



# **ANTI SOCIAL BEHAVIOUR POLICY**

## **INTRODUCTION**

Ryedale District Council has developed a robust Anti Social Behaviour (ASB) Policy, which follows best practice and the latest government guidance.

This policy sets out the Council's approach to dealing with anti social behaviour and the principles that shape it. It also provides a context for our partnership work with district and borough councils, health, police, fire and rescue service and the voluntary sector.

There are many statutory duties that the Council is required to undertake which will have an influence on issues of anti-social behaviour. Statutes directly relevant to the Council's work on anti-social behaviour include the Crime and Disorder Act, the Children Act, the Anti-Social Behaviour Act and the Human Rights Act.

The success of the Council's work on anti-social behaviour will depend on departments fully engaging with the broad range of duties and powers that are available to them, and which in many cases we are required to undertake.

## **PURPOSE OF THE POLICY**

This policy describes the approach of Ryedale District Council, to tackling ASB. It supplements and should be read in conjunction with the following existing documents:

**RDC Housing Services ASB Policy**

**Ryedale Housing Association ASB Policy**

**RDC Enforcement Policy – Clean Neighbourhood Act**

**RDC Commercial Services Business Unit – Code of Practice on Enforcement**

**RDC Commercial Services Business Unit – Policy on Issuing Fixed Penalty Notices to Juveniles**

**RDC Commercial Services Business Unit – Enforcement Policy – Street Scene**

This policy provides guidance for members of the public living, visiting or working in Ryedale and staff within Ryedale District Council, on what the Council and its service providers will do about complaints of Anti Social Behaviour.

It also includes the ways in which we work with perpetrators of ASB and highlights that we should work together in partnership to tackle ASB and to support everyone to live in safe and secure communities.

It is important to recognise that a policy alone will not achieve reduction in ASB. Its implementation must be integral to all Councils, specifically, Sections 5 and 17 of the Crime and Disorder Act 1998 which make prevention of crime and disorder a statutory responsibility of the Council. Anti- social behaviour clearly falls within those sections.

## DEFINITION OF ANTI SOCIAL BEHAVIOUR

The Crime and Disorder Act 1998 defines ASB as conduct ‘that causes or is likely to cause, harassment, alarm or distress to one or more persons not of the same household as the defendant’. There are separate but similar statutory definitions relating to ASB in provided housing under the Housing Act 1996 and the Anti Social Behaviour Act 2003.

ASB can take many forms, and what may be tolerable or even acceptable in one location or circumstance, can cause harassment, alarm or distress in another. ASB covers a variety of activities including crime. The investigation of crime is primarily a matter for the Police, however, there may be instances where low level criminal allegations will be investigated jointly with, or, on occasions, solely by Housing Services, Environmental Health sections of the Council or any other relevant department, or Ryedale Housing Assoc.

For the purpose of this document, ‘low level’ ASB is defined as being of importance to the local community and which affects the quality of life, but which does not necessarily generate a purely police response.

### **TABLE ONE – Highlights issues in which the Police should take primacy, assisted by Ryedale District Council**

### **TABLE TWO – Highlights issues in which Ryedale District Council will play a greater role, working closely with the Police on criminal matters.**

<u>Table One Behaviour</u>	<u>Types</u>	<u>Agencies</u>
Violence against the person.	The investigation of assaults, including Domestic Violence, is primarily a matter for the Police. However, where this is part of a course of conduct, RDC should be involved in community reassurance.	Police, Housing Services, Ryedale Housing Assoc.
Drugs	Investigation of Supply and Possession offences remains primarily with the Police. However, RDC will have a role to play in gathering intelligence (e.g. drug litter and passing on information from the public) and assisting the Police.	Police, Housing Services, Ryedale Housing Assoc. Environmental Health. Commercial Services, Town and Parish councils
Sexual Offences	Underage sex; prostitution. Primarily a Police matter, but RDC will have a role in passing on information and providing support.	Police, Housing Services, Ryedale Housing Assoc., Environmental Health.
Harassment	Harassment is now a criminal offence under the Protection from Harassment Act 1997. Investigation of these offences lies primarily with the Police, but where this impacts adversely on the quality of community life, RDC will work jointly with them.	Police, Housing Services, Ryedale Housing Assoc.

<b>Criminal Damage and Vandalism</b>	<b>This a criminal offence, primarily investigated by the Police, but where this is considered to be anti social behaviour, RDC will jointly investigate. Examples are: Graffiti, Damage to Council property, damage to Ryedale Housing Association property, and other property managed by Housing Options Team, other damage impacting on the community.</b>	<b>Police, Environmental Health, Housing Services, Ryedale Housing Assoc., Commercial Services</b>
<b>Hate Crime</b>	<b>The investigation of offences motivated by racial, homophobic or faith hatred are matters for the Police. However, RDC have a role to play in providing support, reassurance, intelligence and information sharing.</b>	<b>Police, Ryedale Housing Assoc., Ryedale District Council</b>
<b>Alcohol Abuse</b>	<b>Alcohol offences are primarily for the Police to investigate. However, in cases of underage drinking, selling to underage persons, licensing issues, drunkenness, alcohol related misbehaviour (including disorder), RDC will be involved with information sharing, and undertaking joint covert operations.</b>	<b>Police, Safer Ryedale, Ryedale Housing Assoc., Housing Services, Environmental Health. North Yorkshire County Council</b>
<b><u>Table Two Behaviour</u></b>	<b><u>Types</u></b>	<b><u>Agencies</u></b>
<b>Noise</b>	<b>Neighbours, groups loitering, people leaving licensed premises are the most common type of noise nuisance. Such complaints will be investigated by RDC, but on occasion, Police assistance may be required.</b>	<b>Environmental Health, Ryedale Housing Assoc., Housing Services, Police.</b>
<b>Threatening Behaviour and/or Verbal Abuse</b>	<b>Threatening behaviour and verbal abuse amount to ASB, and where this affects the quality of community life, Police will investigate. Where threatening behaviour meets the criminal criteria, the Police will lead the investigation.</b>	<b>Ryedale Housing Assoc., Housing Services , Police.</b>
<b>Young People</b>	<b>The majority of young people are law abiding and well behaved. However, allegations of intimidating groups and/or nuisance behaviour by them will be investigated by the police.</b>	<b>Ryedale Housing Assoc., Housing Services, Environmental Health, Police. North Yorkshire County Council</b>
<b>Litter</b>	<b>Tackling litter is the responsibility of RDC, Commercial Services, who are introducing a robust stance on this issue.</b>	<b>Commercial Services, Ryedale Housing Assoc., Housing Services, Environmental Health.</b>
<b>Fly Tipping</b>	<b>Investigations into fly tipping are the responsibility of Environmental Health/Commercial services</b>	<b>Environmental Health.</b>
<b>Dogs</b>	<b>Allegations involving dogs concern fouling and noise. Environmental Health will investigate these. Dangerous dogs are dealt with by the Police.</b>	<b>Environmental Health, Police.</b>
<b>Empty and Neglected Properties</b>	<b>Environmental Health will investigate allegations concerning issues around empty and neglected properties.</b>	<b>Environmental Health, Ryedale Housing.</b>

No specific reference has been made in these tables to 'nuisance neighbours'. The reason for this is that the type of behaviour undertaken by such people/groups is covered by criminal legislation or other matters included in the lists and so does not require a separate category.

## **THE RYEDALE APPROACH**

The Ryedale Approach to dealing with ASB encompasses all aspects, including prevention and deterrence, enforcement, rehabilitation and where necessary, protection and support for victims and witnesses. Where appropriate, perpetrators are also referred to relevant support agencies. As each case is unique, so it is considered, investigated and dealt with on its own merits. Action taken depends on the nature and seriousness of each incident.

The key to determining whether or not behaviour is anti social, is the impact of the behaviour on the complainant and the community. The Ryedale philosophy is to stop the harm caused by ASB at the earliest time with the lowest level of formality possible.

## **THE COUNCILS AIMS**

**Ryedale District Council aims to:**

- Take firm action against any person found responsible for ASB.
- Use a wide range of preventative and diversionary activities to help tackle incidents of ASB.
- Work in partnership with other agencies and the local community to provide support for victims and witnesses of ASB.
- Share all relevant information on ASB with local partner agencies.
- Meet all Data Protection Act and confidentiality requirements.
- Consult and involve the local community in dealing with ASB.
- Establish monitoring, reporting systems and processes.
- Promote our policy, raise awareness and publicise successful cases.
- Provide tenancy support and floating support where appropriate and possible.

## **MULTI AGENCY WORKING**

Ryedale District Council is a member of the Safer Ryedale Crime and Disorder Reduction Partnership and, in conjunction with partner agencies, is committed to taking positive action to deal with all forms of anti social behaviour.

Ryedale District Council recognises that responsibility for tackling ASB cannot rest with one agency alone. Accordingly, all Council departments work together in support of the Councils capacity as a member of the Safer Ryedale Crime and Disorder Reduction Partnership (CDRP). Partners that contribute to the work of the CDRP and its wider crime reduction strategy include:

- North Yorkshire County Council
- North Yorkshire Police
- North Yorkshire Fire and Rescue Service
- North Yorkshire Trading Standards Department
- North Yorkshire Youth Offending Team
- Yorkshire Housing Association/Ryedale Housing Association
- North Yorkshire Primary Care Trust

Partnerships with other landlords, elected members, Town and Parish Councils and community groups are also vital when dealing with ASB, and the Council actively works to sustain and develop such partnerships.

# **ENFORCEMENT OBJECTIVES**

## **General Approach**

Best practice has shown that the most effective way of dealing with ASB is by adopting a balanced approach of early intervention mixing the three interventions of:

- **Prevention**
- **Education**
- **Enforcement**

Concentration on only one of these can result in short term, quick fix solutions which will not achieve the lasting improvement in behaviour and local quality of life, which is being sought.

Early intervention is also more cost effective and results in shorter periods of distress for victims.

These interventions will not be the Councils sole responsibility with the most effective remedies provided through partnership working.

**Examples of the three intervention areas are:**

### **Prevention**

**Teen Shelters  
Youth Clubs and Diversionary Schemes for Young People.  
Improving Street Lighting.  
Parenting Projects.  
Acceptable Behaviour Contracts.**

### **Education**

**Drug and Alcohol Education  
Working with Excluded Children  
Advising and empowering Communities to act for themselves  
Mediation**

### **Enforcement**

**Anti Social Behaviour Orders  
Parenting Orders  
Fixed Penalties (Dog Fouling and Litter)  
Injunctions  
On street alcohol seizures  
Formal Prosecution**

When dealing with cases of ASB, the needs of the wider community will always be of paramount concern. Accordingly, when less formal responses have been unsuccessful or are inappropriate, the Council WILL seek to resolve the problem by taking enforcement action. Where the urgent protection of the complainant or other member of the public is required, the Council will consider legal action as a first option.

Consideration will always be given to issues such as disability, mental health problems or drug and alcohol abuse on the part of alleged perpetrators. Where these matters are identified, the intervention and support of relevant partner agencies will be sought.

The need to contribute to the active rehabilitation of those convicted of ASB offences to prevent recurrence is also recognised, and again, the Council will support and cooperate with appropriate partner agencies to maximise the potential for rehabilitation.

## **COMPLAINANT AND WITNESS SUPPORT**

Complainants and witnesses will be kept fully informed at all stages and advice and reassurance offered whenever possible. Obtaining evidence or persuading witnesses to provide a statement and appear in Court can be difficult. Intensive witness support may be essential. Partnership working with local Police, Community Support Officers, Housing Officers and other professionals who work in the community is very useful in reassuring complainants and witnesses that support is readily available.

During investigation of ASB complaints, regular contact will be maintained with complainants and witnesses. Witnesses will be provided with all necessary information and kept up to date with the progress of the case, including any court hearings and decisions. In the event of the need to attend Court, the process and layout of the Court will be explained to them. When the Court makes a decision, witnesses will be informed expeditiously and provided, where necessary, with a copy of the relevant injunction, undertaking or order.

## **THE ANTI SOCIAL BEHAVIOUR PROCESS**

Complaints may be made verbally, in writing or via a third party (eg: elected representative). All complaints will be acknowledged either by personal visit, in writing or by telephone contact within five working days. Complaints, which involve criminality or the fear of violence, should be made initially to the Police on 999 (emergency calls) or 0845 6060247 (non-emergency).

Following the complaint, an investigating officer will interview the complainant and obtain a full statement if required. Where the complaint relates to an environmental matter, for example, noise, light pollution, or other statutory nuisance, the matter will be investigated by an Environmental Health Officer. Where the complaint relates to a dog or other animal, the Council Animal Welfare will investigate.

Where the complaint is one of general ASB, affecting the wider community, and where a multi agency response is required, a Crime and Disorder officer will be responsible for advising all appropriate agencies and if necessary, calling a case conference of interested parties. The officer is available to give advice and proactive support to members of the public and frontline Council staff dealing with complaints.

## **INFORMATION AND CONFIDENTIALITY ISSUES**

Any information provided in respect of an ASB complaint will be treated in strictest confidence. In particular, details of complainants will NOT be provided to alleged perpetrators. However, it must be acknowledged that if specific allegations are to be put to perpetrators, the source of the complaint may readily be established.

Section 115 of the Crime and Disorder Act 1998 provides for information sharing between agencies, for the purposes of crime or disorder reduction. Accordingly, the presumption will favour the sharing of information, in strictest confidence, with agencies such as the Police or Registered Social Landlord, who can assist in resolving the complaint.

In relation to sharing information other than for purposes of reducing crime or disorder, the principles of the Data Protection Act 1998 will apply, and information will not be shared without the consent of the subject.

Ryedale District Council will also work to ensure that residents of the District are encouraged and are able to report incidents, confident in the knowledge that they will be recorded and investigated.

## **POLICY ON THREATENING BEHAVIOUR TOWARDS STAFF**

Tackling ASB can be difficult for staff as well as victims. Council staff will do all they can to resolve complaints expeditiously and courteously, but it must be understood that there are legal and procedural issues to be followed which can sometimes cause frustration to complainants and alleged perpetrators alike.

Staff, have the right to undertake their duties without threats or intimidation. Ryedale District Council will not tolerate behaviour designed to threaten, intimidate or abuse its staff.

Where appropriate, the Council will not hesitate to seek legal remedies against those who threaten and abuse Council staff. Actions could involve exclusion from Council offices, exclusion from all properties managed by Housing Services, Injunction with power of arrest attached or Exclusion orders. More serious cases may result in criminal prosecution.

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**S. J. Clark**  
**Crime and Disorder Officer**

