

## ANTI SOCIAL BEHAVIOUR POLICY

<b>Lead Directorate and service:</b>	Communities and Environment Housing, Transportation and Public Protection
<b>Effective Date:</b>	1 June 2021
<b>Date Reviewed:</b>	April / May 2021
<b>Date Due for Review:</b>	1 June 2024
<b>Contact Officer:</b>	Nigel Brignall, Manager of the Anti Social Behaviour Team
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<b>Approved By:</b>	Cabinet – 13 October 2015. Approved by Interim Head of HTPP – July 2018 (minor changes), Head of HTPP – June 2021

### 1. **Background:**

- 1.1 Section 218A of the Housing Act 1996 as amended by Section 12 of the Anti Social Behaviour Act 2003 requires landlords, including local housing authorities to prepare and publish policies and procedures in relation to anti-social behaviour.

Section 17 of the Crime and Disorder Act 1998 places a duty on local authorities to consider crime and disorder in exercising all its duties. It is also recognised as good practice that enforcement and support teams within the Council should work together to tackle anti social behaviour, together with partners such as the Police, Fire and Rescue Service.

The Pilkington case highlighted the need to review the support offered to victims and the need for authorities to identify and support adults at risk of harm from anti social behaviour. The Care Act 2014 defines ‘Adults at Risk of Harm’ and identifies examples of ‘abuse and neglect’. This includes physical, sexual, discriminatory and psychological abuse, all of which may be deemed to be anti social behaviour. The Anti Social Behaviour, Crime and Policing Act 2014 revised tools and powers available for the Council and its partners to tackle anti-social behaviour and gave victims additional means of holding partners to account.

- 1.2 There are many powers available to local authorities and partner agencies to tackle anti-social behaviour. These include powers within the:

- Environmental Protection Act 1990
- Housing Act 1996
- Housing Act 1985
- Crime and Disorder Act 1998
- Police Reform Act 2002
- Anti-Social Behaviour Act 2003
- Licensing Act 2003
- Anti Social Behaviour, Crime and Policing Act 2014
- Sentencing Act 2020

1.3 It is also important that any policies and procedures to tackle anti-social behaviour are compatible with other obligations, including:

- Children Act 1989, as amended
- Local Government Act 2000
- Homelessness Act 2002
- Equality Act 2010
- Regulation of Investigatory Powers Act 2000, as amended
- Data Protection Act 2018 and UK General Data Protection Regulation (UK GDPR)
- Care Act 2014
- Human Rights Act 1998

## **2. Definitions for the Purposes of this Policy:**

2.1 There is no statutory definition of anti-social behaviour but the Crime and Disorder Act 1998 provided for the making of Anti-Social Behaviour Orders where a person has acted in a manner that caused, or was likely to cause, “harassment, alarm or distress to one or more persons not of the same household as himself”. Furthermore the Housing Act 1985 provides that where a tenant has caused nuisance or annoyance to a person “residing, visiting or otherwise engaging in a lawful activity in the locality” then a Local Authority can seek possession of the tenant’s property. More recently, the Home Office has defined anti social behaviour as ‘any aggressive, intimidating or destructive activity that damages or destroys another person's quality of life.’

2.2 For the purpose of this Policy anti-social behaviour is taken to refer to patterns of behaviour including:

- Violence or threats of violence against people and property.
- Intimidation and harassment.
- Criminal damage to property.
- Noisy and rowdy behaviour.
- Aggressive and threatening language and behaviour.
- Fouling of public areas.
- Using accommodation to sell drugs or for other unlawful purposes.
- Hate incidents, dealt with in accordance with the Hate Incident Policy
- Other conduct likely to cause harassment, alarm or distress to neighbours including acts which could be regarded as causing nuisance or annoyance.

2.3 Environmental anti social behaviour or crime may also be deemed to be anti social and whilst these issues undoubtedly affect the amenity of the area they do not generally result in distress, alarm or harassment to neighbours. These matters are therefore often addressed through the general enforcement of Environmental Protection, Planning legislation and through tenancy conditions, though could result in the issuing of a Community Protection Notice. Use of these powers is, or will be, covered in the relevant Enforcement policies and procedures.

2.4 Whilst some behaviours are anti-social, some are clearly not and the Council will not use anti-social behaviour tools and powers to deal with them. These include noise caused by a crying baby or someone hoovering in the afternoon and children playing safely in the street during the day.

2.5 Other phrases used in the policy are clarified below:-

- ‘Early intervention’ – Working with those who behave anti socially to give them an opportunity to change their behaviour before resorting to legal action;
- ‘Overt surveillance’ – Non-directed surveillance, where Council officers are going about their daily business, or surveillance where the Council tell the subject that surveillance may be carried out, including in writing or by the display of appropriate, prominent, signage in the area.
- ‘Covert, directed, surveillance’ – surveillance that is not intrusive but is carried out in relation to a specific investigation or operation in such a manner as is likely to result in the obtaining of *private information* about any person without them knowing this is taking place;
- ‘Persistent’ – Two or more incidents;
- ‘Diversionary Activities’ – Activities, such as twilight football, Us Girls sessions, Serves Tennis sessions and street play projects, that give young people positive things to do rather than behaving anti socially;
- ‘Lead Professional’ - can be from any agency as someone to act as a trusted, single point of contact for the child, their families and practitioners. The Lead Professional must ensure needs are identified, plans are made and reviews take place regularly. They must be accountable and responsible;
- ‘Troubled Families Programme’ – Anti Social Behaviour – Households with one or more under 18-year-old with a proven offence in the last 12 months *AND/ OR* Households where 1 or more member has an ASBO, ASB / Civil injunction, Criminal Behaviour Order, Acceptable Behaviour Contract (ABC), or where the family has been subject to a housing-related ASB intervention in the last 12 months (such as a notice of seeking possession on ASB grounds, a housing-related injunction, a demotion order, eviction from social housing on ASB grounds.

### 3. **Policy Statement**

- 3.1 The Council and partner agencies will seek as far as practicable given the resources available to:
- (a) Better understand the nature, causes and extent of anti-social behaviour throughout the East Riding of Yorkshire by effective multi agency working and information sharing. Examples of this are Schedules of Perpetrators and Victims or Community Intelligence Assessment meetings, as referred to in Section 9.5.
  - (b) Reduce the impact of anti-social behaviour on local communities by:
    - Educating and engaging with those at risk of offending;
    - Utilising appropriate control and prevention measures;
    - Increasing the number of successful interventions.

This will be done by using our resources in a targeted manner, such as providing dedicated support any person who enters into an acceptable behaviour contract.

- c) Provide information and reassurance to residents and support for those affected by anti-social behaviour, with priority given to adults at risk of harm.

A Personal Support Plan will be produced for any victim, assessed by the Council to be of medium or high risk of harm and will be managed by a dedicated officer until action taken reduces their vulnerability to a lower risk.

### 4. **Corporate Requirements**

4.1 The Policy supports the following two corporate priorities:

- Supporting vulnerable people, reducing inequalities - Supporting in times of need, protecting from harm and improving the quality of life;
- Maximising our potential – Working with others to support sustainable economic growth and strong communities, ensuring the East Riding is a great place to invest in, live, work and visit;

4.2 The Policy will also support the East Riding Community Safety Partnership Strategic Plan.

#### 4.3 Equality

An equality analysis was completed as part of the development of this Policy.

#### 4.4 Enforcement

Whilst enforcement action will be necessary, in certain circumstances, to tackle anti social behaviour, responsible services are not Regulatory Services<sup>1</sup>. However, the Council will base all decisions to take action against those who behave anti socially using material evidence and will use a reasoned approach and early intervention tools, wherever possible.

#### 4.5 Human Rights

Article 8 of the European Convention on Human Rights states that ‘everyone has the right to respect for his private and family life, his home and his correspondence’. Investigating allegations of anti social behaviour requires the collection and storage of evidence on a person who has, or is alleged to have behaved anti socially. Every effort will be made to collect evidence from witnesses or partner agencies or by the use of overt surveillance. Any covert, directed, surveillance will be in accordance with the Regulation of Investigatory Powers Act 2000, as amended by the Protection of Freedom Act 2012 and the Council’s Non-RIPA investigations procedure document.

As part of investigations, records will be kept. These records will be kept in line with the Councils Records Management and Data Quality Policy.

When collecting and/or storing data as part of investigations into anti-social behaviour, the Council will:

- only collect information that is required for a specific purpose;
- keep it secure;
- ensure it is relevant and up to date;
- only hold as much as is required and only for as long as necessary;
- allow the subject of the information to see it on request, subject to any restrictions within the Data Protection Act 2018 or Freedom of Information Act 2000, as amended.

Information will be shared by the Council and sought from partners in accordance with the Information Sharing Charter.

#### 4.6 Sustainability

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<sup>1</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/300126/14-705-regulators-code.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/300126/14-705-regulators-code.pdf)

Tackling anti social behaviour effectively will reduce levels of crime and assist in generating more prosperous neighbourhoods and communities within them. An example of this would be when the Health and Wellbeing Groups. Positive Activities Team supports a local activity project for young people to become self-sustaining, by providing training for volunteers and funding advice.

#### 4.7 Health

Providing positive activities through sport, physical activity and play give people an alternative to behaving anti socially. Getting involved can also help people to lose weight, improve self-esteem, increase energy, enhance social interaction and reduce depression, stress and dementia.

In particular, teenagers need to feel a sense of belonging to feel good about who they are. Positive activities help to promote healthy emotional and psychological development through a strong sense of belonging, which in turn leads to more positive behaviour within the community.

By sharing information about anti social behaviour and using early intervention tools and techniques to engage with people who behave in an anti-social manner also provides opportunities to address issues with alcohol consumption, substance misuse or teenage smoking at a very early stage which otherwise would not be available.

The use of court based tools and powers, such as Criminal Behaviour Orders or Civil Injunctions can also make offenders engage with support services, such as those providing drug and alcohol treatment.

### 5. Policy Development including Consultation

Communities Manager  
Service Manager Taskforce and Environmental Enforcement  
Public Protection Group Manager  
Health and Wellbeing Group Manager  
Group Manager – Transportation Services  
Head of Children and Young People’s Support and Safeguarding Services  
Head of Children and Young People’s Specialist Services  
Strategic Lead – Early Help  
Housing and Safe Communities Services Group Manager  
Head of Adult Services  
Head of Housing, Transportation and Public Protection  
Public Health Manager  
Solicitor, Legal Services (Litigation)  
Senior Policy Officer  
Senior Accountant  
Information Governance and Feedback Manager  
Engagement Officer, Office of the Police and Crime Commissioner

### 6. Links with other Policies

- Housing Allocation Policy
- Tenancy Policy 2019-2022
- Covert Surveillance Policy
- Procedure Document – Non Ripa Investigations
- Surveillance Camera Policy

- Equalities Plan 2020-2024
- Departmental Document Retention Schedules
- Records Management and Data Quality Policy 2018
- Data Protection Policy 2021
- Licensing Policies
- Safeguarding Policies
- Public Protection Enforcement Policy
- Youth Justice Plan
- Health and Wellbeing Strategy
- East Riding Reducing Re-offending Strategic Delivery Plan
- Sports Play and Arts Strategy

## 7. **Outcomes and impacts**

7.1 Tackling anti-social behaviour effectively has benefits for people and businesses throughout society. These include the protection of victims of anti-social behaviour, the provision of effective support to those who behave anti-socially, giving them a better opportunity to succeed in life without entering the criminal justice system, a reduction in the number of people evicted from their home, a reduction in the calls for service about anti-social behaviour and safer, happy communities. The Council has a number of performance measures to which anti social behaviour can impact on. These include:

- Reported incidents of anti-social behaviour;
- Rate of hospital admissions per 100,000 for alcohol related harm;
- Value of external funding attracted into the East Riding area;
- Percentage of ASB interventions resolved at first point of contact.

Services may also have their own internal indicators / targets.

In addition the Council's role in tackling anti-social behaviour will directly impact on outcomes within the Community Safety Partnership's Strategic Plan and also Plans of our partners, including the Police and Crime Commissioner's Police and Crime Plan.

## 8. **Policy Implementation**

### 8.1 **Sanctions Specific to Council Tenants**

- (a) Tenancy Obligations and Conditions – All tenants are subject to conditions of tenancy which require them to act in a reasonable manner and to avoid conduct which causes nuisance, annoyance or harassment to others. Harassment may include violence, abusive or threatening behaviour, graffiti, damage to property or racial or sexual harassment. The tenant is responsible for the conduct of members of his or her family, other residents including children and visitors to the property. Breaches of tenancy conditions are also grounds for the Council to seek possession through the Civil Courts. It is, however, for the Court to determine whether possession should be granted.
- (b) Housing Act 1985 (as amended by The Housing Act 1996 and The Anti-Social Behaviour Act 2003) – This Act specifically provides that nuisance behaviour or using premises for immoral or illegal purposes are grounds on which the Council can seek repossession of a council tenancy. The Act also provides that tenants who act in an anti-social manner may have the security of their tenancies demoted for a period of 12 months. Effectively this

means that they lose the rights of secure tenancy and the procedure to gain possession is simplified.

(c) The Anti Social Behaviour, Crime and Policing Act 2014 – Part five of the Anti Social Behaviour, Crime and Policing Act 2014 introduced a new absolute ground for possession of local authority tenancies where the tenant, a member of their household or visitor has met one of the following conditions (subject to any available human rights defence, including proportionality):

- Convicted of a serious criminal offence<sup>2</sup> in, or in the locality of, the property, affected a person with a right to live in the locality of the property or affected the Council or the Council's staff or contractors;
- Found by the Court to have breached a Civil Injunction;
- Convicted for breaching a Criminal Behaviour Order;
- Convicted for breaching a Noise Abatement Notice;
- The tenant's property has been closed for more than 48 hours under a Closure Order for anti-social behaviour.

The offence / breach must have occurred in the locality of the property or affected a person with a right to live in the locality or affected the Council, their staff/contractors.

The absolute ground for possession is also available to other landlords.

The Anti-Social Behaviour Crime and Policing Act 2014 also amended the current discretionary ground for seeking possession of local authority tenancies on anti-social behaviour grounds. Where the tenant, a member of their household or a visitor to the property engages in activity that causes nuisance and annoyance to the Authority or one of its employees or contractors in connection with the Authority's housing management functions the Court can grant possession of the property if it is reasonable to do so. The Act also provides a further discretionary ground for the Authority to seek possession where a tenant or an adult residing in the property is convicted of an indictable offence taking place at the scene of a riot no matter where that occurs within the United Kingdom.

## 8.2 General Sanctions

There are many tools and powers available to tackle anti social behaviour. These may be referred to in other policies, referred to in section six, or are the responsibility of our partners, such as Humberside Police.

(a) Criminal Behaviour Orders - Criminal Behaviour Orders (CBOs) are made by the criminal court following an application by the prosecutor either on their own initiative or following a request from the Police or Council. An application can be made following conviction for any criminal offence where the court is satisfied, beyond reasonable doubt that the offender has engaged in behaviour which caused or was likely to cause harassment alarm or distress AND that the court considers that making the order will help prevent the offender from engaging in such behaviour in future. A CBO can be made against anyone aged 10 or above and can include positive requirements on the offender requiring them to address the underlying causes of their behaviour. For example this may include attendance at a drug or alcohol clinic or attendance at a job readiness course.

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<sup>2</sup> <http://www.legislation.gov.uk/ukpga/2014/12/schedule/3/enacted>

Breach of a CBO is a criminal offence. For over 18's, the maximum penalty is five years imprisonment and for a person aged under 18, the sentencing powers in the youth court apply.

- (b) Civil Injunctions – Civil Injunctions can be sought in the County or High Court for over 18s and the Youth Court for under 18s on application by the Police, Council, Registered Social Landlord, Environment Agency or NHS Protect. Whilst Civil Injunctions are similar to CBOs in that they can include prohibitions and positive requirements, applications are generally made before any criminal conviction. The Civil Injunction is aimed at stopping individuals from engaging in anti-social behaviour quickly, nipping problems in the bud before they escalate. The Council and Police already use early intervention tools such as fairway letters and Acceptable Behaviour Contracts successfully once we have evidence to prove that a person is behaving anti socially, however Civil Injunctions will be considered if these do not address the behaviour or where there is a need to obtain a civil injunction to protect members of the public or Council employees and contractors.

The evidential test for a Civil Injunction is different to that for a CBO in that the court can grant an injunction if the claim is proved on the balance of probabilities, however, whilst not a criminal offence, breach must be proved to the criminal standard.

- (c) Acceptable Behaviour Contracts – Acceptable Behaviour Contracts provide an opportunity for individuals, whose behaviour is not acceptable to enter into an agreement with the Council and the Police, not to do specified things which it is alleged they have done in the past. During this time, perpetrators are provided with additional support to divert them away from their previous unacceptable behaviour. They last for a minimum of six months. If they are breached, this could result in an application to the Courts for a civil injunction, and where the perpetrator is a tenant could also lead to a possession claim in the County Court.
- (d) Fairway Letters – Fairway letters are used as a way to inform parents/guardians that their child has been involved in anti social behaviour. This gives parents a chance to deal with the behaviour within the family. Fairway letters can also be sent directly to adults where it is alleged they have engaged in anti-social behaviour.
- (e) Closure Notice / Order – Closure powers enable the Police or Council to quickly close premises which are being used, or are likely to be used, to commit nuisance or disorder. Closure Notices can be issued by the Council or Police and last for up to 48 hours where the following has occurred, or will occur, if the closure power is not used:
- Nuisance to the public;
  - Disorder near those premises.

The Closure Notice is issued out of Court and can prohibit access to a premise by anyone, except those who own the premises or live there.

Following service of a Closure Notice, an application for a Closure Order must be made to the Court within 48 hours even if the applicant intends to withdraw the Notice because it is deemed no longer necessary. If this is the case, the applicant must tell the Court they no longer wish to seek an Order.

For a Closure Order to be made by the Court, the following must have occurred, or would occur, if the Closure Order is not issued:



- Disorderly, offensive or criminal behaviour;
- Serious nuisance to the public;
- Disorder near the premises.

Closure Orders can last for up to six months and can prohibit access to the premises by anyone.

Both the Notice and Order can cover any land, or any other place, whether enclosed or not, including residential, business, non-business and licensed premises.

- (f) Community Protection Notice – Community Protection Notices (CPNs) can be issued by the Police or Council to stop a person aged 16 or over, business or organisation committing anti-social behaviour which spoils the wider communities' quality of life. Examples include noise nuisance below the statutory noise nuisance level, graffiti and accumulations of rubbish. This behaviour must:

- Have a detrimental effect on the quality of life of those in the locality;
- Be of a persistent or continuing nature;
- Be unreasonable.

CPNs can be issued following a written warning informing the person responsible of the problem behaviour and requesting them to stop along with setting out the consequences of carrying on with the behaviour. They can also include requirements which:

- restrict certain behaviour;
- instruct the recipient to carry out certain actions or enable reasonable steps to be taken to avoid further anti-social behaviour.

They also allow the Council to do works in default of the person responsible.

- (g) Statutory Noise Nuisance – Part III of the Environmental Protection Act 1990 relates to statutory nuisances. Where noise emanating from premises constitutes a statutory nuisance, the Council may serve an abatement notice. Where the person on whom the notice is served fails to comply with the term of the notice, an offence is committed and proceedings may be brought in the Magistrates' Court. There are also provisions for the seizure of noise producing equipment in certain circumstances. Noise nuisance can also constitute a breach of tenancy and where appropriate, the Council can consider serving a Notice of Seeking Possession under the Housing Act 1985 on Council Housing Tenants who are responsible for persistent noise nuisance. A conviction for breaching of Noise Abatement Notice is a mandatory possession ground and is likely to result in the Council seeking outright possession of Council property.

- (h) Public Spaces Protection Orders – Public Spaces Protection Orders (PSPOs) are designed to stop individuals or groups committing anti-social behaviour in a public place. 168 PSPOs were introduced by the Council (one for each Parish) and these cover the control of dogs, restrictions on the consumption of alcohol in certain areas and restrictions to access to public land (alleygating). Details of all Orders can be found on <http://www2.eastriding.gov.uk/living/crime-and-community-safety/anti-social-behaviour/> Orders must be reviewed every three years and this is routinely done by the Council.

The Council also consider requests for new Orders, including as part of a new housing development where a fenced play area is to be provided.

(i) Other powers

The Council may also use other powers to assist in tackling anti-social behaviour, for example to place restrictions on the sale of aerosol paints to children. The Council will also consider the use of ASB tools and powers in response to a range of behaviours, including Child Sexual and Criminal Exploitation (CSE / CCE). The Casey report, published in February 2015, highlighted the importance of using ASB tools and powers when responding to CSE and CCE, both in terms of disruption and prevention.

## **9. Joint Working and Information Sharing**

9.1 The Council has entered into a General Information Sharing Charter with Humberside Police and other partners. This provides for:-

- (i) Regular meetings at Authority-wide and operational levels between neighbourhood policing and local authority officers to discuss local issues and instances of anti-social behaviour, including those on housing estates.
- (ii) Appropriate procedures for the sharing by both parties of relevant information held on any individual as a result of their criminal or anti-social behaviour.
- (iii) The making available of empty properties to the Police for surveillance purposes.

9.2 Within the East Riding of Yorkshire, all partner agencies acknowledge that no one agency can tackle anti-social behaviour. The Anti-Social Behaviour team will lead on complex, multi agency issues. Individual agencies will investigate cases that involve only their service area. Cases where the perpetrator is a Council Housing Tenant will initially be investigated by Housing Services, however the Anti-Social Behaviour (ASB) team will become involved if the nuisance is severe or requires a multi-agency solution.

9.3 The Council will ensure that all information obtained during investigations into anti-social behaviour which has, or may have, links to CSE is shared with all relevant services and partner agencies and safeguarding concerns are raised with the Child Care Team.

9.4 Information will be shared with the Adult Safeguarding Team when concerns are identified regarding adults at risk of harm.

9.5 The Council may participate in Police led divisional meetings, such as the Tasking and Tactical Activity Co-ordination Group, at which information is shared on emerging issues and high profile incidents. Data on the use of interventions and good practice is also shared. More locally, the schedule of perpetrators and victims meetings, referred to in section 16.2, ensure multi-agency responses to anti social behaviour are considered at a local level. Except in emergencies or where an application for a CBO or Civil Injunction is to be considered, a multi-agency Case Conference will be held involving all agencies, such as the Police, school, Housing, Youth Offending Service and support providers. This ensures an effective, co-ordinated approach is given to tackling anti-social behaviour across the East Riding of Yorkshire.

9.6 Ad hoc local Anti-Social Behaviour groups will also be established in areas suffering the highest levels of crime and anti-social behaviour. Such groups to comprise representatives, as appropriate, from:-

- Housing Services.
- Other Landlords with properties in the area.
- Children, Family and Adult Services.
- Schools.
- Legal Services.
- Youth and Family Support service.
- Humberside Fire and Rescue Service.
- Humberside Police.
- Representatives of local Residents' groups.
- Members and Parish Councillors as appropriate.
- Anti-Social Behaviour Team.
- Health and Wellbeing Group (Sport and Active Communities Team, Play and Community Engagement Team).

9.7 The Council will also share information with Registered Social Landlords, Housing Associations and private landlords, as permitted by the Data Protection Act 1990, as amended and other relevant legislation.

## 10. Roles and Responsibilities

- (a) Housing Services – Housing – The primary responsibility for the management of Council housing and the enforcement of tenancy conditions rests with the Housing Services section of the Authority, as landlord. Where complaints regarding anti-social behaviour are received they will be investigated promptly. Where tenancy conditions are found to be breached, appropriate enforcement action will be taken. Early intervention tools, such as warning letters and/or Acceptable Behaviour Contracts will be used before possession is sought, except in serious breaches of tenancy. Where the alleged perpetrator lives in Council owned property, Housing Services will take the lead role and liaise with other agencies as appropriate.
- (b) Housing Services – ASB Team – will investigate and / or provide advice to victims on cases of anti-social behaviour where the perpetrator does not live in Council owned property, taking account of their vulnerability when determining what support to be provided. These will include both adults and children. The team will use early intervention tools, such as fairway letters and Acceptable Behaviour Contracts on those who behave anti-socially. The team will also ensure that action taken to address the behaviour of perpetrators and support provided to victims of anti social behaviour is reviewed on a regular basis. The team will co-ordinate work on tackling anti social behaviour on behalf of the Council with partner agencies.
- (c) Youth and Family Support – will engage with young people who are involved, or at risk of becoming involved, in anti social behaviour, providing diversionary activities and other support deemed appropriate. The service will also manage Court Orders on juveniles and deliver awareness sessions such as peer pressure, anger management and victim awareness. In addition they will provide support for parents whose children are behaving anti socially, if required. Officers from the Service will assess young people, completing Common Assessment Frameworks and becoming the Lead Professional in appropriate cases.
- (d) Health and Wellbeing Group ((Sport and Active Communities Team, Play and Community Engagement Team) – uses sport, play and physical activity to engage young people on the verge of or involved in anti social behaviour in positive, diversionary

activities, reconnecting them with their community. For example, the Positive Lifestyles and Street Games projects, using sport and other activities as a tool, offers young people the chance to develop their skills and confidence to reach their goals through education, employment and training opportunities. A wide range of other funded work contributes to children and young people being positively engaged, families feeling more empowered and older residents feeling safer. These programmes include street play, community art work, one to ones and family work (linked to Supporting Families) and Promoting Independence sessions for older people.

- (e) Environmental Control – will investigate allegations of noise nuisance including public nuisance from licensed premises, barking dogs, stray dogs, dog fouling, fly tipping on private land, and other environmental nuisances, using interventions such as warning letters, CPNs, Fixed Penalty Notices, Noise Abatement Notices and the seizure of equipment. Cases investigated by the Environmental Control team will sometimes include aspects of anti-social behaviour. Where this is found the Environmental Control team will liaise with the ASB team to ensure a coordinated approach to resolving such problems. The resolution and/or abatement of the problems dealt with by Environmental Control will improve the lives of residents.
- (f) Streetscene and Highway – will take action against people responsible for fly-tipping, littering, graffiti and other environmental crimes, working with partner agencies such as Humberside Police, using interventions such as Fixed Penalty Notices and CPNs. The service will also investigate reports of abandoned vehicles, organising their removal where necessary and deliver street cleansing programmes.
- (g) Supporting Families Programme – The programme, managed by Youth and Family Support, will identify families in the East Riding who require additional, targeted support. Three, area based, groups have been established consisting of officers from different Council Service areas and partner agencies and will focus purely on developing work with these families in line with criteria set by both the Government and the Council.
- (h) Passenger Transport Team – using the Buswise project, will respond to allegations of anti social behaviour on buses, including school buses, working with schools and the Anti Social Behaviour team to ensure the use of appropriate interventions.
- (i) Licensing – although the lead responsible authority for public nuisance under the Licensing Act 2003 is Environmental Control. The Licensing Team may also where relevant to do so investigate issues relating to public nuisance from licensed premises on the premises (including beer gardens) during trading hours and signpost to relevant services or work with the management of the premises to resolve the issues where appropriate. The Service provides taxi marshals on specific dates/events in main towns to reduce anti social behaviour on taxi ranks where funding is available.
- (j) Children and Family Services – Children’s services supports families where intervention is required to deal with difficult behaviour both within the family and externally. This can include theft within the home, acts of violence perpetrated against family members and general dysfunction leaving both parents/carers and child/young person feeling unhappy and distressed. Family members become both the perpetrators and the victims of anti social behaviour. The service will respond offering a range of individual work with the young person, family work and restorative work. The service will draw on the knowledge and skills of other agencies where appropriate. E.g. Community and Mental Health Service (CAMHS) where behaviour is identified within school as anti social.

Staff from Youth and Family Support will work with the young person in a variety of ways to address the issues. Where there are known groups displaying anti social behaviour Youth and Family support services will develop group work responses in or outside school.

- (k) Adult Services - The purpose of Adult services is to ensure that people with social care needs and carers are supported to access appropriate services to meet their needs. Adult services work to ensure that adults at risk of harm are safe and protected from abuse. Where there are issues about public protection, staff from Adult Services work closely with other statutory agencies such as Police or Mental Health, to ensure appropriate support and services are put in place.
- (l) Probation Service – A proportion of offenders managed under the East Riding Integrated Offender Management Team will be subject to CBOs. This multi agency approach ensures rapid enforcement of any breaches of Community Orders or Licences, whilst providing a premium service, fast tracking these offenders rapidly to the appropriate interventions.
- (m) Corporate Policy and Performance Team – The Council has a separate Hate Incidents Policy and hate incidents will be dealt with in accordance with that policy, led by the Corporate Policy and Performance Team.

## 11. Information Sources

11.1 Before any formal action can be taken on complaints of anti-social behaviour, evidence must be collected. This may be from a variety of sources including:-

- Residents;
  - Housing and other Officers;
  - Police;
  - Environmental Health Officers
  - Licensing Officers
  - Professional Witnesses;
  - Schools;
  - Closed Circuit Television.
- (a) Residents – local residents of the estate suffering the effects of anti-social behaviour are in the best position to give first hand evidence of anti-social behaviour. Understandably, however, some residents may be reluctant to do so because of the fear of retaliatory actions by those responsible. Residents may be assisted and supported by:-
    - Confidential Reporting to Housing or other Officers;
    - Use of Crimestoppers;
    - Neighbourhood Watch Schemes;
    - Residents Associations.
  - (b) Housing and other Officers – may personally witness incidents and can therefore give first hand evidence. The Courts may also be prepared to accept evidence from Housing or other Officers of specific complaints they have received from residents where those residents are reluctant to provide evidence themselves. Subject to the

proper recording, valuable evidence can be provided whilst still protecting the identity of complainants.

- (c) Police – in addition to sharing information and statements with Housing Services, the Police may also be able to provide either first hand evidence of incidents or evidence of complaints received. The Police may also undertake video surveillance where this is appropriate.
- (d) Environmental Health Officers – will provide evidence of public and statutory nuisance where they have investigated noise complaints, etc. and where proceedings under the Environmental Protection Act have been taken or are justified in relation to statutory nuisance.
- (e) Licensing Officers – may also investigate matters referred to in section 10 (i) of this Policy.
- (f) Professional Witnesses – the use of professional witnesses may be considered where officers are satisfied of the existence of anti-social behaviour but are unable to obtain evidence by other means. Any proposal to use private investigators or professional witnesses will be agreed with the Police in advance. The RIPA Policy would also be applied if professional witnesses are to be used.
- (g) Schools – may themselves be aware of or receive complaints about bullying, intimidation and anti-social behaviour involving pupils but occurring in the community.
- (h) Closed Circuit Television (CCTV) - closed circuit television can provide a valuable source of evidence regarding criminal and anti-social behaviour in public places. Systems may provide for real time monitoring with a control room operator available either for 24 hours a day or at peak times only. Alternatively a recorded system may be used which provides a source of evidence after the event. CCTV systems have proved an effective tool in combating crime and the fear of crime and will be considered as part of this anti-social behaviour strategy. Systems can be expensive to install and the following criteria would need to be taken into consideration:-
  - the level of criminal and anti-social behaviour in the area;
  - the effects of this behaviour on the local community;
  - the cost of combating this behaviour, of repairing vandal damage, of securing empty properties and any consequent loss of revenue to the authority; and
  - the projected benefits resulting from the installation of CCTV.
  - The implications (if any) of the Regulation of Investigatory Powers Act 2000 (as amended)

## **12. Operational procedures for Individual Incidents**

### **12.1 Confidentiality**

All reports of anti-social behaviour will remain confidential. The names of complainants will not be revealed in any instance without the prior approval of the complainant. This will be

recorded by the relevant agency. The names of individuals on Acceptable Behaviour Contracts will only be passed to statutory agencies, although the general disclosure of types of behaviour which perpetrators have agreed will not take place can be publicised without the names of the perpetrators.

## 12.2 Publicity

When a court imposes a CBO or Civil Injunction on an adult, that information can be reported by the media. The local authority will not publicise any information or comment on information issued by partner agencies if the individual is aged under 18, without authorisation from the Head of Housing, Transportation and Public Protection. The Council may publicise details of those aged 18 or over who receive a CBO or Civil Injunction and may comment on information issued by partner agencies, on request.

Applications for Closure Orders are normally considered in open court at the Magistrates Court and unless reporting restrictions are imposed, there will be no restrictions on publicity. To assist with enforcement of the Order the Council will routinely publicise the making of a Closure Order unless there are circumstances which would mean that this was not appropriate. Any decision will be made by the Manager of the Anti Social Behaviour Team, in consultation with others as required. However it is acknowledged that an Order made in open court could still be publicised in the media without comment by the Council.

## 12.3 Surveillance

When conducting investigations, officers will consider whether surveillance is necessary to substantiate alleged incidents of anti-social behaviour in the absence of corroborated proof. All surveillance carried out by the Council will be proportionate to the level of behaviour. Overt surveillance using CCTV cameras will be considered if deemed proportionate, subject to displaying signage in the area. Covert surveillance will also be considered in cases where victims are at serious risk as a result of unacceptable behaviour and evidence gathered could lead to a prosecution resulting in a custodial sentence of six months or more. The Council's Covert Surveillance Policy will be followed in those circumstances. In some circumstances the Council's Non-RIPA investigations procedure document will also be considered.

## 12.4 Investigation of Complaints and Action to be Taken, where practicable and resources allow

- (a) On receipt of a complaint of anti-social behaviour an investigation will be initiated within three working days liaising with the Police and/or other agencies, such as Children and Family Services, as appropriate. Whenever practicable, officers will seek to complete their investigations within 10 working days, though in some cases this may take significantly longer.
- (b) If following investigation, the officer is satisfied that the complaint is justified, a plan of action will be agreed with the complainant(s). This may involve the complainant(s) keeping a diary of future incidents, contacting the Police regarding any criminal activity or providing statements. The person responsible for the alleged behaviour (or in the case of children, their parents or guardian) will be interviewed, subject to the complainant giving their approval to put allegations to them. If there is strong supporting evidence a warning as to future conduct may be given. Council tenants will be advised of the consequences of failing to comply with their tenancy conditions which could ultimately result in the loss of their home. Officers will seek the co-operation of that person and wherever possible offer advice on the steps that might be taken to minimise any nuisance. If it is apparent that there is ongoing conflict between

neighbouring families an offer of mediation may be made. Where the behaviour is of a criminal nature, and substantiated by the Police, a joint warning letter may be sent.

- (c) If during the investigation process it becomes apparent there are circumstances which may affect the alleged perpetrator's behaviour, such as support needs, a referral will be made to the relevant support services provider (e.g. CAMHS) prior to any enforcement action being taken, subject to the receipt of any required consent
- (d) Where nuisance or anti-social behaviour continues (and subject to the adequacy of evidence), the perpetrator may be given an opportunity to enter into an Acceptable Behaviour Contract. Consideration will also be given to the use of Civil Injunctions, CBOs, demotion of tenancies or other legal and non-legal remedies where appropriate. Officers may serve a Notice of Seeking Possession on Council tenants in the event of persistent anti-social behaviour or in the event of a serious breach of tenancy, as determined by the Director of Environment and Neighbourhood Services, with advice from the Director of Corporate Resources, as required.
- (e) Applicants will not be eligible for admission to the Housing Register if the Council is satisfied that he or a member of his household is considered to have been guilty of unacceptable behaviour which in the Authority's view makes him unsuitable to be a tenant and which, if that person were a tenant of the authority, would entitle the authority to seek a possession order.
- (f) Any decision to institute legal proceedings rests with the Director of Corporate Resources (or officers under delegated authority) will have regard to the specific circumstances of each case. The Council will review any CBO or Civil Injunction served on an individual aged under 18 on an annual basis, or sooner if deemed appropriate
- (g) If a complainant, or a person acting on their behalf, is not happy with the response given by the Council or its partner agencies, they can request that the actions taken be reviewed, subject to meeting the following threshold, by activating the Community Trigger.

“If an individual has reported at least three incidents of Anti-social Behaviour to the Local Authority, Police, a registered Housing Provider (Social Landlord) and/or local Clinical Commissioning Group in the last six months and they consider there has been no action taken or insufficient action has been taken.

Or

Where at least five individuals in the local community have individually reported similar incidents of Anti-social Behaviour to the Local Authority, Police, a registered Housing Provider (Social Landlord) and/or local Clinical Commissioning Group in the last six months and they consider there has been no action taken or insufficient action has been taken given that they have had a reasonable time to respond.”

Decisions will be made in accordance with the process attached at Appendix A.

### **13. Victim and Witness Support**

- 13.1 The Council will work with the courts, police and voluntary agencies to provide support for victims of crime and anti-social behaviour, where it is practicable and resources allow.



- (a) When a report of anti social behaviour is received and the victim is deemed to be of medium or high risk of vulnerability, officers will prepare a Personal Support Plan, in consultation with partner agencies and other Council services and be in regular contact with the victim and the case investigated as a priority. Victims deemed to be of a lower risk of vulnerability will be given advice and the case will be investigated as resources permit. Vulnerability will be reassessed on a monthly basis for those who are medium or high risk and for those deemed to be of a lower risk, if a further incident takes place.
- (b) Residents who are victims of anti-social behaviour are in the best position to give evidence against offenders, however they can, on occasion, be understandably reluctant to do so because of fear of reprisals and intimidation. The Council therefore recognises the need to provide support and assistance for victims of anti-social behaviour, those who give evidence and require support or protection and those who are afraid to come forward.
- (c) In the case of witnesses who require protection, officers will support them and liaise with the Police to provide specialist support and assistance as appropriate having regard to the circumstances of each case.
- (d) The Housing Allocation Policy gives additional priority for rehousing to the victims of anti-social behaviour but care needs to be exercised in the use of these provisions because:-
  - (i) moving the victim away from the nuisance neighbour is unlikely to solve the problem and gives the wrong message to the perpetrator;
  - (ii) some Council estates are unpopular for a variety of reasons and tenants who are keen to move to other areas will on occasions claim to be the victims of such behaviour without any evidence to substantiate this.

Housing Officers will therefore require independent corroboration, usually from the Police, of any alleged anti-social behaviour or victimisation. Before any housing is offered, the Police must be of the view that there is a significant risk of violence towards the tenant or others named on the tenancy agreement unless they are rehoused.

- (e) The allocation of additional priority as in (d) above is unlikely, in itself, to secure early rehousing and may be of little practical assistance where families need to be removed from an area for their own safety. Where families flee their homes and can satisfy the Council that they are unable to return because of such fears for their safety, the Council will regard them as homeless and will provide temporary alternative accommodation pending completion of any enquiries. Any claims that it is necessary for the family to be permanently relocated will again need to be supported by the Police. No offer of a permanent re-location on the grounds of fleeing violence, excluding Domestic Violence, will be made unless the Police have completed a threat assessment and deemed that there is a threat to life or harm of one or more occupants.
- (f) Where residents are given additional priority and rehoused as the victims of criminal or anti-social behaviour, they will normally be required to provide a written witness statement prior to moving to enable the Council to pursue action against the perpetrators.

- (g) When a victim activates the community trigger and meets the threshold, they will be offered a referral to Victim Support.

#### **14. Domestic Abuse**

- 14.1 The East Riding of Yorkshire Council recognises that Domestic Abuse is a serious crime and a violation of a basic human right – the right to live free of fear, threats and abuse (Article Three of the Human Rights Act 1998). The Council, in pursuit of the corporate priority Supporting Vulnerable People, Reducing Inequalities, is committed to taking all reasonable steps to combat the reality and impact of domestic violence and abuse on individuals, on children and on other family members affected by domestic violence and abuse and to challenge the behaviour of the perpetrators.

#### **15. Harassment**

- 15.1 The Council welcomes and recognises its responsibilities as an authority servicing a diverse population to ensure that there is equality of opportunity irrespective of race, gender, disability or sexual orientation. Hate Incidents or racial (or other) harassment will not be tolerated and we will work closely with residents, the Police and other agencies to investigate and take appropriate action to prevent them occurring.

#### **16 Prevention of Anti-Social Behaviour**

- 16.1 Within the East Riding, all partners are committed to preventing anti-social behaviour as an alternative to taking legal action against perpetrators. These activities include:

- Active involvement from the Youth and Family Support service with young people in, or at risk of entering, the criminal justice.
- The delivery of effective education as part of the Personal, Social, Health and Citizenship education programme within all schools across the East Riding of Yorkshire.
- Allowing perpetrators the opportunity to improve their behaviour by entering into Acceptable Behaviour Contracts rather than seeking legal solutions.
- Considering the use of demoted tenancies in appropriate cases where anti-social behaviour has taken place and the use of support packages to give tenants the opportunity to improve their behaviour.
- The use of Pastoral Support Plans within school to give pupils the opportunity to improve their behaviour as an alternative to permanent exclusion.
- The use of positive requirements to support those who are the subject of a CBO or Civil Injunction.
- The use of other best practice techniques used in other areas.
- To offer support to parents who children are behaving unacceptably.
- Identifying families as part of the Supporting Families Programme, some of whom are engaged in anti social behaviour, and provide additional, targeted, support.
- Provision of prevention programmes by the Sport, Play and Arts Service such as those on Council estates aimed at helping communities to overcome antisocial behaviour issues, using low-cost schemes with long-term impact e.g. in partnership with the Regeneration and Tenant Development Teams art and play sessions were organised with the community in Baptist Place, Bridlington, and as a result graffiti in the immediate area was reduced.

#### **16.2 Early Intervention**

Working with Humberside Police, the ASB team, where it is practicable and resources allow, will prepare and issue fairway letters to those behaving anti-socially, identified by Humberside Police, forwarding a copy to Principal Housing Management Officers if they live in a Council property to enable consideration to be given to Housing interventions. Copies will also be sent to relevant agencies, for example Humberside Fire and Rescue Service should the incident be fire-related. The ASB team will take the lead role in introducing and monitoring Acceptable Behaviour Contracts, with dedicated support for those aged under 18 managed by the Youth and Family Support Service. Referrals will also be made to the East Riding Voluntary Action Service, subject to receiving consent, enable individuals to participate in voluntary work, giving them skills that they can use in the future.

The ASB team will also hold regular schedule of perpetrator and victims meetings with Humberside Police, Housing Officers and Humberside Fire and Rescue Service at which the behaviour of those persistently behaving anti-socially is monitored and further actions agreed, support agreed for medium and high risk vulnerable victims and consideration of action in areas where anti-social behaviour is a regular problem to residents.

### 16.3 Education

The Council will take steps to educate all children and young people in socially and morally responsible behaviour to help them become involved in the life and concerns of their local community. In addition, the Council will provide general information to the public and advice to tenants to assist in the understanding of what constitutes anti-social behaviour, explaining how the Council and its partners are seeking to address these issues and suggesting how community groups can contribute to, and take the initiative in, developing local solutions. Presentations on the consequences of behaving anti socially and the impact this has on communities will be delivered in schools where levels of anti social behaviour are of concern.

### 16.4 Working with the Community

Neither the Council nor the Police can effectively address issues of anti-social behaviour without the support and co-operation of the local community. Local residents are best placed to understand the causes and consequences of anti-social behaviour in their neighbourhood and must be closely involved in developing local action plans for dealing with this. The Council will therefore seek to involve representatives of resident groups in local anti-social behaviour groups established under section 9.6 of this Policy. The Council will also actively promote the establishment of neighbourhood watch groups in areas where anti social behaviour is taking place and will support existing groups in these areas. The Council will also proactively encourage local crime reduction community resilience projects.

### 16.5 Troubled Families

The Troubled Families programme will ensure additional support is provided to those families most in need in order to minimise the risk of their involvement in further acts of unacceptable behaviour.

## 17. **Working with other Housing Providers**

17.1 Those social housing tenants responsible for behaving in an anti social manner put themselves at risk of tenancy enforcement action. Those who live in accommodation provided by private landlords may also put themselves at risk of similar action. The Council will share information and support other Housing providers to enable their use of early intervention tools and offer

guidance and support to them in developing effective policies in order to deal with anti-social behaviour. The use of legal remedies by other housing providers will be the responsibility of that landlord, however the Council will provide supporting evidence to them subject to the provisions of the Data Protection Act 1990, as amended and other relevant legislation.

## **18. Financial Implications**

18.1 Funding for the delivery of this policy is from a variety of sources, the Council's core budget, the Housing Revenue Account, ring-fenced government funding to support troubled families and funding provided to the Council from the Police and Crime Commissioner via the Community Safety Partnership to tackle anti social behaviour. Other external funding opportunities will be sought, where applicable.

## **19. Evaluation**

19.1 The Policy will be reviewed in April 2024, by Nigel Brignall, Manager of the Anti Social Behaviour Team. Performance will be monitored within individual service areas and included within the annual Joint Strategic Intelligence Assessment submitted to the Community Safety Partnership.

19.2 Customer feedback received by individual services will be used to help review the response to anti-social behaviour with the aim of further improving support for victims and minimising the risk of perpetrators causing further nuisance in the community.

## **20. References**

These are included within footnotes throughout the policy.

EAST RIDING COMMUNITY TRIGGER

APPENDIX A



