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Guide: How can the Anti-social Behaviour Act help you?

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1. What counts as anti-social behaviour?

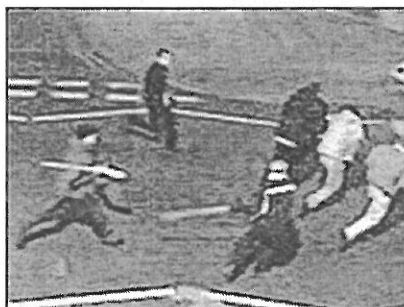
Are you intimidated by gangs on street corners? Does your area feel like a graffiti exhibition? These are just some of the problems that can be combated by the Anti-social Behaviour Act 2003.

It has given the police, councils, housing officers and others the tools to deal with the kind of problems that afflict community life. Local residents are encouraged to watch out for and report incidents of anti-social behaviour.

The government has highlighted a number of types of anti-social behaviour. They are:

- Local troublemakers and intimidating groups
- Nuisance neighbours
- Crack houses
- Air weapons and imitation firearms
- Graffiti and vandalism
- Fly-tipping and litter
- Beggars
- Abandoned cars
- Trespassers

There are ways of addressing anti-social behaviour without having to resort to the powers under the act. Indeed the new laws encourage informal agreements or contracts between parties to improve behaviour. For more information on dealing with some of these problems read the iCan guides, [How to deal with graffiti](#) and [How to deal with nuisance neighbours](#).



Gangs can now be dispersed by the police

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2. Tackling gangs and troublemakers

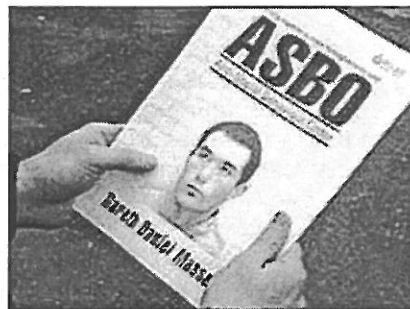
Much anti-social behaviour is caused by groups of young people and children. The police and local authorities can now rely on the following measures:

Dispersal of groups: Police and community support officers can break up and ban for up to 24 hours groups who have harassed or might harass others in designated areas. If they refuse to go they can be given a fixed penalty notice—a type of fine. Areas can also be designated as no-go zones for certain people by the police in consultation with the local authority. Police will also be able to take home unsupervised children found in such areas after 9pm.

Acceptable behaviour contracts: A voluntary written agreement between someone who has been involved in anti-social behaviour and a local institution such as the police or a council. This lists a number of acts in which the person might have been involved, such as graffiti or intimidation. By signing the contract they agree not to continue with such behaviour. If a contract is broken, the person may be served with an anti-social behaviour order.

Anti-social behaviour orders: Anti-social behaviour orders are meant to protect the community from behaviour that causes alarm or distress. It prevents the offender from committing specific anti-social acts or going to certain areas. It lasts for a minimum of two years. An order can even prevent somebody from associating with certain named people.

A member of the public cannot apply for an anti-social behaviour order but local authorities, the police and registered social landlords can. However, they still depend on local people to collect evidence and to keep an eye out for breaches.



Locals are told to look out for ASBO breaches

If there are examples of anti-social behaviour in your area or if you have been the victim of such behaviour you can approach the anti-social behaviour team at your local council or police station. They will look into your allegations and check the police, probation and social service records for the person concerned.

The anti-social behaviour process is person-focused rather than event-focused and hearsay can be submitted as evidence. Once all the necessary checks have been completed they will decide whether to proceed. Victims do not have to appear in court, they can simply supply witness statements. In fact, you can simply alert the police or council to a problem and they will drive the process forward themselves.

The breach of an anti-social behaviour order is a criminal offence, for which someone can be arrested and imprisoned for a maximum of five years.

Airgun controls: A young person must be 17 before they can own an air weapon. It is against the law to make a gift of an air weapon to anybody under 17.

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3. Tackling parents of troublemakers

There are a range of measures to hold parents responsible for the behaviour of their children.

Parenting contracts: These are voluntary arrangements where both the parents and an institution such as a local authority youth offending team agree a system for improving a child's behaviour. Schools and local education authorities can now enter into parenting contracts with the parents of a child who has been a truant or excluded from school.

Parenting orders: These are imposed by a court and previously could only be used when a child or young person was convicted of a crime. They can now be used when a child or young person has engaged in anti-social behaviour or criminal conduct. Parents will be required to attend a residential parenting course and are responsible for making sure their child goes to

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school. Failure to obey the order could mean a hefty fine.

Penalty notices: Local authorities, head teachers and the police are able to issue fines to parents if their child plays truant. If the penalty is not paid then the local authority can bring a prosecution.

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4. Dealing with anti-social neighbours

From crack houses to noisy neighbours, it is now much easier for the police, local authorities and social landlords to act against families and households who display persistent anti-social behaviour. If you make a complaint to any of these bodies they can take advantage of new measures:

Landlords to publish action plans: Social landlords (local housing authorities, registered social landlords and housing action trusts) now have to publish guidelines explaining how they deal with anti-social behaviour.



More powers to deal with nuisance neighbours

Court injunctions: Local authorities already have the power to go to court on the same day as a disorderly incident. The same powers are being given to registered social landlords and housing action trusts. The circumstances in which all of these landlords can seek injunctions are now also being widened. They can now:

- Exclude certain people from areas where they have caused trouble
- Obtain a power of arrest or an exclusion order where there has been anti-social behaviour but no violence or threat of violence, for example emotional or psychological harm
- Apply to court for a 'demotion order' that replaces a tenant's existing tenancy with a less secure type of tenancy, removing their right to buy for at least a year

You don't have to be in social housing to take advantage of these measures. Private homeowners can also ask their local authorities to use their newly widened powers to help them deal with anti-social neighbours.

Nuisance neighbours panels: These are new bodies, which will be made up of experts from local authorities, the police and voluntary organisations. Their role will be to liaise with the community and help find solutions for difficult families. These panels are largely set up to help social landlords such as housing associations sort out disputes.

You can read the iCan guide, **How to deal with nuisance neighbours** for more on the subject.

Getting rid of crack houses: The police now have the power to close houses being used by drug dealers, for up to six months. If a house in your area is causing serious nuisance, and if you suspect that it is being used by drug dealers, then let your local police station know. They can get a Closure Order from court as long as:

- The premise is connected with the production, supply or use of Class A drugs
- The premise is associated with disorder or serious nuisance
- It can be proved that a Closure Order will prevent a serious nuisance from happening again

High hedges: Neighbours who cannot resolve their disputes over high hedges will in future be able to appeal to their local authority to intervene.

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Local authorities are currently powerless to act on high hedge disputes and existing common law rights do little to prevent the problems high hedges cause.

The new legislation will mean that councils will be able to issue formal notices ordering the hedge to be cut. And if the owner of the hedge does not, they could be faced with a fine of up to £1,000 or the council will cut the hedge back themselves.

The council will only consider complaints where:

- The hedge is evergreen
- Over two metres high
- Blocking out light
- Access or 'reasonable enjoyment' of neighbours' property is affected

Find out more information from the **Office of Deputy Prime Minister** website.

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5. Graffiti and litter measures

New laws to tackle graffiti and litter include the following:

It is an offence to sell spray paints to under 16s

- Fines can be issued in relation to minor graffiti and fly-posting offences
- Local authorities can issue clean-up notices to owners of street furniture such as phone boxes. If the property is not cleaned in 28 days the authority can remove the graffiti themselves and charge the owner for this service
- Local authorities can already issue 'litter abatement notices' that compel the owner of littered land to clean it up. If the notice is ignored the council can enter the land, clean it up themselves and recover the cost through the courts. They can now enter and clear Crown Estate land and the land of 'statutory undertakers' such as railways and port authorities



Graffiti offenders will get on-the-spot fines

You can read the iCan guide, **How to clean up your street** if you want to take action yourself.

You can read the **Anti-Social Behaviour Act** on the HMSO website.

You can also get more information from the **Home Office Anti-Social Behaviour Unit**.

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6. New anti-social behaviour rules in Scotland

The Scottish Parliament passed the **anti-social behaviour bill** in June 2004. The legislation includes:

- The power to disperse groups of more than two people in designated trouble spots
- The introduction of parenting orders
- The ability to extend electronic tagging to children under 16
- A ban on selling spray paint to people under 16
- Fixed penalty notices for offences such as litter, vandalism, drunken behaviour or consuming alcohol in a public place
- More powers for councils to deal with private landlords who turn a blind eye to anti-social tenants

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- More powers for the police to close 'crack houses', premises where drug-dealing takes place

We will provide more details on exactly how these measures will work as the new rules are implemented throughout the year.

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7. Feedback and comments

If this guide helped you sort something out, please tell us! It's the only way we'll find out whether people think iCan is useful. To send us an email, please go to the **Contact us** page and choose the "Tell us your success" option.

Or you can add a comment below, which will appear on the guide for everyone to see.

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COMMENTS

If you've got something to say about this article you can add a comment. If you'd like to write something longer or on a different subject, why not write an **article**, **case study**, or **guide**?

Add your comment

Most recent comments:

I work for the Local Authority and receive call from residents about "anti-social behaviour". I am regularly shocked by the intolerance of adults to the presence of young people in their neighbourhood. Last week there was complaint that young people were playing football - on a playing field. For some reason this resident considered that young people playing with a ball on a public playing feel was an offence. We are changing our approach - not to criminalise teenagers, but counsel residents who because of the public obsession with A-S B, think all young people are urban terrorists.

There is an appalling lack of inexpensive facilities for young people where they can engage socially and have a say in what happens. This is where our energies and resources should be deployed - not giving the police unnecessary such as those under Section 30 of the A-S B Act. The Designated/Dispersal zones I am familiar with do not warrant them - there is no substantial evidence, only the complaints of a few individuals who are intolerant of the presence young people in "their" town.

What is the point of a dispersal zone which includes a bus and train station, church and community centres designed to attach teenagers and only succeeds in scaring and displacing them half a mile up the road? What happened to "relationships" between police and the community - or does the community now exclude young people?

We have received complaints from parents that two teenage girls on their way home at 10 pm were separated by the police because they had breached Section 30 by being there as a pair - what are the police playing at? Young people are missing their bus home because the police considered them to be "anti-social"; and young people going to church being treated likewise. When we eventually manage to have formal dialogue with the police, their attitude is "we take no crap" and stuff the safety of young people. And it would also be nice to see police women too.

We are criminalising young people instead of involving them in making the place safer.

Remember that our young people are more successful at school that ever before, that

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crime has fallen by 36% since the peak of 1995, (which includes burglary, criminal damage and personal injury) and that people are more inclined to report crime.

Comment contributed by: **Plazzy Koppite**, on 03 October 2004 at 23:51

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I am the father of one adult daughter and two boys aged 8 and 10. We live in an urban area with green space but not close enough to allow the kids out alone. To save money the local council puts the bare minimum into community recreation facilities and there are none within 3 miles of us. Therefore, the kids rely on the street to provide somewhere to play football, ride a bike or hang out with their friends. This is almost exactly the same as when I was a kid in the 1960s and 70s and, talking to my parents, the same as it was in the 1940s. My kids are generally well behaved but suffer much verbal abuse (most of it unprintable!) from adults. One old gentleman in his seventies a few doors away takes great delight in puncturing any football that goes into his garden. I think as we get older we forget what it is like to be a child and get increasingly intolerant of others (don't get me wrong, in my late 40's I'm starting to feel like that a bit myself sometimes). In essence, adults moan on about the lack of respect given to them by children, but respect has to be earned- we should be more tolerant of the younger generation and think a bit more about the social consequences of, for example fighting for reductions in Council Tax bills because of the high cost of 'facilities we don't use and so don't want to pay for'. Have a nice day

Comment contributed by: **Paul Hardwick**, on 01 September 2004 at 14:38

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I am the Anti Social Behaviour Coordinator for Slough. Having Read Becca's post I am impressed by the points which she raises. In Slough, the number of ASBOs granted against adults outweighs the number against young people by more than 2 to 1. It is a myth that the young cause all the problems. Yes, I agree that groups of youths can be intimidating but the fact is the majority of young people are well behaved and the intimidation is perceived rather than actual. The problem of anti social behaviour is not a new phenomenon but unfortunately some of the older generation seem to have forgotten what went on in their youth - Becca wasn't around when Mods and Rockers met on Brighton beach or when Punk Rockers roamed the streets! Let's remember that every generation deserves to be able to pursue it's own activities whilst displaying a tolerance and respect of others. To end, I would point out that I have received complaints from young people about elderly neighbours who Hoover at 5am and of one elderly lady who constantly shouts at her barking dog - does this mean we should brand the elderly as noisy and anti social? I think not!

Comment contributed by: **andrew robinson**, Hounslow, on 25 August 2004 at 13:49

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Regarding your entry Becca Marshall, the answer is YES, when you hang around on street corners, outside shops and off-licences you are displaying anti social behaviour and so should be served with an order if you dont stop. People find it very intimidating. Why dont you go and sit outside your own house ? 'Hang round' your back garden? probably cause you wouldnt want to put your parents through having to hear the vulgar conversation of youth, and of course maybe you wouldnt be allowed to smoke either if you were just outside your OWN house. So you go and 'hang around' someone elses house and wonder why the neighbours find that to be offensive. Doing no harm?, yes its not physcial harm to

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me when groups of young girls sit outside my bedroom window innocently discussing sex, smoking and swearing - but I find it very anti social.

You will understand when you have a home of your own and children to bring up.

Comment contributed by: **Alex Alex**, Lincoln, on 22 August 2004 at 14:18

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Hi I am 16 years old and I have been reading through some of the previous comments. Although much anti social behaviour occurs with young people, I think that the website is very biased. It acts as a website for parents and adults who have problems with groups of teenagers. Does this mean then, that when I hang around on streets with my friends doing no harm that I could be a victim of ASBOS? Do adults really think that all young people like to live in a society where certain individuals (some young, some old) are intimidating? Well we don't, we feel the same as many adults. However, you may find that groups of youths hang around on street corners because there is no where else for them to go and the few activities available to them are so expensive for somebody who can only earn (in some cases) up to £5 a week. Maybe we should think about this before slapping ASBOS'S on young people.

Comment contributed by: **Becca Marshall**, on 16 August 2004 at 15:07

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The link to this article asked "What can you do about anti-social behaviour".

I thought it was going to discuss things like adults being prepared to tell children and teenagers when they are behaving badly. Believe it or not, often it works. Not always, obviously; but often enough to make the kids think.

If they're not told, they think what they're doing "doesn't matter".

Comment contributed by: **Peter Judge**, on 19 July 2004 at 14:53

[Click here to register a complaint about this entry](#)

The fact that no authority is allowed today will not help in reducing anti-social behaviour. We need to give some authority to teachers and parents rather than only blaming them for what they do wrong and not allowing them to punish the children when they need it.

Comment contributed by: **Peter Leeson**, Milton Keynes, on 06 July 2004 at 08:38

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How will these new Acts affect musical instrument practice?

There is a small proportion of people that hate their neighbours so much that they will do anything ranging from complaining about a child/adult practicing a musical instrument. I do not have easy access to a practice room so I am resorted to playing in my flat. I do use a mute etc but this will not deter my next door neighbour from complaining to the police. If I could live in a detached house where I could practice I would but like many other people in the same position as myself I can't.

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In the case of a young child it would take them alot longer to become accomplished.

A friend of my plays the trumpet and is infact very good, however he would not be able to play in my accomodation or many other peoples.

What about people who play and need to practice electric instruments? One of my former work collegues played an electric guitar unfortunately could not practice at home and resported to using and old aircraft hanger?

Comment contributed by: **Kate Smith**, on 30 June 2004 at 20:32

[Click here to register a complaint about this entry](#)

A very good summary of the Act.

It also demonstrates that the Government is only interested in dealing with symptoms and not causes.

This Act will merely have a marginal effect around the edges.

Kids do not wake up one morning and decide to be anti-social.

What is needed is a concerted attack on the causes, which include the following:-

- 1) The Broken Family
- 2) The lack of parenting skills in most of these parents from the beginning
- 3) The lack of male role models (related to point 1 above)
- 4) The benefit system that gives 100% of the benefits of having a child to the mother, and nothing to the father regardless of how much time he has with the children.
- 5) The fact that it is almost impossible to jail a mother in this country.
- 6) The fact that the money is given to the mother and nothing is expected in return.
- 7) The Child Support Agency.

Passing new laws does nothing to tackle the causes, merely is good for PR for the Government to appear to be doing something.

There is a serious need to tackle the causes of the institutionalised anti-male discrimination throughout society, Government and the Criminal Justice system so that decent men are not driven away from their children and can stay in touch and provide the solid positive male role model necessary for the better development of all children in this increasingly dangerous world we live in.

We need positive reinforcement for the decent fathers and not persecution.

See www.fathersfirst.co.uk for more details.

Comment contributed by: **Ian Tyes**, Cambridge, on 29 February 2004 at 10:18

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The Anti-Social Behaviour Act also makes it a criminal offence with a FIVE YEAR MINIMUM prison sentence for possessing Self Contained Air Cartridge guns without a certificate.

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Unfortunately, there are many thousands of these held by perfectly honest people, who have not heard about this due to the lack of publicity, and so they unaware that they risk 5 years in prison.

Anyone who has one of these guns **MUST** contact the police for a firearm certificate **BEFORE** 30th of April 2004.

Comment contributed by: **Mike Eve**, on 25 February 2004 at 15:06

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The views expressed in these comments are those of the contributors and not the BBC

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