

Anti-Social Behaviour Scrutiny Review

Introductory Briefing Paper

What is Anti-Social Behaviour?

1. Anti-social behaviour (ASB) is defined in legislation as acting in a manner that causes or is likely to cause harassment, alarm or distress to one or more persons not of the same household. The Anti-Social Behaviour Act 2003 deliberately avoids defining specific types of anti-social behaviour to allow the powers to be used in a flexible manner.

Current Legislation & National Measures to Tackle ASB

2. Crime and Disorder Act 1998
This Act introduced a number of new tools including:
3. *Anti-Social Behaviour Orders (ASBOs)*, which are designed as a preventative measure to prohibit continued anti-social behaviour, with breach of the order being a criminal offence. An Order bars an individual from specific anti-social acts or entering defined areas. For example, an ASBO may prohibit an offender from associating with other named people or from going near a house where they have caused problems. ASBOs are court orders applied for by local authorities, police forces and by registered social landlords, and can also be issued upon conviction.
4. ASBOs can be applied for by local authorities, police forces and registered social landlords through the Magistrates Courts. Specialist legal support is required as well as a significant commitment in terms of officer time to gather evidence, prepare for hearings and attend court. ASBOs can also be issued by a Court on conviction for an offence.
5. The CPS decides whether to pursue cases based upon realistic prospects of obtaining a conviction and the public interest. ASBOs are obtained in civil courts on the 'balance of probability' test rather than the more severe 'beyond reasonable doubt' standards of a criminal court. However, breach of an Order can result in a prison sentence of up to five years.
6. Nationally, there has been an apparent lack of consistency in terms of the way in which different Courts and different Magistrates deal with applications for ASBOs. Delays and adjournments in the Court process, for example due to non-attendance of defendants, is a significant drain on the time of the Police. Delays are also particularly stressful for witnesses.

Careful preparation of cases is the key to reducing delays. However, ex parte orders, which can be issued in the absence of defendants, are not widely used because of the influence of the Humans Rights Act. Interim ASBOs are therefore more commonly used in the absence of an offender.

7. However, ASBOs are now not the quick solution that they were thought to be when they were first introduced, and it is recognised that anti-social behaviour is best tackled by an approach combining prevention and enforcement.
8. *Acceptable Behaviour Contracts (ABCs)*, which are agreements between a person who has been involved in anti-social behaviour and one or more local agencies whose role it is to prevent such behaviour. The contract lists the anti-social acts in which the person has been involved and which they have agreed not to continue. Legal action in the form of an ASBO or a house possession order (if the young person is in social housing) for breach of the contract provides an incentive to ensure that the contract is adhered to.
9. *Parenting Contracts and Orders*, which offer a method by which agencies can work with parents on a voluntary and structured basis. They are two-sided arrangements where both the parent and the agency will play a part in improving the child's behaviour. Parenting orders are imposed by a court and are usually used where the parent has not engaged with support on a voluntary basis. They contain requirements on the parent or guardian, usually including a requirement to attend a programme, and can also contain other requirements, such as ensuring that their child attends school. If the parent does not comply with the order the court can impose a fine of up to £1000 or any sentence available for a non-imprisonable offence.
10. The Anti-Social Behaviour Act 2003
This Act clarifies, streamlines and reinforces the powers already available. It also provides new tools including:
11. *Powers to close crack houses*: a senior police officer can issue a Closure Notice on premises they have reason to believe are being used for the production, supply or use of Class A drugs and is causing serious nuisance or disorder. The police must then apply to Court within 48 hours for a Closure Order, which can apply for up to 3 months, with the ability to extend it to a maximum 6 months. During this period, entering or remaining in the property will be an offence and the premises will be sealed.

12. *Powers for the police to disperse groups* of two or more and return young people under 16 who are unsupervised in public places after 9pm to their homes. These powers are only available where an authorisation has been made by a police officer of at least the rank of superintendent and where the consent of the local authority has been granted. The police officer authorising the use of the powers must have reasonable grounds for believing:
 - a) That any member of the public has been intimidated, harassed, alarmed or distressed as a result of the presence or behaviour of groups of two or more persons in public places; and
 - b) That anti-social behaviour is a significant and persistent problem in the relevant locality.
13. *Powers to tackle fly tipping, graffiti, litter and fly posting*: fixed penalty notices of £50 in relation to minor graffiti and fly-posting offences can be issued. A graffiti removal notice can then be issued to a statutory undertaker, such as railways or the body responsible for street furniture. If the property is not cleaned within 28 days, the local authority can clean it and reclaim their costs. Under additional powers to tackle fly-tipping, vehicles suspected of being used to fly-tip waste, can be stopped, searched and seized. Under powers with regard to litter, Local authorities can require the owner of the land to clean it. If this notice is ignored they can enter the land themselves, clear it of litter and recover the cost through the courts.
14. *Powers to stop nuisance noise* allow all authorities to issue a warning for noise in a domestic dwelling at night and, if it continues, issue a fixed penalty notice of £100 without taking on additional powers. In addition, Environmental Health Officers will be able to close licensed premises for up to 24 hours where a public nuisance is being caused by noise and the closure is necessary to prevent that nuisance.
15. *Powers to resolve complaints about high hedges*, which are a common cause of neighbour disputes. If the local authority considers that the circumstances justify it, a formal notice can be issued requiring remedial action. Failure to comply with the notice would be an offence and the authority has powers to do the necessary work and recover the costs from the hedge owner.
16. Criminal Justice and Police Act 2001
Fixed Penalty Notices for Disorder - Introduced to offer a speedy and effective option for dealing with low-level, anti-social and nuisance

offending. The scheme also aims to reduce the amount of time that police officers spend completing paperwork and attending court. Penalty notices for disorder can be issued by an authorised officer who has reason to believe that a person aged 16 years of age or over, has committed a penalty offence. The notice may be issued either on the spot or at a police station.

17. Police Officers, Community Support Officers (CSOs) and suitably trained persons accredited under a community safety accreditation scheme can all issue notices. The issue of the notice offers the recipient an opportunity, by paying the penalty, to discharge their liability to conviction for the penalty offence. Failure to pay the penalty may result in a fine of one-and-a-half times the penalty amount or, exceptionally, proceedings commenced for the penalty offence.
18. There are currently 11 offences for which penalty notices for disorder can be issued. Examples include using threatening words or behaviour likely to cause alarm, harassment or distress, wasting police time, knowingly giving a false alarm to a fire brigade, disorderly behaviour while drunk in a public place and consuming alcohol in a designated public place.
19. Housing Injunctions
Injunctions may be obtained from court without notice on the day that anti-social behaviour occurs. Housing injunctions prevent behaviour capable of causing nuisance and annoyance which indirectly or directly affects housing management functions. A power of arrest or an exclusion order will be available where there has been anti-social behaviour but no violence or threat of violence
20. Environmental Health Powers
Environmental Health legislation offers powers to local authorities with regard to controlling nuisance activity such as litter, fly-tipping and dog control. Some of these powers are strengthened or streamlined by the Anti-Social Behaviour Act 2003.
21. Recently, the Government have published their proposals for changing the measures available for dealing with ASB. These have been sent out to all Local Authorities for consultation and in York, and they are due to be presented at a decision session in early November 2011.

Local Stakeholders

22. In recent years, a large amount of collaborative work has taken place as the emphasis towards preventative measures has been established and

new partners have come on board each year. A wide range of agencies and interested parties have a role in addressing ASB in York. All have re-focused to look at the wider issues around ASB, especially as the national agenda has brought ASB under greater public scrutiny. These local stakeholders include:

- The Council, including Neighbourhood Management, Youth Services, Youth Offending Teams, Schools, Leisure, Parks & Open Spaces, Street Cleansing, Environmental Protection Unit etc
- Parish Councils
- North Yorkshire Police
- Fire & Rescue
- Probation Service
- Youth Inclusion & Support Panel
- Residents

23. The priority for those involved in tackling ASB is to ensure the city has a robust protocol for joint working and information-sharing to ensure real outcomes are achieved.

Local Measures to Tackle Anti-Social Behaviour in York

24. Whilst York is a relatively prosperous city, it contains pockets of deprivation. ASB is not limited to poorer neighbourhoods, but the social and economic pressures of a community are generally regarded as being directly related to the levels of ASB. Whilst the citizens of York's perception of ASB is lower than neighbours in Scarborough and Leeds, the data shows a wide range of types of ASB occurring in York and that residents feel tackling ASB is a top priority within their neighbourhoods.
25. Local Stakeholders continue to work together to introduce and progress local measures to tackle ASB. These include:
26. Capable Guardian Scheme
The scheme aims to train and support community volunteers to promote community safety in neighborhoods, including tackling ASB. From the Police and Local Authority perspective, the scheme involves working in partnership with other local agencies (Police Safer Neighbourhood Teams, North Yorkshire Fire & Rescue, and head teachers from local schools) to address ASB, and by pulling together a team of nominated Capable Guardians from relevant service areas within the Local Authority and Police.

27. The scheme was first introduced in 2009 and initially focused on Westfield ward. In February 2010 the council gathered feedback on the scheme which identified that generally, members of the public were not reporting ASB and that reporting noise nuisance was too formal and took too long. Also, that vulnerable people needed more support in reporting ASB. As a result of the information gathered, the council looked at what support the Mediation Service could offer to support the issues between neighbours' so as not to create conflict, and what support vulnerable individuals could receive if they wanted to report ASB. They also identified improved methods for reporting ASB to ensure those ways were as anonymous and flexible as possible.
28. In April 2010 the scheme was rolled out to 4 other wards (Clifton, Guildhall, Heworth and Hull Road). However, it is recognised that the scheme needs wider adoption and further embedding within Neighbourhood Management mechanisms to form the safer community element of focussed neighbourhood delivery in all wards across the city.
29. Area Working Pilot
The Council Plan sets out the ambition to 'Build Strong Communities' where residents are engaged in planning, budgeting, priority setting and problem solving in their communities. Neighbourhood Working will support this through facilitating:
- Well co-ordinated services at a local level
 - Local people remodelling council services
 - An effective voice for communities in local issues
 - Improved volunteering
 - A strong voluntary sector
2. The pilot started in September 2010 in Acomb, Holgate, Dringhouses / Woodthorpe, Holgate, Rural West, Micklegate, and Westfield. During the pilot the Council tested approaches that would enable them to build Strong Communities. Much work has been carried out as part of the pilot including:
- Producing ward profiles to provide a comprehensive picture of the needs of communities and audit information that detail what is already available in a ward and where the gaps are.
 - Working with internal and external partners to deliver solutions at a local level and testing processes that will ensure communities influence service design.

- Working with CVS to develop a volunteer database and a corresponding volunteer opportunities database to link residents to the volunteering opportunities that suit them.
 - Locating staff within the wards for which they are responsible, working from community centres, libraries and voluntary organisations such as Clements Hall and CVS. This enabled staff to become a 'hub' for local information, to understand the ward and the challenges the community faces, their opinions and how they would like issues resolved.
 - Connecting residents with the partner organisations that could help and support them and providing partners with the opportunities they needed to come together and share their knowledge and good practice and develop more efficient ways of delivering their services.
 - Setting up CYC/Partner tasking groups to develop delivery plans in response to the ward priorities, information and data. The Tasking themes were; Children and Young People, Community Safety, Economy, Environment and Older people.
30. The pilot ended on 30 October 2011 and the Council are in the process of reviewing practices and mechanisms. It is recognised that there is further work required, as the role and contribution of the Community Safety Tasking group has taken time to establish due to restructures both internally and across the Police Force. There are a number of proposed improvements and these are due to be presented to Cabinet in January 2012. If approved, the approach will be rolled out across the city in spring 2012.

York Safer Neighbourhood Priorities

31. For North Yorkshire Police, it is a requirement that every quarter, in consultation with the local community, the Safer Neighbourhood Teams (SNTs) identify key policing priorities for each SNT area. This means targeting crime and community safety issues that matter most to residents and focussing resources to ensure positive community outcomes. Safer neighbourhood priority settings identify the concerns in an area, and enable local consultation to influence policing when tackling local issues. Issues that are not resolved within the quartile time span are rolled forward to the next quartile until successfully actioned.
32. York initially had three Safer Neighbourhood Teams covering the north of the city, the south of the city, and the city centre. Since the Community Safety Overview & Scrutiny Committee was formed in May 2009, it has received quarterly update reports on the implementation of the SNT

priorities for those areas. Throughout the years 2009-2010 and 2010-11, there was a continuing need to rollover a majority of the priorities - most of which related to ASB, evidencing that ASB remained a serious community concern across the city for which there had been no satisfactory resolution. This was one of the reasons the Overview & Scrutiny Committee decided to carry out a scrutiny review on ASB.

33. For the year 2011-12 the SNT areas were re-set creating 4 teams covering York City, York East, York West and York Rural. New priorities were identified for each new area, which the Community Safety Overview & Scrutiny Committee continues to monitor – see below. However, it is clear from the list of priorities below that ASB remains a community concern - the third column indicates how long each has been remained unresolved.

Safer Neighbourhood Area	Quarter 3 Priorities	Age of Priority
York City	Theft (From shop, cycles and Purse/Phone)	9 Months
	Violent Crime	9 Months
	Anti-social behaviour	9 Months
York East	Clifton - burglary in the Burton Stone Lane area, anti-social behaviour at Crichton Bridge shops	9 Months
	Hull Road - ASB at Melrosegate, cycle theft	9 Months
	The Groves - street drinking in Union Terrace & ASB at Monkgate Drop In Centre	9 Months
	Fishergate / University - ASB at Millennium Bridge, & cycle theft at University	9 Months
	Heworth - cycle theft and burglary other	9 Months
York West	Burglary	9 Months
	Theft from motor vehicle	9 Months
	Criminal damage	9 Months
	ASB	9 Months
York Rural	ASB at Rawcliffe Park & Ride, Clifton Moor Tower Ct. York Rural North.	9 Months
	Burglary Farm / Outbuildings Haxby / Strensall. York Rural North	9 Months

York Rural (cont)	Burglary – Dwelling, Shed / Garage and TUMV Strensall	9 Months
	Cycle Theft, Burch Park, Huntington, York	9 Months
	Burglary Dwelling, New Earswick, York	9 Months
	ASB / Disruption Osbaldwick Travellers Horses York Rural East	9 Months
	ASB Copmanthorpe and Poppleton, York Rural West	9 Months
	Farm / Rural Crime, Rural West	9 Months
	Burglary Dwelling / Commercial, Rural West	9 Months

Links to Other Council Strategies & Policies

34. Council Plan 2011-2015

To tackle crime and increase community safety the Council aim to raise the community profile of the Safer York Partnership (SYP) and establish an annual crime summit. The Council will also work with the SYP to engage residents in tackling noise, graffiti and other anti-social behaviour through an enforcement review, use of community payback, improved night time safety, changing licensing legislation and more effective use of the council's noise service.

35. Anti-Social Behaviour Strategy for York 2011-2014

During the last ten years, ASB services have grown and changed quite dramatically, along with the number and nature of the problems experienced by communities. A lot of work is required to tackle these problems, which require a strategic approach. The new Anti-Social Behaviour Strategy 2011-14 links in with other key plans and sets out what needs to be done to tackle the complex issues of ASB. Working in partnership with other agencies, organisations, the public and local communities, the strategy sets out four strategic aims to address ASB:

- To ensure that agencies in York have an holistic approach to tackling ASB, which emphasises prevention and changing behaviour.
- To deal quickly, sensitively and appropriately with all incidents of ASB in accordance with published procedures and legal remedies.
- To provide appropriate and sufficient support to victims and witnesses of ASB and to provide support to tackle the causes of ASB.

- To have effective working relationships at a local level with statutory and other agencies, for the sharing of information and tackling ASB.
36. Tackling ASB is key to promoting safer communities and so the strategy provides a plan for how City of York Council, Safer York Partnership, North Yorkshire Police and other partners can make a meaningful contribution to the overall aim of 'community safety'.
37. It sets out the evidence on which the above strategic aims, and future priorities have been based, and demonstrates the Council's plans for tackling ASB, and how the causes of ASB will be tackled in partnership with other agencies, organisations, the public and local communities. The strategy also addresses the quality of service to be offered to customers when they come to the council for help.