

# Antisocial Behaviour Policy (ASB) Briefing

Policy and Project Advisory Board – September 2023

## Context

Rushmoor Borough Council have a range of tools and powers to address all forums of nuisance as a responsible authority of the Safer North Hampshire Community Safety Partnership as defined by the Crime and Disorder Act 1998. This act requires the Council to work with Police and other agencies to tackle crime, disorder and ASB across Rushmoor and as an authority are scrutinised on our actions on an annual basis.

The council has an in-house Community Safety Team (CST) who work with other internal departments to address complaints, as well as key partner agencies including Hampshire Constabulary, Hampshire and Isle of Wight Fire and Rescue Service and local Housing Associations. Where appropriate the Council will lead an investigation into a complaint of ASB, involving other agencies as and when required.

The Crime and Disorder Act (1998) defines ASB as: “Acting in a manner that causes or is likely to cause harassment, alarm or distress to one or more persons not in the same household as (the defendant)

As with many other local authorities the council does not currently have a formal ASB policy, but is keen to set out the following for all residents in the interests of transparency and managing expectations:

- Responsibilities with regard to ASB
- Definition of ASB and what the council will investigate
- Agreed response times
- Reporting procedures
- Tools and powers
- Enforcement
- Patrolling and investigation
- ASB case review
- Available support
- Complaints procedure

## What is and isn't ASB?

ASB is defined as:

- Any act that causes, or is likely to cause, harassment, alarm or distress to one or more persons not of the same household

Examples of this type of behaviour could include:

- Rowdy or inconsiderate behaviour
- Threatening behaviour or intimidation
- Neighbour nuisance, excluding civil matters
- Littering or drug paraphernalia
- Street drinking and other drug use
- Nuisance noise

- Aggressive begging
- Vehicle nuisance or inappropriate use of vehicles
- Vandalism and criminal damage

The Council does not regard the following types of behaviour as ASB and therefore will not investigate complaints as such:

- Serious criminal matters which are the remit of Police e.g. knife crime, other serious violence, domestic abuse, vehicle crime, robbery, burglary etc
- Persons using public facilities during reasonable daytime and evening hours (e.g. playing in a playpark, using a skate ramp or use of a sports pitch) where they are not making excessive noise, obstructing access to public space or causing damage
- Neighbour disputes involving land boundaries or location of waste bins or other civil matters
- Reasonable noise from vehicles on the highway carrying out normal activities
- Reports of inconveniently or illegally parked vehicles
- Homeless individuals whereby there are no associated negative behaviours e.g. street begging, street drinking, harassment etc

If any of the above falls under the remit of another Council department or agency, the CST will pass the complaint to the other relevant department or seek permission to share the information with an outside agency if applicable.

## Tools and Powers

The council have access to a number tools and powers including but not limited to the below:

### **Warning letters**

Warning letters are typically sent to parents of young persons regarding public ASB committed by youths, or households where a complaint of cannabis use has been received. These warning letters are not legally enforceable.

### **Acceptable Behaviour Contracts (ABCs)**

An ABC is a voluntary signed agreement between the person in question and various members of the Community Safety Partnership including Rushmoor Borough Council, the police, registered social landlords and Hampshire County Council.

ABCs are designed to give those involved the chance to admit their actions, and realise the effects they have had on others.

These contracts explain that the bad behaviour must stop, and say what may happen if it doesn't. They aren't legally binding, but they can be referred to in court if the behaviour continues.

### **Community Protection Warnings and Notices (CPW/CPN)**

A notice requiring a person aged 16 or over, business or organisation which can require them to stop a certain behaviour. A notice can also contain positive requirements which an individual, business or organisation must carry out. The penalty for breach of a Community Protection Notice is a fixed penalty notice up to £100, or a fine of up to level 4 for individuals, or a fine for businesses.

### **Closure Notice and Order**

A notice and subsequent order allowing the police or council to close premises which are being used, or likely to be used to commit ASB. Penalty for breach of a notice is up to three months in prison, and penalty for breach of an order is up to 51 weeks in prison. Breach of either is also liable to an unlimited fine.

### **Criminal Behaviour Order (CBO)**

A CBO is used against those committing serious ASB and is aimed at tackling the most serious and persistent offenders. It can be applied for post-conviction in any criminal court. A CBO can include prohibitions for certain behaviours, as well as positive requirements. There is a minimum two year term, and breaching a CBO is a criminal offence.

### **Public Spaces Protection Order (PSPO)**

An order restricting certain types of behaviour in a specific area, allowing police and other authorised officers to request an individual stops doing something. A Fixed Penalty Notice can be issued for breach of this order.

## **Day to day picture**

The CST deal with public and partner enquiries on a daily basis. For 2023 so far 169 direct public enquiries via our team inbox have been dealt with which include:

- Neighbour nuisance
- Cannabis and other drug complaints
- Signposting to partner agencies
- Coordination of responses between agencies
- Youth nuisance

In addition during 2023 so far the CST has been copied in to 627 101 reports taken by Police whereby Police believe it to be relevant to the council. Relevant reports are copied to the Council for assessment and potential further action.

During 2023 so far Council officers have carried out 158 patrols in ASB hotspots.

## **Other useful information taken from the annual Strategic Assessment**

Hampshire Constabulary records ASB under three primary categories. The first is ASB – Community (previously ASB – Nuisance), which includes incidents that cause problems to the local community in general. Environmental ASB includes incidents where individuals and groups have an impact on their surroundings, and Personal ASB identifies incidents deliberately targeted at an individual or group.

In 2022/23 there were 1,338 reports of ASB to the police in Rushmoor. This figure represents no significant change compared to 2021/22 and a 30% (n570) reduction compared to 2019/20 (pre pandemic).

As in previous years, ASB across the Rushmoor area was higher during the summer months, with the most reports occurring in August (13.6%, n182). Reports were higher Friday to Sunday (47%, n630) and incidents increased throughout the day and were highest between 14:00 and 21:59 (50%, n671).

The majority of ASB reports in Rushmoor were classified as ASB Community (89%, n1184). ASB Personal accounted for 7% (n94) while ASB Environmental made up just 4% (n60) of total recorded incidents in 2022/23.

In 2022/23 the key issues for Rushmoor District in terms of ASB were, youth related ASB (23%, n312), neighbour nuisance (18%, n242), vehicle nuisance (14%, n191) and drug related incidents (12%, n158).

More information on the strategic assessment can be found on our [Safer North Hampshire Community Safety Partnership webpage](#).

## Next steps

Following the Policy and Projects Advisory Board meeting, officers will draft the policy in consultation with the portfolio holder. It is intended to be presented to Cabinet on the 21 November.