



# ANTI-SOCIAL BEHAVIOUR PROTOCOL

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## **INTRODUCTION**

Local authorities have a duty to investigate anti-social behaviour affecting residents and local communities and have a range of tools and powers to take action against those causing the anti-social behaviour if it is deemed unacceptable.

Braintree District Council recognises that anti-social behaviour can have a negative impact on the quality of life of residents within the District. The Council is committed to working in partnership with residents and partner agencies to ensure a fair approach is taken to dealing with instances of ASB.

This protocol sets out the Council's broad approach to ASB and the principles on which it is founded.

## OUR ASB RESPONSIBILITIES

### Our environmental protection role

The Council has a range of legal tools and powers to deal with environmental anti-social behaviour such as noise, graffiti, litter, fly-tipping and abandoned vehicles. These responsibilities come from various legislation including (but not exclusively) the [Environmental Protection Act 1990](#), the [Refuse Disposal \(Amenity\) Act 1978](#), and the [Anti-social Behaviour, Crime and Policing Act 2014](#). (The latter includes powers granted to the Police to deal with more serious types of anti-social behaviour.)

### Our role within Braintree District Community Safety Partnership

Under the [Crime and Disorder Act 1998](#), partner agencies of which the Council is one, have a statutory duty to work together in a Community Safety Partnership to reduce crime and disorder in the Braintree District. The Council hosts regular multi-agency meetings to discuss issues and identify possible solutions.

## WHAT IS ANTI-SOCIAL BEHAVIOUR?

Anti-Social Behaviour is defined in the Anti-Social Behaviour, Crime and Policing Act 2014 as:

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| <p>(i) Conduct that has caused, or is likely to cause, harassment, alarm and distress to any person; <b>OR</b></p> <p>(ii) Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises; <b>OR</b></p> <p>(iii) Conduct capable of causing housing related nuisance or annoyance to any person.</p> |
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Anti-social behaviour can affect anyone and covers a wide range of issues such as:-

- Noisy neighbours (noise that is considered unreasonable including but not exclusively shouting, swearing)
- Playing of amplified music
- Fly Tipping and littering
- Dog fouling
- Graffiti
- Accumulation of Waste
- Abandoned vehicles
- Vehicle Noise
- Noise in open spaces
- Dangerous Dogs

## What we will not investigate as Anti-Social Behaviour

- Children playing in the street or communal areas
- Young people gathering socially unless they are being intimidating
- Babies crying
- Normal use of domestic appliances
- Civil disputes between neighbours e.g. shared driveways, fences, hedges
- Being unable to park outside your own home

## OUR APPROACH TO TACKLING ANTI-SOCIAL BEHAVIOUR

In some cases, the subject of a complaint may not be aware that they are causing a problem to their neighbours. Being informed of the complaint gives them an opportunity to modify their behaviour and advice/guidance can be offered if required. Alternatively, if the subject refutes the allegation, they can make their views known and these can be held on record for consideration as part of an investigation in the event that subsequent complaints are received.

In other cases, intervention may be needed e.g. a verbal or written warning. This can help establish clear standards of behaviour and reinforce the message that anti-social behaviour is not tolerated. Awareness of the impact of the behaviour on victims and the threat of more formal enforcement is usually sufficient to encourage an individual to change their behaviour.

Where informal approaches fail, the Council has the option of pursuing more formal methods to secure a resolution.

*In some cases an informal intervention would not be an appropriate first step, such as if the victim is at risk of harm. Each case will be considered on its own merits and officers will use their professional judgement as to which approach is the right one in the particular circumstances.*

**In the majority of cases, a 3-stage approach will be followed.**

<b>STAGE 1</b> Education/Prevention	<b>Following receipt of complaint/s</b> <ul style="list-style-type: none"><li>▪ Acknowledge receipt of the complaint within 1 working day and diary sheets sent to complainant/s to complete and return within a four week period.</li><li>▪ Informal letter sent to make subject/s aware of complaint/s and seek their cooperation in ceasing the alleged nuisance (or refute the allegation if applicable).</li><li>▪ Advice/guidance offered if required.</li></ul>
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<p>STAGE 2 Intervention</p>	<p><b>If not resolved at Stage 1 – formal investigation commences</b></p> <ul style="list-style-type: none"> <li>▪ Officer/s speak to subject to discuss complaint and how it can be resolved (visit if appropriate).</li> <li>▪ If supporting statements are received, officers visit area and speak to others in local community to establish their objectivity.</li> <li>▪ If complaint deemed justified:- <ul style="list-style-type: none"> <li>▪ Community Protection or other Statutory Notice issued requiring behaviour to stop OR</li> <li>▪ Discussion with other agencies/services for support OR</li> <li>▪ Mediation referral offered</li> </ul> </li> </ul>
<p>STAGE 3 Enforcement</p>	<p><b>If complaints continue and are deemed justified</b></p> <ul style="list-style-type: none"> <li>▪ Fixed Penalty Notice OR</li> <li>▪ Prosecute OR</li> <li>▪ Injunction obtained OR</li> <li>▪ Criminal Behaviour Order issued OR</li> <li>▪ Closure Order issued</li> </ul>

## WHAT WE EXPECT OF COMPLAINANTS

In order for the Council to properly investigate a complaint, the following will be required from the complainant:-

- Their name, address and contact details
- Full details of the complaint
- Names and addresses of any witnesses
- Full cooperation with the complaint investigation (including completion and return of diary sheets within the time specified). *If for any reason a complainant is unable to do this, alternative methods of collecting data can be considered.*
- Willingness to provide a witness statement or attend court if required.

## THE COUNCIL'S OBJECTIVES

The Council's Anti-Social Behaviour protocol is based on a number of principles:

### a) **No-one should have to put up with ASB. WE WILL:**

- Raise awareness of what anti-social behaviour is through our various media channels
- Encourage residents to report instances of ASB through on-line reporting and by phone.
- Acknowledge each report of ASB within 1 working day.
- Provide an initial response to the complainant within 7 working days of receiving their complaint.

**b) Reports of ASB will be treated seriously and dealt with professionally. WE WILL:**

- Treat all reports as confidential, sharing information only with relevant organisations (for example Essex Police) and adhere to data protection laws and information sharing agreements.
- Register each report of ASB we receive and each case will be given a reference number
- Appoint a case officer to lead on each case
- Fully investigate the complaint if not resolved at Stage 1
- Continue to treat any reports as 'live' until, in the opinion of the case officer, the case can be closed
- Notify the complainant when the case is closed or if diary sheets have not been returned within 28 days the case will automatically be closed.
- Explain the reasons if we can take no action, and advise on self-help or other alternative courses of action whenever it is possible and appropriate to do this

**c) ASB will be dealt with firmly, fairly and proportionately. WE WILL:**

- Investigate the circumstances and seek to understand all the facts of any matter reported to us
- Take into account (and adjust our approach as necessary) when a victim or perpetrator is a vulnerable person
- Use the tools and powers available to us under law and Council protocol to remedy the situation

**d) Work with partners in order to deliver an effective, value for money ASB service across the District. WE WILL:**

- Via the Community Safety Partnership work with partners to identify, if possible, multi-agency solutions to dealing with ASB
- Work with Housing Associations, private landlords, letting agents and businesses, providing professional advice and support as required so that these organisations can act confidently to prevent or tackle ASB making use of their own resources

*N.B. If the complainant or alleged perpetrator is a Housing Association tenant then ASB complaints must be made to them in the first instance.*

**e) Provide a high quality service. WE WILL:**

- Ensure that staff dealing with ASB are competent and understand and follow the agreed protocol and processes
- Respond promptly to [complaints about our service](#) and advise anyone not satisfied with the way in which their report was handled how to make a formal complaint.

- Review the protocol and procedural document at least once every two years
- Seek the views of service users and partner organisations as part of each review.

## **INFORMATION SHARING AND DATA PROTECTION**

All data protection and information sharing will take place in line with Braintree District Council's Data Protection Policy and the Community Safety Hub Information Sharing Agreement.

Depending on the purpose for which we originally obtained your personal information and the use to which it is to be put, information may be shared with other departments and organisations.

If requested we may submit your information to law enforcement or government authorities including other local authorities.

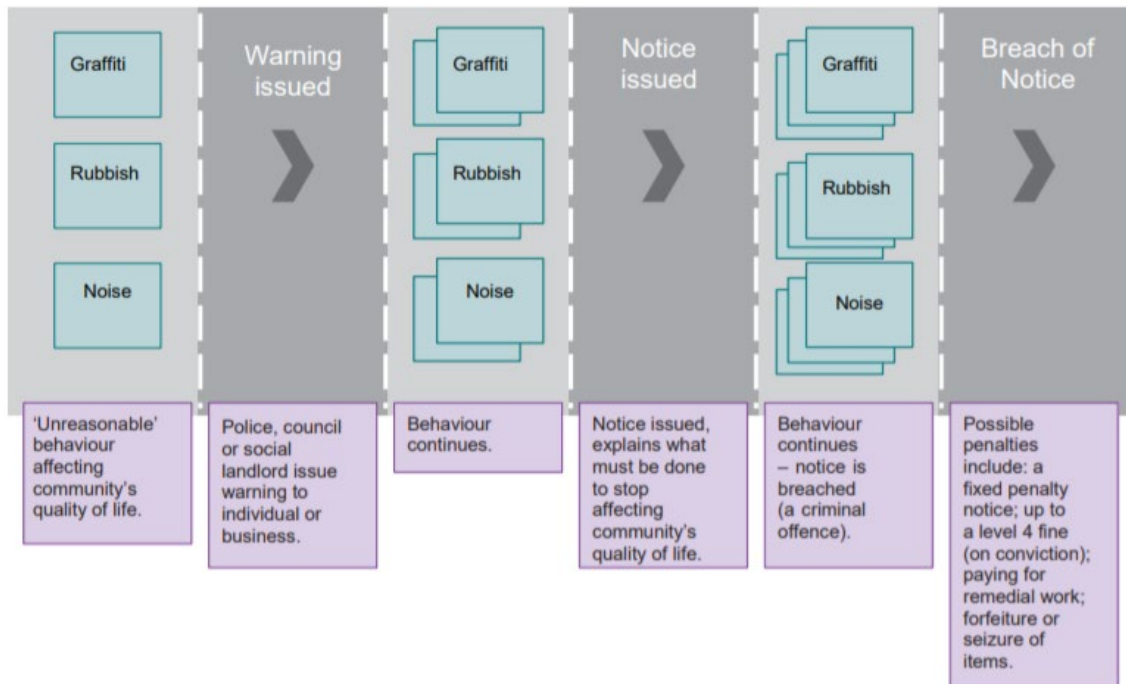
In most cases we will not disclose personal data without consent, however there are situations where consent would not be required including:

- Where the council is required to provide the information by law
- Where the information is needed to prevent or detect crime
- Where the council is obliged to publish the information by law
- Where disclosure is in the vital interests of the person concerned

## **DATA RETENTION**

Information regarding cases of anti-social behaviour will be retained for a period of 6 years from when the case has been closed.

## Community Protection Notice





## TOOLS AND POWERS THAT CAN BE USED TO TACKLE ASB

Diary Sheets	These are sent out to complainants to complete and return within a four week period. They enable evidence to be gathered as part of an ASB investigation.
Allegation Letters	This is an initial letter sent to the subject setting out the ASB allegations made against them and requesting their co-operation in preventing ASB from occurring.
Community Protection Notice	<p>The Community Protection Notice is intended to deal with particular, on-going problems or nuisances which negatively affect the community's quality of life by targeting those responsible.</p> <p>A warning letter will be sent requesting the nuisance behaviour to cease prior to the CPN.</p>
Criminal Behaviour Order	A Criminal Behaviour Order is available on conviction for any criminal offence in any criminal court. The order is aimed at tackling the most serious and persistent offenders where their behaviour has brought them before a criminal court.
Public Spaces Protection Orders	Public Spaces Protection Orders are intended to deal with a particular nuisance or problem in a particular that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone.
Closure Orders	Closure Orders are a fast, flexible power that can be used to protect victims and communities by quickly closing premises that are causing a nuisance or disorder.
Community Trigger	The Community Trigger gives victims and communities the right to request a review of their case and bring agencies together to take a joined up problem solving approach to find a solution.
Civil Injunction	A Civil Injunction is a civil power which can be applied for to deal with anti-social individuals. It offers fast and effective protection for victims and communities.

## **ASB CASE REVIEW**

The Anti-Social Behaviour, Crime and Policing Act 2014 has introduced the Anti-Social Behaviour Case Review as a measure designed to give victims and communities the ability to demand action by requesting a review of their ASB case.

Residents of the Braintree District can request an ASB Case Review (Community Trigger) if they feel that agencies have not adequately responded to their ASB reports if:

- They have reported three or more *separate* incidents of ASB to Braintree District Council, Essex Police or their housing provider in the last six months **OR**
- They have reported a Hate Crime Incident to Braintree District Council, Essex Police or housing provider once in the last 6 months

### **AND**

- The reports of ASB or Hate Crime have been made within one month of the alleged incident taking place.
- The application for an ASB Case Review has been made within six months of the report of anti-social behaviour or hate crime to the Council, the Police or housing provider.