

Anti-Social Behaviour in Northern Ireland

Anti-Social Behaviour in Northern Ireland

By

Brendan Sturgeon

CAMBRIDGE
SCHOLARS

P U B L I S H I N G

Anti-Social Behaviour in Northern Ireland,
by Brendan Sturgeon

This book first published 2011

Cambridge Scholars Publishing

12 Back Chapman Street, Newcastle upon Tyne, NE6 2XX, UK

British Library Cataloguing in Publication Data
A catalogue record for this book is available from the British Library

Copyright © 2011 by Brendan Sturgeon

All rights for this book reserved. No part of this book may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, without the prior permission of the copyright owner.

ISBN (10): 1-4438-3215-4, ISBN (13): 978-1-4438-3215-1

TABLE OF CONTENTS

<i>Acknowledgements</i>	vii
<i>Abbreviations</i>	ix
Preface	xi
Foreword	xvii
Professor Richard English	
 Part One: An Analysis of Anti-Social Behaviour	
Chapter One.....	3
What is Anti-Social Behaviour?	
Chapter Two	25
Why Does Anti-Social Behaviour Happen?	
Chapter Three	49
What are the Consequences of Anti-Social Behaviour?	
 Part Two: Anti-Social Behaviour in Northern Ireland	
Chapter Four	69
The Development of Anti-Social Behaviour in Northern Ireland	
 Part Three: Resolving Anti-Social Behaviour	
Chapter Five	105
Responses to Anti-Social Behaviour	
<i>Bibliography</i>	129

ACKNOWLEDGEMENTS

I would like to thank Professor Sally Wheeler and the Changing Ageing Partnership (CAP) at Queen's University Belfast for the funding and office space which enabled this study to take place. Thanks also go to Cambridge Scholars Publishing for agreeing to publish the book.

I also wish to thank several colleagues, family members and friends who have contributed to the completion of the book in various ways. Special thanks to Professor Richard English for his diligent supervision of the study when it was initially submitted as a PhD thesis. Richard has been a great mentor and a fantastic friend during the research process. Thanks also to Dr Sarah Machniewski, Dr Una Lynch and Dr Thomas Sturgeon, who all took time to offer their opinions and thoughts on the study. I am very grateful for their advice and friendship. I would also like to thank my parents Margaret and Brendan, my sister Christina, and my girlfriend Clare, for their love and support during the duration of the study. I owe a considerable personal debt to these fantastic individuals.

Thanks also go to all those I have interviewed on the subject of anti-social behaviour over the past few years. Their thoughts and opinions have been very helpful in shaping this study.

I would like to dedicate this book to my late grandmother, Margaret, who sadly passed away during the second year of my PhD research. She was a remarkable lady who is sorely missed.

ABBREVIATIONS

ABC	Acceptable Behaviour Contracts
ACPO	Association of Chief Police Officers
ASB	Anti-social behaviour
ASBOs	Anti-Social Behaviour Orders
BBC	British Broadcasting Corporation
BCS	British Crime Survey
BMJ	British Medical Journal
CCTV	refers to closed circuit television cameras managed by Environmental Services
CDRPs	Crime and Disorder Reduction Partnerships
CHP	Centre for Housing Policy
CIH	Chartered Institute of Housing
CND	Campaign for Nuclear Disarmament
CRESR	Centre for Regional Economic and Social Research
CRJI	Community Restorative Justice Ireland
CTC	Communities That Care
DfES	Department for Education and Skills
DTLR	Department for Transport, Local government and the Regions
DUP	Democratic Unionist Party
EMA	Educational Maintenance Allowance
HMIC	Her Majesty's Inspectorate of Constabulary
HMSO	Her Majesty's Stationary Office
IMC	Independent Monitoring Commission
INLA	Irish National Liberation Army
IPCC	Independent Police Complaints Commission
IRA	Irish Republican Army
LVF	Loyalist Volunteer Force
NAO	National Audit Office
NHS	National Health Service
NIA	Northern Ireland Alternatives
NIACRO	Northern Ireland Association for the Care and Rehabilitation of Offenders
NICS	Northern Ireland Crime Survey
NIO	Northern Ireland Office
NYS	National Youth Survey

PCSOs	Police Community Safety Officers
PDE	Programme Development Evaluation
PM	Prime Minister
PSNI	Police Service of Northern Ireland
PUP	Progressive Unionist Party
RAAD	Republican Action Against Drugs
RAND	Research and Development, UK Office
RUC	Royal Ulster Constabulary
SAC	Scottish Affairs Committee
SDLP	Social Democratic and Labour Party
SEU	Social Exclusion Unit
UDA	Ulster Defence Association
UK	United Kingdom
UN	United Nations
UUP	Ulster Unionist Party
UVF	Ulster Volunteer Force
YJB	Youth Justice Board
YOT	Youth Offending Team

PREFACE

Anti-social behaviour (ASB) has rapidly established itself as one of the most pressing concerns facing the UK. There has been widespread interest in the term from the media and many academics. Some sections of the media have promoted humorous and bizarre incidents associated with the term, such as the farmer issued with an Anti-Social Behaviour Order (ASBO) for failing to keep his pigs and geese under control. While, “Campaign groups have brought attention to its inconsistent use and draconian qualities: such as the 14 year old in Manchester who was banned from putting his hood up except in bad weather on the basis that ‘his face should not be hidden’, or the 13 year old who was banned from using the word ‘grass’ anywhere in England and Wales.”¹ In contrast, other reports articulate concerns that could be more accurately depicted as crime, such as hate behaviour that targets members of identified groups because of their perceived differences.² These media reports seem to point to a diverse and ambiguous range of issues which are deemed anti-social.

Academic studies speculate on the definition of the term and the degree of impact represented by the phrase. Yet, most of these studies seem to deal primarily with the problem in a general and unspecific setting. Where there is a more detailed analysis of the issue this tends to be focused on England, or even more exclusively London. Much of the research conducted in response has been extremely valuable, probing the parameters of ASB and questioning why such delinquency occurs.³ However, research has largely failed to assess the nature of ASB in Northern Ireland. For instance, Squires developed a varied and valuable regional analysis of ASB throughout the UK, *ASBO Nation*⁴, which included chapters examining the problem in Wales and Scotland, yet there was no specific

¹ J. Muncie, *Youth & Crime*, 3rd edition (London: SAGE, 2009), p.321.

² Department for Transport, Local government and the Regions (DTLR), *Tackling Anti-social tenants - A consultation paper* (London: DTLR, 2002), preface.

³ E. Burney, *Making People Behave: Anti-social behaviour, politics and policy* (Cullompton: Willan Publishing, 2005); P. Squires & D. Stephen, *Rougher Justice: Anti-social behaviour and young people* (Cullompton: Willan Publishing, 2005).

⁴ P. Squires (Ed), *ASBO Nation: The Criminalization of Nuisance* (Bristol: Policy Press, 2008).

Northern Ireland reference. This study will seek to fill this void in ASB research.

First, it is important to establish why such a study is necessary and important. It could well be that the region has been neglected by other academics due to the fact that the issue may be less severe in Northern Ireland. However, a quick reflection on Northern Ireland's past would show this not to be the case. A small number of studies that have analyzed the Troubles in Northern Ireland (1969-2002) have made fleeting references to aspects of ASB. As early as 1985, Munck pointed out that the main focus of paramilitary groups in their communities was punishing deviant and anti-social behaviour.⁵ In 2002, Feenan observed that anti-social males provided the perfect *bête noir* for Republican paramilitaries during the duration of the Troubles.⁶ There is considerable evidence to indicate that ASB has been a serious social problem in Northern Ireland for some time, but the issue has yet to be analyzed and traced. There is one obvious and fairly undisputable reason why ASB research in Northern Ireland may appear a little primitive in comparison with the wider UK analysis. During the Troubles in Northern Ireland aspects of delinquency were a problem, but evidently not as significant as the abhorrent violence and deeply saddening loss of life that characterized this period of time.⁷

It is not that ASB is less of a social problem in Northern Ireland than it is throughout the rest of the UK. Instead, 'anti-social behaviour' terminology and awareness of the problem has yet to be popularized and publicized in Northern Ireland as it has been in other areas. An analysis of the past substantiates this point. In 1998, many prominent figures in New Labour were already discussing the significance of the problems generated by ASB. Tony Blair (Prime Minister, 1997-2007) and Jack Straw (Home Secretary, 1997-2001) were specifically reflecting on the issue and designing the deployment of the Anti-Social Behaviour Unit within the Home Office. During this same year, the Good Friday Agreement was endorsed in Northern Ireland via a referendum to bring political settlement to the area. In a broader context, community disorder and aspects of ASB

⁵ R. Munck, *Ireland: nation, state and class conflict* (London: Westview Press, 1985).

⁶ D. Feenan, 'Justice in Conflict: paramilitary punishment in Ireland (North)', *International Journal of the Sociology of Law*, 30, pp.151-172. (2002).

⁷ P. Bew, P. Gibbon and H. Patterson, *Northern Ireland 1921-2001: Political Forces and Social Classes* (London: Serif, 2002); P. Dixon, *Northern Ireland: The Politics of War and Peace* (New York: Palgrave, 2001).

are a feature of every society, yet the focus on these problems is often sporadic and impulsive. This clarity is rarely derived from periods of particular political turbulence. ASB is less of a pressing concern during war or periods of economic hardship; it remains a problem, but less significant. This would appear to explain the development of ASB in Northern Ireland. It has always been a problem, it may well have facilitated the atmosphere for more serious sectarian transgressions to take place, yet it was often overlooked due to the more basic struggle for political settlement.

Now, just over 10 years after political settlement has been achieved, this study is perfectly timed to assess the development of anti-social behaviour in Northern Ireland. There is now an opportunity to reflect on how incidents of ASB exacerbated the problems many displaced and disenfranchised communities faced during the Troubles, and which many continue to face now.

Part One, broken into three chapters, will provide an overview of what is meant by the term ‘anti-social behaviour’. It will develop a working definition of ASB (Chapter 1), thereby facilitating the subsequent analysis of why it happens (Chapter 2) and its impact (Chapter 3).

The practical impact of ASB is wide-spread and well known; one example provided by Wain presents a vivid demonstration of the social consequences associated with high levels of ASB:

If every time you leave your house the neighbour opposite shouts abuse; if the carefully tended plants in your front garden are routinely destroyed; if your children are threatened by older teenagers every time they go to the shops; if all these things happen together on a regular basis – life in that location becomes a misery. Other, environmental, incivilities may be frequently encountered: such as drug syringes scattered in their doorways, cars revving at 2am, white goods dumped in any open space, graffiti on every wall – all feeding into a sense of insecurity and lack of control by the authorities.⁸

The impact of ASB can be long-term and cause cumulative problems for numerous victims in many areas; the problem is highly disruptive and the need for a constructive response all too pressing. In addition, there are also

⁸ N. Wain, *The ASBO – Wrong turning dead end* (London: Howard League for Penal Reform, 2007), p.11.

analytical issues related to ASB that need more attention. The first part of this book will explore some of these problems. This analysis is crucial, as the practical and analytical issues are connected. Whilst no degree of analysis, regardless of its precision, will completely resolve ASB, it should provide the framework for a more comprehensive interpretation of the problem. The first three chapters directly facilitate one another in this process.

Part Two will analyze the specific development of ASB in Northern Ireland between 1968 and 2011. It will explain why Northern Ireland is a unique and distinct region within which to examine ASB. There are three sections in Chapter 4. The first section will assess the role of ASB during the period of the Troubles. It will reflect on how some incidents of disorder associated with the Troubles could be considered ASB in retrospect. The intention of the section is in no way to make light of the abhorrent behaviour that characterized the most poignant moments of the Troubles, rather it seizes a rare opportunity to examine some of the behaviour that supplemented moments of destruction. It aims to demonstrate that incidents of disorder which could be classified as ASB were both a factor and product of the Troubles in Northern Ireland.

The second section will identify the role paramilitary organizations played in dealing with aspects of ASB during this era in Northern Ireland. The concept of ‘community policing’ was generally a secondary objective of the paramilitary groups. Their main focus was on their wider political ideology, but the process of community policing demanded a great deal of time and energy from the organizations.

The third section of Chapter 4 will examine how political progress has coincided with increasing levels of ASB in Northern Ireland. It would appear that this is not just an unexplained phenomenon. Instead, there may be several factors that have facilitated the increased perceptions of anti-social disorder in Northern Ireland. This section will evaluate three main reasons that may have led to this upsurge in observation: (i) residents are more familiar with the phrase anti-social behaviour, due mainly to the increasing focus on the term by New Labour in a wider UK setting; (ii) people in Northern Ireland may be re-evaluating what they perceive as problem behaviour; and (iii) the changing social climate in Northern Ireland has had a detrimental impact on the levels of ASB in the country.

Part three will evaluate the efforts taken at government and community level to resolve ASB. Chapter 5 will analyze what has been done in Northern Ireland and throughout the wider UK to respond to these problems of delinquency. It will also consider what the most effective response to ASB should be moving forward.

There are a number of impressive studies related to ASB already in place (the work of Burney⁹, Squires and Stephen¹⁰, Squires¹¹ and Millie¹² in particular). However, these studies have only made passing references to Northern Ireland when analyzing the nature of the problem. There are also a small number of research projects (Scruton¹³, Shirlow and Ellison¹⁴) that have looked at the issue of ASB in Northern Ireland, but these studies have been on a relatively small-scale and have generally been more focused on the issues of crime and youth justice. This book seeks to further develop the analysis of ASB in Northern Ireland. Hopefully this, along with the analysis of definition, causes and impact, will offer a constructive insight into how best to respond to the problem of ASB in the future.

⁹ E. Burney, *Making people behave: Anti-social behaviour, politics and policy* (Cullompton: Willan Publishing, 2005).

¹⁰ P. Squires & D. Stephen, *Rougher Justice: Anti-social behaviour and young people* (Cullompton: Willan Publishing, 2005).

¹¹ P. Squires (Ed), *ASBO Nation: The Criminalization of Nuisance* (Bristol: Policy Press, 2008).

¹² A. Millie, *Anti-social behaviour* (Maidenhead: Open University Press, 2009).

¹³ P. Scruton, *The Denial of Children's Rights and Liberties in the UK and the North of Ireland* (European Civil Rights Network (ECLN), www.ecln.org, 2005).

¹⁴ P. Shirlow and G. Ellison, *Community attitudes to crime, anti-social behaviour and policing in the Greater New Lodge* (Belfast: Institute of Criminology and Criminal Justice, Queen's University Belfast, 2009).

FOREWORD

PROFESSOR RICHARD ENGLISH,
UNIVERSITY OF ST. ANDREWS

The title of this fascinating book is, in truth, rather deceptive. Dr Brendan Sturgeon's intriguing research does indeed deal with Anti-Social Behaviour (ASB) in Northern Ireland, and it does so in a way that offers new angles of insight into a region normally studied in relation to its famous constitutional conflict and its enduring political violence. As Dr Sturgeon's book makes vividly clear, ASB - of a distinctive but at times very familiar variety - has been and remains of very high importance in Northern Ireland, and it is very useful indeed to have a book on the shelf which addresses the subject directly, rather than subsuming it in a perfunctory way under more orthodox research questions and agendas. One hope, among many, for the painfully emerging new Northern Ireland is that new kinds of question and urgent concern might actually be addressed. This book makes a valiant contribution towards that new research and political agenda.

But the book is not merely about ASB in Northern Ireland. It also addresses the wider dynamics of ASB in the UK, quite properly, and situates the phenomenon within a layered definitional setting, and with systematic attention to questions of causation, effect and appropriate response. The huge costs of ASB – economically alone, on a scale of billions of pounds in the UK – are considered here. But so too are appropriate means of trying to remedy the problem. Sturgeon bases his suggested response on a shift away from an 'enforcement culture' and a move towards a sharper strategy of early intervention. This challenging approach will stimulate discussion (including much fruitful disagreement), and it reflects the fact that this book offers practical arguments about policy as well as academic reflection. It would be good if it were widely read, within Northern Ireland but also in the rest of the United Kingdom.

PART ONE:

AN ANALYSIS OF ANTI-SOCIAL BEHAVIOUR

CHAPTER ONE

WHAT IS ANTI-SOCIAL BEHAVIOUR?

Defining anti-social behaviour has proved difficult, both in academic and policy-related settings. It is a disputed and complex term that is heavily reliant on individual perception. This chapter will demonstrate the range of difficulties that emerge when trying to define ASB. It will also establish the importance of having such definitional dialogue and then develop a subsequent working definition.

Such is the diversity of interpretation related to ASB that any study examining the field requires an analysis of the term's main parameters. Millie *et al.* explain the complexities of such a contextual term as follows: "Behaviour usually viewed as ASB lies on a spectrum of misbehaviours from those that are too minor to merit intervention by the authorities to those that are so serious as to demand criminal prosecution."¹ There are critics (such as Louise Casey, former head of the Anti-Social Behaviour Unit, Home Office UK²) who suggest that academics indulge too frequently in a quest to find a comprehensive definition of ASB. However, it is essential that we have a clear understanding of the concept in order to be in a position to tackle ASB. A lack of clarity in regards what the term represents could lead to problems with analysis of the issue. Muncie points out that "because of its ill-defined and potentially ill-encompassing nature it is impossible to know if anti-social behaviour is ever going up or down."³ Carr and Cowan draw similar conclusions, noting that there is a lack of understanding of ASB which complicates discussion of the problem: "At the heart of the discourse about ASB lies a paradox ... This

¹ A. Millie, J. Jacobson, E. McDonald and M. Hough, *Anti-social Behaviour Strategies: Finding a Balance* (Bristol: Policy Press, 2005), p.1.

² Louise Casey, former head of the Anti-Social Behaviour Unit, Home Office. Casey did not feel that a specific definition was possible due to the subjective nature of the term. See A. Millie, *Anti-social behaviour* (Maidenhead: Open University Press, 2009), p.1.

³ J. Muncie, *Youth & Crime* (London: SAGE, 2009), p.321.

paradox is about knowledge and measurement.”⁴ Millie *et al.* also observe that a lack of definitional exactness creates problems in analyzing appropriate solutions:

One reason for taking definitional care is that some ASB remedies, such as Anti-Social Behaviour Orders (ASBOs), can powerfully curb the freedoms of those on whom they are imposed, and it is important to be clear about the limits to the use of such powers. A second reason is that tackling ASB effectively requires strategic thinking and partnership work – which in turn demand that the agencies involved are clear about the problems they are addressing and the aims they are seeking to achieve.⁵

These points made by Millie *et al.* are very relevant to the current study. Chapter 5 will offer a range of techniques that can be deployed to respond to ASB. For these resolution tactics to be analyzed for suitability an analysis of the problem must first be ascertained in this section of the study. Similarly, an examination of the impact created by ASB (Chapter 3) requires a functional understanding of the features associated with the term. The practical impact of ASB is widely recognized and extremely concerning. The Home Office observes that “ASB blights people’s lives, destroys families and ruins communities. It holds back the regeneration of our disadvantaged areas and creates the environment in which crime can take hold.”⁶ But there are also analytical problems related to the term. There are difficulties connected to how the issue is defined and assessed. No definition, regardless of its accuracy, will completely resolve the problem of ASB, but clearer awareness of the concept could develop the framework for a more comprehensive response.

The first section of this chapter will evaluate the problems related to the various competing definitions of ASB, the second section will assess the confusion related to regional and personal perception, and the third part of the chapter will examine the concerns associated with the increasing politicization of the term. While these issues are dealt with independently, they are also interwoven problems that emphasize the severity of one another. For instance, the various competing definitions, addressed in the first section, create uncertainty related to perception in the second part of

⁴ H. Carr and D. Cowan, ‘Labelling: constructing definitions of anti-social behaviour?’ In J. Flint (Ed), *Housing, Urban Governance and Anti-Social Behaviour: Perspectives, Policy and Practice* (Bristol: Policy Press, 2006), p.59.

⁵ Millie, Jacobson, McDonald and Hough, *Anti-social Behaviour Strategies*, p.2.

⁶ Home Office, *Respect and Responsibility: Taking a Stand Against Anti-Social Behaviour* (London: Home Office, 2003), foreword.

the chapter. While the third section will indicate that the increasing politicization of ASB may have exacerbated the ambiguity assessed in each of the other two parts of the chapter. Having identified the problems related to definition, the chapter will conclude by arriving at a working definition around which the study can be based.

1.1 Competing definitions

The term ‘anti-social behaviour’ is used to articulate so many government objectives and public anxieties that the actual meaning of the phrase is unclear. Proliferation in the use of the term means that ASB now represents community concerns, minor delinquency and some aspects of crime. In many ways, contested definitions and varying interpretations of complex phenomena like ASB are not uncommon. Matthews and Briggs point out that:

The categories of crime are no more or less robust than many of the anti-social behaviour categories. The term ‘violence’, for example, is extremely broad and subject to considerable degrees of interpretation. The same can be said of other categories, such as robbery and theft. It is just that we have become so familiar with these crime categories and attribute to them a sense of solidity and precision that in fact they do not have.⁷

There are also a range of studies that have analyzed the definitional context of other issues such as nationalism,⁸ socialism⁹ and terrorism.¹⁰ Diversity of interpretation related to such complicated terms is not unusual. However, a clear analysis of anti-social behaviour is required within this part of the book to allow for the subsequent discussion of the term in the following chapters. No single definition is likely to satisfy every agency and commentator, but it is important to specify what the term represents within the context of this study.

Academic definitions can obviously provide a useful indication of what could be interpreted as ASB. Millie *et al.* made a laudable attempt at a definition in 2005, classifying ASB as behaviour that:

⁷ R. Matthews and D. Briggs, ‘Lost in translation’. In P. Squires (Ed), *ASBO Nation: The Criminalization of Nuisance* (Bristol: Policy Press, 2008), pp.91-92.

⁸ E. Gellner, *Nations and nationalism* (Oxford: Blackwell, 1983).

⁹ M. Newman, *Socialism: A very short introduction* (Oxford: Oxford University Press, 2005).

¹⁰ R. English, *Terrorism: how to respond* (Oxford: Oxford University Press, 2009).

causes harassment, alarm or distress to individuals not of the same household as the perpetrator, such that it requires interventions from the relevant authorities; but criminal prosecution and punishment may be inappropriate because the individual components of the behaviour:

- are not prohibited by the criminal law or
- in isolation, constitute relatively minor offences.¹¹

Mille *et al.* have provided an insightful description of the problem with this definition; Flint indicated that it may be “the most comprehensive definition to date.”¹² Of course, issues of disorder are not a modern phenomenon. Pearson points out that there have always been concerns about anti-social delinquents in various areas at different times.¹³ In 1925, Sir Cyril Burt published a book on his work with young anti-social offenders called *The Young Delinquent*. He observed that the causes of delinquency could be mainly attributed to poor parenting.¹⁴ In 1939, the *English Picture Post* complained about “a great increase in juvenile crime ... one of the most horrible features of our time.”¹⁵ Extracts from the prominent photojournalistic magazine indicated that the issue of delinquency was particularly prevalent during the Second World War. Muncie explains that the 1960s were characterized with worries of student revolt, drug abuse, vandalism and football hooliganism. In the 1970s, muggings, punks and violence in schools were common. In addition, Muncie observes that:

in the 1980s, the sight of thousands of young people rioting on the streets added a new dimension to this social preoccupation with youth disorder. In the 1990s, panics about joyriding, alcopops, Ecstasy, girl gangs and persistent offenders were the latest in a long history of despairing but ‘respectable fears’; to be joined by ‘hoodies’, ‘boy racers’, ‘mini-moto riders’, ‘happy slappers’, ‘video-gamers’, ‘under-age binge drinkers’, and ‘feral yobs’ in the first decade of the 21st century.¹⁶

While a number of studies have looked at the issue of delinquency in the past, there has undoubtedly been a surge in interest regarding problems associated with ASB; awareness of ASB has certainly developed in recent

¹¹ Millie, Jacobson, McDonald and Hough, *Anti-social Behaviour Strategies*, p.2.

¹² J. Flint (Ed), *Housing, Urban Governance and Anti-Social Behaviour: Perspectives, Policy and Practice* (Bristol: Policy Press, 2006), p.5.

¹³ G. Pearson, *Hooligan: A History of Respectable Fears* (London: Macmillan, 1983).

¹⁴ C. Burt, *The Young Delinquent* (London: University of London, 1925).

¹⁵ *English Picture Post* (12th September, 1939).

¹⁶ Muncie, *Youth & Crime*, p.9.

years in connection to the growth of legislation aimed at tackling the issue. The term ‘anti-social behaviour’ and the acronym ‘ASBO’ have been popularized within society, often providing shocking or humorous stories in the media. Home Office research estimates that there are 66,000 reports of ASB made per day to UK government agencies, which equates to 13.5 million reports per year, or one report every two seconds.¹⁷ The growth in discussion of the term has taken ASB in new directions with different and additional features being attached to it. The wider recognition of the phrase stresses the need for a comprehensive and relevant definition.

There have been many definitions given in the past for legal and political purposes. There is much that can be learnt about the problem by evaluating previous attempts at defining ASB, as we attempt to develop an updated classification. A number of academics have traced the legal origins of ASB back to the 1986 Public Order Act.¹⁸ The legislation did not use the term ‘anti-social behaviour’ but it covered much of what is now considered anti-social, such as “harassment, alarm and distress.”¹⁹ Nearly a decade passed before the term was used more regularly, and policies emerged that referred specifically to ASB. One of the first definitions was put forward by the Chartered Institute of Housing (1995) as follows: “Behaviour that unreasonably interferes with other people’s rights to the use and enjoyment of their home and community.”²⁰ Millie highlighted “the importance of housing in early ASB discourse. It has been noted elsewhere that much of the current focus on ASB originated in a housing context, in an effort to address issues of ‘problem neighbours’ or ‘neighbours from hell’.”²¹ Burney has explained that “when American academics turned their attention to the plight of rustbelt cities in the 1970s and 1980s they used terms such as ‘incivilities’ and ‘disorder’ to describe a cocktail of social unpleasantness and environmental mess found in decaying neighbourhoods.” Burney claims that “in the mid 1990s Britain (not America) began to become familiar with another name: ‘anti-social behaviour’.”²²

¹⁷ S. Harradine, J. Kodz, F. Lerneti and B. Jones, *Defining and measuring anti-social behaviour* (London: Home Office, 2004), p.1.

¹⁸ Millie, *Anti-social behaviour*.

¹⁹ Home Office, *Public Order Act* (London: Home Office, 1986).

²⁰ Chartered Institute of Housing (CIH), *Neighbour Nuisance: Ending the Nightmare* (Coventry: CIH, 1995), p.4.

²¹ Millie, *Anti-social behaviour*, p.6.

²² E. Burney, *Making people behave: Anti-social behaviour, politics and policy* (Cullompton: Willan Publishing, 2005), p.2.

Before the term was introduced into the realm of public order enforcement by the New Labour government of 1997 (1997-2010), ASB was used not only to convey concerns about disruptive behaviour in impoverished housing zones, it was also often used for clinical purposes. Burney observes that “It was a term used either in a clinical context by psychologists and criminologists to describe a certain type of personality or propensity, or alternatively in popular use simply as a loosely pejorative expression applied to behaviour offensive to tastes or norms.” She then explains how the term has been popularized: “since its introduction into the law and order discourse it has acquired a burgeoning life of its own in the public arena, assisted by an increased volume of legislation aimed at tackling it. *The Times* used the words ‘anti-social’ or ‘antisocial’ 74 times in 1993, but by 2003 this had risen to 292.”²³ The development of the term within the media and public arena has created problems with definition, as ‘anti-social behaviour’ moves from a clinical context to a social one, with a variety of interpretation in between.

As a result, many of the legal definitions are very broad and stress the need for personal interpretation. The 1998 Crime and Disorder Act, which introduced ASBOs, defined ASB as “behaviour that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as the perpetrator.”²⁴ The increasing awareness of ASB is often traced back to the introduction of this definition. It was linked in with the growing legalisation for problems related to disorder and low-level crime. Whilst it would be a mistake to suggest that ASB was not a recognized concept before New Labour came to office, the zeal with which Tony Blair’s (Prime Minister, 1997-2007) Labour sought to tackle the issue of delinquency certainly increased the public and media perception of the problem.

The Scottish Affairs Committee (1996) defined ASB as behaviour “by one household or individuals in an area which threatens the physical or mental health, safety or security of other households and individuals.”²⁵ The Scottish Executive added “intimidating behaviour, behaviour that creates alarm or fear, noisy neighbours, drunken and abusive behaviour, vandalism, graffiti and other deliberate damage to property, nuisance from

²³ Burney, *Making people behave*, p.3.

²⁴ Home Office, *The Crime and Disorder Act* (London: Home Office, 1998), Section 1(1) (a)).

²⁵ Scottish Affairs Committee (SAC), *Housing and Anti-Social Behaviour: First Report* (SAC: Stationery Office, 1996), p.1.

vehicles, including parking and abandonment and dumping rubbish. ASB is manifested in hundreds of different ways in different locations, but the effects of each incident are immediate, real and personal.”²⁶ The Welsh Office (1995) provided a range of behaviour they considered anti-social. They suggest that ASB is “behaviour that manifests itself in many different ways and at varying levels. It can include vandalism, noise, verbal and physical abuse, threats of violence, racial harassment, damage to property, trespass, nuisance from dogs, car repairs on the street, so-called joyriding, domestic violence, drugs and other criminal activities”²⁷ (cited in Papps, 1995).

While these definitions provide useful indications of what can be considered ASB, they also lack precision. Hunter suggests that “what is characteristic of the majority of all policy documents is that they fail to provide a single definition, but rather provide a range of behaviours about which something must be done.”²⁸ As a result, many victims of ASB are often unsure what constitutes a serious anti-social offence. For instance, should they report complaints about noise, or prioritize issues such as drug abuse and prostitution? (See Section 1.2 of this chapter for more information on the problems related to the perceptions of ASB.) Such complications mean that victims often fail to report incidents of ASB; emphasizing the sense of isolation and powerlessness felt by those affected by such delinquency. (See Chapter 3 for more details.) A clear, comprehensive and widely accepted definition may increase the confidence of victims when reporting ASB.

There are in fact quite a number of problems caused by the subjective approach which many definitions have adopted when attempting to explain ASB. The wording of a number of government definitions has caused confusion as to what can conceivably be considered ASB. Millie criticized the definition put forward by the Crime and Disorder Act. He points out that “by including the phrase ‘likely to cause,’ the definition creates problems, in that it includes behaviour *perceived* to be a threat, rather than focusing solely on actual behaviour; put another way, a focus is

²⁶ Scottish Executive, *Putting our communities first* (Edinburgh: Scottish Executive, 2003), pp.7-8.

²⁷ P. Papps, ‘Anti-social behaviour strategies – Individualistic or Holistic?’, *Housing Studies*, 13, pp.639-656 (1998).

²⁸ C. Hunter, *Looking two ways at once: anti-social behaviour, law and social inclusion* (University of York: Housing Studies Association Conference, 2003), p.5.

on the supposed consequences of perceived threat.”²⁹ A Home Office publication from 2004, *Defining and Measuring Anti-Social Behaviour*, defended the all-inclusive definition: “The definition is broad and allows for a range of activities to be included within it. This is appropriate, given that people’s understanding of ASB is based on individual perception and can encompass a range of behaviours. It recognizes the need for local definitions to reflect local problems.”³⁰ The sentiment of perception is accurate, but some form of intellectual analysis is still required to ensure that there is some vetting process involved. Moreover, it is unclear why the government provided an official description of ASB if they had wanted communities to design their own regional definition.

A survey of Crime and Disorder Reduction Partnerships (CDRPs) indicated that areas were often unsure whether to prioritize their own local definition, or the wider government analysis. Forty-eight percent of the respondents in the survey indicated that they had a common working definition, while the majority referred to the 1998 Crime and Disorder Act definition.³¹ The ream of new legislation cultivated by Labour seemed to create confusion as to what should be assessed as ASB. It failed to offer practitioners a guide on what to look out for; rather it provided a range of intervention techniques to an apparently invisible problem that was very real, socially destructive and an immediate threat. The government supplemented the intervention process by emphasizing the already vague notion of what ASB was, or was not. The legislation that introduced ASBOs to Northern Ireland was similarly lenient with its analysis on what could be considered ASB. More significant at this point seemed to be a defence of the decision to ignore Section 75 of the Northern Ireland Act and the relevant Human Rights Legislation. (See Chapter 5 for more details.) The Northern Ireland Office (NIO) suggested that ASBOs “are aimed at protecting the public from behaviour that causes, or is likely to cause, harassment, alarm or distress.”³²

It also seems problematic that different government departments use various definitions. Crawford indicates that in the absence of consensus on what the term represents, a plethora of definitions have emerged. He

²⁹ Millie, *Anti-social behaviour*, p.8.

³⁰ Harradine, Kodz, Lernetti and Jones, *Defining and Measuring Anti-Social Behaviour*, p.3.

³¹ Centre for Regional Economic and Social Research (CRESR) and Centre for Housing Policy (CHP) (CHP, 2003).

³² Northern Ireland Office (NIO) Website, 25th August 2004.

observes that this has created problems in data collection, as it is unclear which definition should be prioritized.³³ This situation is facilitated by the fact that ASB does not fall within the remit of any single agency. Hunter points to two broad interpretations of ASB. First (from the Home Office), “ASB means different things to different people – noisy neighbours who ruin the lives of those around them, ‘crack houses’ run by drug dealers, drunken ‘yobs’ taking over town centers, people begging by cash-points, abandoned cars, litter and graffiti, young people using airguns to threaten and intimidate or people using fireworks as weapons.”³⁴ Second (Department for Transport, Local government and the Regions, DTLR):

whilst there is no agreed definition of ASB, residents know it when they see or hear it. It can be anything from low-level, persistent nuisance to serious violence and other criminal behaviour. It includes all behaviour which impacts negatively on residents’ quality of life in and around their homes. It is caused both by residents and non-residents, and can affect both. Examples are noise nuisance, the fouling of public areas, aggressive and threatening language and behaviour, actual violence against people and property, and hate behaviour which targets members of identified groups because of their perceived differences.³⁵

In addition, the Association of Chief Police Officers (ACPO) formally defined ASB as “A breach of the peace of which police are aware, which may require police intervention or action in partnership with others.”³⁶ There are obvious problems in developing a coherent response if various agencies have developed such diverse classifications of ASB.

Most of the definitions in this section are broad and stress the need for regional and personal interpretation. While perception is undoubtedly significant when identifying incidents that could be considered ASB, it is important to find some type of formulation that will offer a degree of clarity on what should be included and excluded from discussions on the topic. The lack of precision offered by the majority of definitions given in this section has led to problems in regional and personal perception, which is assessed in the next section. The existence of so many varying

³³ A. Crawford, *The Local Governance of Crime: Appeals to Community and Partnerships* (Oxford: Clarendon Press, 1997).

³⁴ Home Office, *Respect and Responsibility*, foreword.

³⁵ Department for Transport, Local government and the Regions (DTLR), *Tackling Anti-social tenants - A consultation paper* (London, DTLR, 2002), preface.

³⁶ The Association of Chief Police Officers (ACPO) website.

interpretations, as shown in this part of the chapter, also emphasizes the need for a clear and concise working definition in the conclusion.

1.2 What are the problems related to regional and personal perceptions?

As mentioned in section 1, the issue of personal interpretation is hugely significant to the definition process. It is important to stress the fact that ASB is a personal problem, interpreted differently by various communities, several areas and numerous people. This does not mean that a succinct definition cannot be established, but it does mean that clearer limits related to the terminology may be required. To develop a degree of control over what the term represents we need to identify the difficulties associated with regional and personal interpretations of ASB.

There are some basic problems related to regional and personal perception. The issue is complicated, because what is seen as anti-social in some areas will not be interpreted as such in others. In some large housing estates, noise will be a feature of the area due to the number of people living there, particularly children, and the amount of traffic present; however, in some quieter residential areas, there is often a lower tolerance of noise. Research and Development (RAND, UK Office) suggests that the range of perceptions associated with ASB has created a confusing situation: “this variance is exacerbated by differences in perceptions of what constitutes problematic behaviour.”³⁷ In addition, the Home Office One Day Count³⁸ has indicated that there is a specific urban nature to the problem of ASB, although other research (British Crime Survey, BCS³⁹) has suggested that the issue remains severe in rural areas, with drug use a particular concern. Another problem is related to the recording of regional and personal experiences of ASB; its context-specific nature means that counting incidents is difficult, unlike for crime where clear legal definitions are available. Moreover, particular types of behaviour may have an effect on many people; for example, several people may see a single incident of

³⁷ RAND, *Interventions to reduce anti-social behaviour and crime* (Cambridge: RAND, 2006), p.2.

³⁸ Home Office One Day Count. Organizations that receive direct, first-hand reports of ASB were asked to count the number of reports that they received between 00.01 and 24.00 on Wednesday 10th September 2003 and record them as one of 13 categories of ASB.

³⁹ T. Budd and L. Sims, *Anti-Social Behaviour and Disorder. Findings from the British Crime Survey* (London: Home Office, 2001).