



## **Anti-Social Behaviour Policy**

### **1. Background:**

1.1 Market Weighton Town Council (MWTC) provide facilities, such as parks, play areas and allotments, for the enjoyment of residents and visitors to our town. From time to time, some users behave in a manner which interferes with the enjoyment or health and safety of the majority of users or other residents and/or who cause damage to our equipment. A small number of users do not modify their behaviour when so required. In such instances, sanctions are required to protect others majority of users and other residents. This Policy supports the approach that should be used to ensure that such issues are dealt with in a fair and consistent approach across all our facilities.

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

2.1 This Policy applies to all land and facilities owned or managed by MWTC including, parks, play areas, buildings, shelters and allotments.

**Month means calendar month from time of exclusion.**

**Three months means 3 calendar months from time of exclusion.**

**Year means 1 calendar year from time of exclusion.**

**Lifetime means permanent from time of exclusion.**

2.2 Site and/or facility mean any land or building owned or managed by MWTC.

2.3 Exclusions may be from an individual facility or all facilities, as determined by the person(s) making the decision.

The Policy will apply to any-anti social behaviour witnessed by MWTC or reported to us by Humberside Police or the East Riding of Yorkshire Council.

### **3. Enforcement:**

Enforcement of the Policy will be by the Town Clerk.

If a banning letter is issued to a person aged under 18 a copy will be sent to their parent / guardian.

Decisions will be made on the balance of probability.

If someone is simply seen in an area where they are banned without behaving unacceptably, the Council will record the breach and issue a warning. This can be used

### **4. Data Protection:**

EXPLAIN HOW COMPLY WITH DATA PROTECTION LAW AND HOW LONG YOU WILL RETAIN LETTERS / INFORMATION FOR.



## **PROCESS**

### **1 Levels of Responsibility:**

- 1.1 The Town Clerk can impose exclusion for up to one month.
- 1.2 The Town Clerk and one MW Town Councillor can impose exclusion for up to three months.
- 1.3 One year and lifetime exclusions from all facilities will be imposed the COMMITTEE?
- 1.4 Decisions for up to one month or three month exclusions, which are contested in writing, will be determined by the ?? COMMITTEE.
- 1.5 Decisions against one year or a lifetime exclusion, which are contested in writing, will be determined by three Councillors, selected by the Chairman, not involved in the original decision.

### **2 Penalty Guidelines:**

- 2.1 Minor offences by persistent offenders including, minor deliberate damage, verbal abuse of staff or members of the public, using foul and abusive language and irresponsible behaviour, including creating unacceptable nuisance late at night: one month exclusion.
- 2.2 Serious offences, examples include including fighting, bullying, making the area unsafe (e.g. breaking glass) and continued minor offences within one month of a previous exclusion: 3 months exclusion.
- 2.3 More serious offences, examples include drunk and disorderly behaviour, possession or misuse of drugs, threatening/intimidating behaviour to staff, substantial deliberate damage, theft, serious acts of abuse such as racism, further offences within one month of previous 3 months exclusion: one year exclusion.
- 2.4 Serious Health and Safety incidents, arson, major vandalism, repeat drug taking/dealing on the premises, physical violence, sexual assaults: lifetime exclusion.
- 2.5 The above lists are not meant to be exhaustive and penalties for offences will be considered in the light of the seriousness of the offence. Notwithstanding any of the above all crime will be reported directly to the Police and any exclusion guidelines issued by the courts in respect of any prosecution will be taken into consideration.

### **3 Recording and Notification:**

- 3.1 All exclusions must be recorded by the Town Clerk in an agreed, secure, format including the reasons for the exclusion.
- 3.2 Exclusions will always be confirmed to the individual in writing setting out the reasons for exclusion (see appendix one for draft letter). With individuals who are thought to be under 18 years old a copy of the letter must be sent to the parent/guardian. Where it is not possible to obtain the



address of the person concerned, the letter should be prepared and passed to the Anti-Social Behaviour Team at the East Riding of Yorkshire Council or Humberside Police as they may know the address. Whilst they would not be able to share the address with the Town Council in accordance with data protection legislation, they will be able to confirm that the letter has been issued.

- 3.3 A copy of all banning letters issued will be sent to the Anti-Social Behaviour Team at the East Riding of Yorkshire Council ([safe.communities@eastriding.gcsx.gov.uk](mailto:safe.communities@eastriding.gcsx.gov.uk)) and Humberside Police (add where to email them to) within 5 working days of issue.



### **Appendix 1**

Letters to be used following approval of exclusion, up to one month, up to three months, year and lifetime.

#### **(Up to one month exclusion –)**

Dear \*\*\*\*\*

Exclusion from (SITE)

Following investigations into the allegations set out below I confirm that you are excluded from entering \*\*\*\*\* the Council's Anti-Social Behaviour Policy for a period of \*\*\*\*\* from \*\*\*\*\* until \*\*\*\*\* inclusive.

The reason for exclusion is \*\*\*\*\* *date/time/what was said/what happened etc.*

Should you wish to appeal against this exclusion you may do so, in writing setting out the reasons that you feel an appeal is justified, to the Town Clerk, Market Weighton Town Council, (REST OF ADDRESS) who will refer the matter to the \*\*\*\*\* Committee.

Details of this incident have been passed to the Anti-Social Behaviour Team at the East Riding of Yorkshire Council and Humberside Police.

This letter does not prevent any further action being taken.

Yours etc

*Town Clerk*



**(Up to 3 months exclusion)**

Dear \*\*\*\*\*

Exclusion from (SITE)

Following investigations into the allegations set out below I confirm that you are excluded from entering \*\*\*\*\* facility in accordance with the Council's Anti-Social Behaviour Policy for a period of \*\*\*\* from \*\*\*\*\* until \*\*\*\* inclusive.

If you do not comply with this exclusion you are at risk of legal action against you.

The reason for exclusion is \*\*\*\* *date/time/what was said/what happened etc.*

Should you wish to appeal against this exclusion you may do so, in writing setting out the reasons that you feel an appeal is justified, to the Town Clerk, Market Weighton Town Council (ADD ADDRESS) who will refer the matter to the \*\*\*\* Committee.

I am very disappointed that you continue to behave in this manner. As a local Council we provide facilities for the enjoyment of people living in and visiting Market Weighton and will not tolerate this type of behaviour.

Details of this incident have been passed to the Anti-Social Behaviour Team at the East Riding of Yorkshire Council and Humberside Police.

This letter does not prevent any further action being taken.

Yours

*Town Clerk*



**(One Year)**

Dear \*\*\*\*\*

Exclusion from (SITES)

Following investigations into the allegations set out below I confirm that you are excluded from entering (ADD SITES) managed by the Council in accordance with the Council's Anti Social Behaviour Policy for a period of one year from \*\*\*\* until \*\*\*\* inclusive. This decision was made by the \*\*\*\* Committee

If you do not comply with this exclusion, the Council will consider taking legal action to ensure enforcement.

The reason for exclusion is \*\*\*\* *date/time/what was said/what happened etc.*

Should you wish to appeal against this exclusion you may do so, in writing setting out the reasons that you feel an appeal is justified, to the Town Clerk, Market Weighton Town Council (ADD ADDRESS) who will refer the matter to the \*\*\*\* Committee.

Details of this incident have been passed to the Anti-Social Behaviour Team at the East Riding of Yorkshire Council and Humberside Police with a recommendation that they consider action in accordance with the Anti-Social Behaviour, Crime and Policing Act 2014.

This letter does not prevent any further action being taken.

Yours etc  
*Town Clerk*



**(Lifetime)**

Dear \*\*\*\*\*

Exclusion from (SITES)

Following investigations into the allegations set out below I confirm that you are permanently excluded from entering the following sites owned or managed by the Council in accordance with the Council's Anti Social-Behaviour Policy. This decision was made by the \*\*\* Committee.

The reason for exclusion is \*\*\*\* *date/time/what was said/what happened etc.*

Should you wish to appeal against this exclusion you may do so, in writing setting out the reasons that you feel an appeal is justified, to the Town Clerk, Market Weighton Town Council (ADD ADDRESS), who will refer the matter to the \*\*\*\* Committee.

Details of this incident have been passed to the Anti-Social Behaviour Team at the East Riding of Yorkshire Council and Humberside Police and I will be providing evidence to them to support legal action against you.

This letter does not prevent any further action being taken.

Yours etc

*Town Clerk*