

### 1. Introduction

- 1.1. This policy sets out East Suffolk Council's approach to managing anti social and nuisance behaviour involving residents and visitors to the district.
- 1.2. This policy is supported by Appendices 1 which set out the shared individual policies or procedures of the three areas of the Council that are most frequently involved with Anti-Social Behaviour.
  - [Appendix 1](#)
- 1.3. It is important to note the breadth of ASB means other teams will be involved from time to time. When they are they will apply the general principles embedded in this policy.
- 1.4. Regulatory guidance and good practice will be considered when enforcing and reviewing this policy.
- 1.5. East Suffolk Council Officers will provide a professional level of service for all our residents and visitors to the district and have regard for the protected characteristics as defined by Equality Act 2010
- 1.6. For the purposes of this policy, 'we', 'our' and 'us' refers to East Suffolk Council (ESC).

### 2. General

- 2.1. We believe that everyone has a right to live in a safe environment which allows them to enjoy their home and community. Anti-Social Behaviour (ASB) can be a destructive force and the lives of a significant number of people can be ruined by the behaviour of an unreasonable minority.
- 2.2. The Council takes anti-social behaviour very seriously. We operate a wide range of services with the ability to influence the behaviour of residents and visitors. We will seek to ensure that those services work in a coordinated way to promote acceptable behaviour and to protect the rights of others.

- 2.3. We will set clear standards of behaviour by publicising advice and guidance from time to time.
- 2.4. We will liaise with the police and various relevant partners and agencies in matters relating to ASB. We will work closely alongside partner agencies to ensure the appropriate tools and resources are being applied in pursuit to the Council's aims.
- 2.5. We recognise that in order to make East Suffolk a healthy and safe place to live we must be effective in tackling ASB and addressing the problems it creates. Where practicable we will focus on prevention and early intervention measures to reduce the incidence of ASB and to avoid escalation.
- 2.6. We will look to provide support to those perpetrators who are willing to change their behaviour and seek to resolve complaints of ASB informally, using education, persuasion, and mediation.
- 2.7. We will take formal action including the full range of remedies available through the courts when appropriate.
- 2.8. Vexatious complaints will be dealt with under the Council's persistent or vexatious complaints policy.

### **3. Aims**

- 3.1. To send a strong message to the perpetrators of ASB, that it will not be tolerated.
- 3.2. To reduce both the incidence and fear of ASB through prevention.
- 3.3. To introduce early intervention to avoid escalation.
- 3.4. To make East Suffolk a safe place to live, work and visit.
- 3.5. To encourage residents and visitors to take responsibility for their own lives and communities and to resolve their own problems in a reasonable manner.
- 3.6. To encourage tolerance and respect for other in the community.
- 3.7. To make it easy for residents to report ASB.
- 3.8. To be clear and transparent about how we will manage ASB cases and in our decision-making processes.

#### **4. Objectives**

- 4.1. Effectively communicate and publicise our approach to ASB.
- 4.2. Proactively work to identify our most vulnerable communities and provide the appropriate support to prevent ASB.
- 4.3. To take the most appropriate enforcement action when deemed necessary.
- 4.4. Actively work in partnership across all relevant teams across the Council and external agencies to provide a joined-up approach.
- 4.5. Provide alleged perpetrators and complainants with the tools to effectively manage ASB and neighbour disputes.
- 4.6. Provide advice, support and regular updates to complainants, victims, and witnesses.
- 4.7. Practice early intervention to prevent situations escalating and where appropriate, the use of alternative approaches to conflict resolution, such as mediation and referrals for support.
- 4.8. Maintain accurate records relating to anti social behaviour and monitor case progress and outcomes, and regularly review our anti social processes, learning from our experiences and customer feedback.
- 4.9. Recognise the importance of effective communication and keep complainants informed of progress and actions arising throughout the duration of their complaint.
- 4.10. Develop information sharing and joint working protocols between other agencies concerned with the management of anti social behaviour, including Police and other relevant agencies.

#### **5. What is Anti-Social Behaviour?**

- 5.1. Anti Social Behaviour is defined in different ways by different people. For the purposes of this policy, the definition of anti social behaviour will be taken as:  
“Acting in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons.
- 5.2. Anti-social behaviour is a term which covers a disparate range of conduct from tensions between neighbours to violent and intimidatory behaviour. Anti-social behaviour covers a wide range of unacceptable activity that causes an annoyance or disturbance to an individual, to their community or to their environment. This could be an action by someone that leaves a person feeling alarmed, harassed, or distressed. If a problem

becomes persistent and disputes happen frequently then this is defined as ASB. For our purposes (under the remit of this policy) we describe ASB as including the following:

- Animal, pet and pest related nuisance
- Arguing, shouting & swearing
- Damage to property
- Deliberate acts so as to antagonise or cause harassment alarm or distress to another person (this could include acts not normally considered to be anti-social behaviour)
- Domestic abuse and violence
- Dumping Rubbish and fly tipping
- Harassment and intimidation
- Illegal or immoral activity
- Inconsiderate or incorrect disposal of household waste
- Making false or malicious complaints
- Neighbour disputes
- Unreasonable noise
- Threatening Behaviour and verbal abuse
- Repairing or selling motor vehicles in the street
- Anti-Social use of a motor vehicle

NB: This list is not definitive or exclusive

5.3 It is important to note that ASB is not just defined by the perceptions of the victim; there has to be some assessment of the reasonableness of the behaviour in the context in which it happens.

## **6. Supporting Victims, witnesses, and perpetrators**

- 6.1. We understand the personal stress that ASB can cause, and we will therefore do everything reasonably practicable we can to offer, help, support, and protection to those affected by ASB.
- 6.2 We understand the positive impact of working with alleged perpetrators of ASB. In appropriate cases we will:
- We will seek where reasonably practicable to engage with alleged perpetrators
  - Explain consequences of their actions
  - Offer opportunities for informal resolution including mediation, where appropriate.
  - Explain and apply all sanctions available to control the behaviour in a graduated way.
- 6.3 In pursuit of the objective in providing support to victims we will;
- Advise victims and witnesses of the courses of action available to us and involve them if they wish in deciding the action to be taken.
  - Ensure people can report incidents of ASB to us with confidence and in confidence.
  - Ensure support is accessible for vulnerable individuals.
  - We will consider making referrals to partner agencies within constraints of data protection legislation as appropriate.
  - Manage expectations by always being honest and realistic about the likely outcome of a case
  - Ensure victims are offered the opportunity to discuss their anxieties about the court process, with a view to offering appropriate advice and support if they are required to attend court.
  - Respect the confidentiality of victims and witnesses and keep them fully informed of key developments in accordance with the Data Protection Legislation.
  - Where safeguarding issues are uncovered as part of an ASB investigation such as abuse or neglect, the necessary referrals will be made to safeguard those who may be vulnerable.

## 7. ASB case review (Community Trigger)

- 7.1. The Anti-Social Behaviour, Crime & Policing Act 2014 introduced a new measure called the community trigger (referred to locally as an Anti-Social Behaviour Case Review) which is a process locally managed by the Councils' Community Safety Partnership (CSP).

A CSP is a statutory partnership body with a duty to work with other local agencies and organisations to develop and implement strategies to tackle crime and disorder including ASB and other behaviour adversely affecting the local environment.

Community Safety Partnerships will work together to reduce instances of ASB by diversion, early intervention, and effective enforcement. The partnership aims to make residents of Suffolk feel that their neighbourhood continues to be a safe and good place to live, work and visit.

<https://www.eastsuffolk.gov.uk/assets/Community/AntiSocialBehaviourMinimumStandardsLeaflet.pdf>

The Community Trigger process gives victims and communities the right to ask for action to be taken where they believe ongoing and persistent ASB has not been addressed appropriately by all of the relevant agencies, which may include the Council, police, health providers and/or social housing or if the Council has failed to respond to a complaint.

Where the threshold (criteria) is met to qualify for a review, an ASB case review will be carried out. The process is designed to make sure that policies and practices have been applied and followed appropriately and all agencies work together to decide whether any further action can be taken to try and resolve the issue.

Applications for an ASB review and further details regarding when an ASB case review can be requested can be found online at: (East Suffolk Council)

<https://www.eastsuffolk.gov.uk/community/anti-social-behaviour/community-trigger/>

## **8. Limitations to Council actions and alternative actions available to victims of ASB.**

- 8.1. We will always provide clear explanations of what we can and cannot do. Everything the Council does is controlled by legal powers it has at its disposal. Any legal action taken will be judged against the Council's enforcement policy and where appropriate, the principles in the code of Practice for Crown Prosecutors with regard to necessity, reasonableness, fairness, and proportionality.
- 8.2. Anyone affected by nuisance has the right to take private action to resolve the problem independent of the Council. This may include civil or criminal action on their own account, with or without advice from a solicitor.

## **9. Information sharing and confidentiality**

- 9.1. Any personal data gathered by the Council in the pursuit of its activities in dealing with Anti-Social Behaviour is protected under the terms of the data protection law applicable to the UK.
- 9.2 Under the Data Protection and Freedom of Information legislation individuals have the right to see information held about them. Individuals can request copies of the Information about them. Further information is available on those rights and how to exercise them on the council's website:

[General Data Protection Regulation and Data Protection Act » East Suffolk Council](#)

The council has the right to disclose certain classes of data to specified recipient for certain purposes. These are explained in the Council's Data Protection privacy notices at:

[GDPR privacy notices » East Suffolk Council](#)

## **10. Equalities**

- 10.1 East Suffolk Council recognises that all tenants/residents should be treated equally and fairly and should not be discriminated against in respect to age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. We will not discriminate in implementing this policy and its associated procedures

10.2 The Equality Act 2010 provides a framework to ensure Council services are not provided in a discriminatory manner ensuring approach to be taken when considering legal action against an individual who is disabled. This means under this policy the council will:

- demonstrate that we have considered any vulnerability identified within the Act when deciding to proceed with legal action.
- have concluded that legal action is needed due to the effect of the anti-social behaviour on either the health of the victim and/or the perpetrator.
- ensure that the proposed legal action is a proportionate response to the anti-social behaviour

## **11. Use of technology**

11.1. We may make use of any available technology to help us investigate and manage complaints of ASB or nuisance. This could include the use of mobile technology, our website, social media, automated procedures, and any surveillance equipment such as sound or video recording devices.

## **12. Policy Review**

12.1. Communities Team, Environmental Protection, and Tenancy Services are responsible for delivering this policy in conjunction with other relevant departments.

12.2 We will review this policy from time to time to address legislative, regulatory, best practice or operational issues.

12.3 This policy will be reviewed every three years if not prompted by changes in legislation, guidelines or monitoring which requires a change in policy sooner.

## **12. Complaints**

12.1. Any person who is dissatisfied with the management of their case or if they feel the Councils are not implementing the ASB Policy, are directed to the Corporate Complaints Procedure which is available on our website <https://www.eastsuffolk.gov.uk/contact-us/compliments-comments-and-complaints/>

## **13. Version Control**



<b>Drafted by</b>	<b>Rachel Tucker</b> <b>Andrew Reynolds</b>		
<b>Dated</b>	5 <sup>th</sup> April 2022		
<b>Cabinet sign off</b>	7 <sup>th</sup> June 2022		
<b>Review Date</b>	4th April 2025		