		315	265
Mar		410	348

13. The main type of council recorded ASB during that period was fly-tipping (45%), followed by litter (20%) and graffiti (18%). On the other

end of the scale, only 3% of calls for service were to do with abandoned vehicles and 4% drug-related litter. To further breakdown those figures:

- A third of all ASB incidents took place on Fridays & Saturdays
- A quarter of all incidents took place between 6–9pm. More specifically, from 8-9pm on Thursdays (2%), and from 7-8pm and 9-10pm on Friday and Saturdays (both 1.4%) respectively.
- The hotspot locations for ASB between Sept10-Aug11 included Union Terrace, Coney Street and McDonalds on Blake Street (1%).

14. Westfield Ward ASB Overview

Between September 2010 and August 2011, the overall breakdown of the different types of ASB recorded in Westfield ward show that Police recorded ASB was the main type (60%) followed by noise related ASB (15%), Police recorded crimes (13%) Council recorded ASB (11.8%) and North Yorkshire Fire & Rescue (NYFRS) recorded ASB (0.2%).

15. The top month for ASB (Sep10-Aug11) was October with 11% of all incidents. The main day for ASB was Fridays and Saturdays which had 1/3 of all crime and the key times were 6pm-10pm which had 54% of all incidents.

16. Based on police ASB data recorded between September 2010 and August 2011:

- The hotspot areas for ASB in Westfield ward were around Cornlands Road, Gale Lane and Tudor Road; and around Chesney Fields and Kempton Close.
- Prior to April 2011 and the classification change, the main Police recorded ASB type in the ward was 'behaviour' (67%), followed by Neighbour ASB incidents (13%). Following the classification change, Nuisance ASB accounted for 58% and Personal ASB for 36%.
- October 2010 saw the highest level of all police-recorded ASB incidents (11%). However, every month between Sept10-Aug11 had less police-recorded ASB than in the corresponding month the previous year (Sep09-Aug10), with May11 & July11 having 40% less ASB than the same month 12 months before.

17. The main type of Council-recorded ASB in Westfield between Sept10-Aug11 was fly-tipping (51%).

18. A full breakdown of ASB recorded in the Westfield Ward to date during 2011-12 together with detailed ward profile information is shown in Annex C.

19. Rural West Ward ASB Overview

Between September 2010 and August 2011, the overall breakdown of the different types of ASB recorded in Rural West ward show that Police recorded ASB was again the main type (60%) followed by Council recorded ASB (25%), Police recorded crimes (8%) and noise related ASB (7%).

20. The top month for ASB (Sep10-Aug11) was January with 12% of all incidents, followed by August & September (Both 11% of all incidents). The main days for ASB were Thursdays - Saturdays which had 48% of all crime and the key times were 7pm-11pm which had 38% of all incidents.

21. Based on police ASB data recorded between September 2010 and August 2011:

- The key months for ASB between Sept 2010-Aug 2011 were April-May (22% of all incidents), and September (11%).
- Prior to the ASB classification change in April, the main type of ASB recorded in the ward by the Police were behaviour (53%) and an unusually high proportion of vehicle nuisance incidents (17%).
- Following the classification change the predominant type of ASB recorded was Nuisance ASB (66%).
- Overall police-recorded ASB fell by 14% between Aug10-Jul11 compared to the same 12 months the previous year. However a comparison of the monthly data recorded in 2009 and 2010 showed an increase in September of 31% and in October of 19%. A comparison of April 2010 and April 2011 showed an increase of 5%.

22. The main type of ASB recorded by the Council in Rural West between September 2010 and August 2011 was Fly-tipping (55%), then Graffiti (18%) and Litter (17%).

23. A full breakdown of ASB recorded in the Rural West ward during 2011-12 to date, together with detailed ward profile information is shown in Annex D.

24. Noise Related ASB Across the City

CYC customer surveys regularly highlight noise as a main factor in anti-social behaviour and it is often linked to other forms of ASB. Noise nuisance is dealt with by the council's CYC Environmental Protection Unit (EPU) along with a number of other environmental nuisances e.g. air quality, emissions, contaminated land, other pollutants etc.

25. The EPU receives thousands of complaints about noise every year, and has a legal duty to take reasonable and practical steps to investigate all noise complaints. Outside of normal working hours, the EPU provides a noise patrol service between the hours of 9pm and 3am.
26. The EPU has a set procedure for investigating noise nuisance:
- When they receive a new complaint about someone, they have a duty to notify them.
  - They ask the complainant to keep a detailed written record of any noise nuisances on diary sheets provided, to be returned to EPU within 21 days
  - If they receive no further information from the complainant within 21 days, they will assume that there is no further noise nuisance and close the case.
  - If the noise is happening at the time or regularly, the EPU will visit to listen to the noise and assess it for statutory (legal) nuisance.
  - If the EPU witness a statutory nuisance, a legal notice (noise abatement notice) requiring the nuisance to stop will be served on the person(s) responsible for the noise or the occupier/owner of the premises.
  - If they continue to cause a noise nuisance, EPU has powers to seize noisy equipment (such as stereos, TVs, computers, play stations, CDs and DVDs) and prosecute, with a fine of up to £5,000 for a domestic property or up to £20,000 for a business.
  - In extreme cases EPU will use ASB legislation to tackle persistent offenders. This can include ASB orders (ASBOs and CRASBOs).
  - If the EPU cannot obtain sufficient evidence that a statutory nuisance exists, then the complainant will be advised that no further action will be taken.
27. The types of noise that are deemed to be anti-social include music, parties and dogs barking. The number of complaints tend to be weather related with summer being the busiest time of the year i.e. holidays, BBQ's and outdoor parties and events, at a time when people tend to have their windows open and are therefore more aware of external noise. Other issues identified by EPU officers when investigating noise complaints are always referred to the Police or council departments as appropriate, e.g. evidence of drug use, breaches of licensing or child/animal welfare issues. There are localised problems in respect of noise from students; however students are more likely to be victims of noise related ASB than perpetrators. In fact, the EPU had never had to take action to prosecute a student. Complaints do not always relate to individuals - EPU can also take action against licensed premises and other businesses. The EPU can

not respond to Noise from people in the street as this is deemed to be a breach of the peace and is a police matter.

28. The EPU always seeks to recover the costs of a prosecution, including officer time, but the courts do not usually order full reimbursement of the costs. Where those involved are unemployed, this will be reflected in the fines and costs imposed. However, many noise complaints are resolved at an early stage without the need for court action and therefore any costs incurred can not be recouped.
  29. The service faces a number of challenges including the demand for a 24/7 service and the growing number of complaints being received. Also the equipment available to the team, which includes five noise monitoring machines which can be installed in properties to record noise levels, is now 7 years old and there is no budget to replace it.
  30. At a meeting in December 2011, the council's Environmental Protection Manager provided a presentation for the Task Group giving noise nuisance statistics, together with a case study for the Task Group to consider – see Annex E. For Westfield ward, the EPU received 256 noise related complaints between September 2010 - August 2011, and 32 for Rural West ward. Between 1 September 2011 and 30 November 2011 there were 51 noise related complaints received for Westfield ward and 6 for Rural West ward.
  31. Housing/Community Related ASB  
As part of a recent organisational review within the Housing & Public Protection portfolio a new Neighbourhood Safety Unit was established, bringing together the SYP and the Housing Services' Tenancy Enforcement Team. The principle behind this move was to take a single approach to dealing with ASB by bringing together the co-ordination of support and enforcement with key stakeholders e.g. the Council, North Yorkshire Police & the Safer York Partnership etc.
  32. There are different types of Council tenancy arrangements. For example, the Council uses introductory tenancies to help make sure estates are safe and pleasant places, by making it easier to evict new tenants whose behaviour is anti-social and affecting other residents' quality of life. An introductory tenancy lasts for 12 months, during which time an estate manager will visit after six weeks, six months and nine months to offer support, advice and guidance on how to manage the tenancy and discuss any problems the tenant may be having. They will also check the tenancy agreement has not been broken.
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33. An introductory tenant has the same responsibilities as a secure tenant but, does not have the same rights. An introductory tenant must pay their weekly rent, keep their home and garden clean and tidy, respect their neighbours, not cause or allow a nuisance to occur, and keep to their tenancy agreement. An introductory tenant cannot exchange their home, transfer the tenancy to someone else, take in lodgers, sub-let any part of their home, carry out home improvements or buy their council home.
34. If an introductory tenancy is conducted in a satisfactory way, the tenant will automatically become a secure tenant. However, if they break any rules set out in their tenancy agreement, they can be evicted quickly and easily. The Council will serve a notice and as long as the council has followed its procedures, the court must grant a possession order. If there are some issues that the tenant is addressing then the Council may look to extend the introductory period for a further six months but must give 2 months notice of this before the introductory tenancy is due to end.
35. In the case of a secure tenancy, if tenancy conditions are broken, the Council needs to seek a court order to evict. Where there are ASB issues, Council estate managers always work in conjunction with the Police. However, a significant level of ASB needs to be evidenced before eviction can be considered, as the Courts view eviction as a very serious sanction.
36. The Council also meets regularly with Registered Social Landlords to help address any issues they may be having with tenants, and to share information. However, private landlords tend to refer problems in respect of ASB direct to the police.
37. In December 2011, the Task Group received a presentation from the Neighbourhood Safety Unit Manager including a map of the hot spots across the city and a case study for their consideration – see Annex F.

## **Findings**

38. Having understood the complicated nature of ASB, the Task Group were pleased to note the new Anti-social Behaviour Strategy for 2011-14 referred to in Annex A, and in particular the importance of the four strategic aims identified within the strategy. In understanding that with its recent introduction had come improved joint working methods, the Task Group agreed the suggested aim for this review as detailed in paragraph 3, was no longer appropriate and queried what could be gained from scrutinising the handling of previous ASB cases. On behalf



of the full Community Safety Overview & Scrutiny Committee, the Task Group agreed it would have been useful if they had been consulted on the new Strategy in the lead up to its approval as it would have raised the Committee's awareness of the issues, ahead of them agreeing this topic for review. The Task Group agreed it may be more beneficial to scrutinise the embedding of the new strategy once sufficient time had elapsed, and in light of this the Task Group questioned the timing of this review.

39. They noted the change in Police ASB classifications referred to in paragraph 8 above and the difficulty it created in comparing the current year's monthly averages for specific ASB categories to previous years.
39. They recognised the links between ASB and criminality, and the areas of the city where the most incidents of ASB are taking place. Also the correlation between issues i.e. where noise complaints were high, so were crime reports and levels of deprivation, and in wards where one was low the others were also low. For example, in the case of Westfield ward, the Task Group noted that in 2010 Westfield ward was one of the wards experiencing the highest number of noise complaints and reports of crime, and was also shown to be one of the most deprived wards on the 2010 Index of Multiple Deprivation.
40. Noise Related ASB  
Members agreed that noise levels have a significant impact on people's well-being and could lead to stress and poor health. In comparison, other types of anti-social behaviour such as litter and graffiti were less detrimental in terms of impact on the quality of life.
41. The Task Group noted that year on year the largest number of noise complaints related to music and that following the introduction of the out of hours Noise Patrol Service in April 2006 the number of noise complaints received annually almost doubled, which indicated that approximately half the noise related ASB recorded was occurring outside of EPU normal working hours. The Task Group queried whether the EPU were therefore able to provide appropriate cover at the appropriate times bearing in mind:
  - There are only eight staff (including 3 x P/T) in the team
  - Noise is not the only environmental issue the EPU deal with
  - Other environmental issues require equal consideration
42. The Task Group was informed that when officers investigate a noise complaint, they have to attend in pairs for security reasons and to ensure effective working. They noted the pressures that placed on

staffing particularly with the provision of the out of hours service. They also noted that officers were required to present evidence in court and hence could be challenged on their level of experience and knowledge, so it was not a simple case of increasing the size of the team.

43. Finally, in regard to the EPU case study provided, the Task Group have requested further information as to how the Police had viewed the case.

44. Tenancy Related ASB

Having considered the presentation on the work of the Neighbourhood Safety Unit, the Task Group recognised the need for the Unit to demonstrate value for money and were therefore pleased to note information on a number of new initiatives that had been put in place to achieve better outcomes with fewer resources, including the Anti-Social Behaviour Respect Charter, improved structures and mediation arrangements.

45. In regard to the case study, having noted that a witness from the case had offered to meet with them to detail their experiences, the Task Group agreed that this particular case was complicated by the change over of the tenancy agreement from an introductory to secure tenancy around the same time as the bulk of complaints started to appear. However they understood this resulted in there being insufficient time to give the required two months notice before the introductory tenancy was due to end. The Task Group recognised this made the case unique in some ways and therefore questioned whether it was a good example for them to consider. Also in light of the new Anti-social Behaviour Strategy for 2011-14 referred to in Annex A and paragraph 38 above, the Task Group questioned whether there was anything to be gained from looking in more detail at the handling of the case.

46. In addition, the Task Group noted that private landlords tended to refer ASB problems to the police and therefore their referrals were not included in the statistics for tenant related ASB recorded by the Neighbourhood Safety Unit. The Task Group recognised that those statistics may not therefore reflect the full picture across the city.

### **Possible Areas for Further Investigation**

47. In agreeing that the proposed aim of this review detailed in paragraph 3 was no longer appropriate, the Task Group identified a number of other possible areas of investigation on which this review might focus.

48. At their meeting in December 2011, Members were informed that some Authorities had more developed arrangements in place to look at

addressing underlying problems that were resulting in ASB and agreed this may warrant further investigation.

49. Specifically in regard to tenancy related ASB, although the Task Group were pleased to note that 57% of people were satisfied with the service they had received from CYC Housing Services, they recognised it was not always possible to deliver the outcome that complainants were seeking. In regard to noise related ASB, the Task Group recognised there were issues in respect of the public's expectations as to what the service could deliver i.e. because of limited resources, the feedback to complainants was not always as the team would wish. Members identified that more could be done to improve the provision of information to complainants about their individual cases, which in turn may go some way to increasing levels of satisfaction. The Task Group therefore agreed that further investigation of how communication with all ASB complainants could be improved, may be a more appropriate focus for a review.

### **Options**

48. In support of their work on the review, Members may choose to instruct the Task Group to:
  - i. Investigate further the issues identified in paragraphs 48-49 above and/or;
  - ii. Identify other/additional issues to be looked at.

### **Implications**

49. *Human Resources* – the Task Group recognised the nature of the work being undertaken by some officers in response to ASB i.e. the personal safety of officers investigating noise complaints etc. The Task Group also noted the HR implications associated with the limited number of staff in the EPU and the provision of an out of hour's service. Any HR implications associated with recommendations arising from any subsequent review will be identified in the draft final report.
50. *Equalities* – It is recognised that ASB can sometimes be associated with race and diversity. The Task group considered whether these issues were a factor in both the case studies they considered, in order to identify whether appropriate actions were taken at the time to respond. The Task group found no equality issues arising from the handling of those particular cases but were pleased to note that both the EPU and Neighbourhood Safety Unit had appropriate working methods in place to address equality issues where they arose. Any

equality implications associated with recommendations arising from any subsequent review will be identified in the draft final report.

51. *Financial & Legal* – There are no known financial or legal implications associated with this review at this stage. Any such implications associated with the recommendations arising from any review will be identified in the draft final report.

### **Council Plan 2011-14**

52. Any review of ASB associated issues relates to the Council's corporate strategic aim to make York a safer city with low crime rates and high opinions of the city's safety record.

### **Risk Management**

53. There are no known risks associated with the recommendations in this report. Future reports will include an analysis of any associated risk as appropriate.

### **Recommendations**

54. Based on the options identified above and in order to progress the work on a ASB related review, the Committee are recommended to agree:
- i. a remit for a review with a number of objectives, based on the issues identified as suitable for further investigation– see issues suggested in paragraphs 48-49.
  - ii. a number of future meeting dates (as appropriate)

Reason: To ensure compliance with scrutiny procedures and protocols, and the committee's workplan.

### **Contact Details**

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**Report Approved**



**Date**

12 October 2011

**Specialist Implications Officer(s) - N/A**

**Wards Affected:**

**All**



**For further information please contact the author of the report**

**Background Papers:** Anti-Social Behaviour Strategy for York 2011-14

**Annexes:**

**Annex A** – Introductory Briefing on ASB

**Annex B** – York ASB Statistics for 2010-11 & 2011-12 (to date)

**Annex C** – Westfield Ward – ASB Statistics

**Annex D** – Rural West Ward – ASB Statistics

**Annex E** – EPU Briefing & Case Study

**Annex F** – Neighbourhood Safety Unit Briefing & Case Study