

Anti-Social Behaviour Policy

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1. Introduction

- 1.1. This Anti-Social Behaviour Policy replaces the previous Braintree District Council ASB Protocol dated 2020.
- 1.2. The [Anti-social Behaviour Act 2003](#) requires local housing authorities, housing action trusts and registered social landlords to prepare and publish a policy in relation to antisocial behaviour (ASB) and procedures for dealing with occurrences of ASB, and to review those documents as appropriate.
- 1.3. Local authorities have a statutory duty to investigate reports of anti-social behaviour (ASB) that affect residents and local communities. They are equipped with a range of tools and powers to take action against individuals whose behaviour is deemed unacceptable.
- 1.4. Braintree District Council recognises the significant impact ASB can have on the quality of life for residents within the District. The Council is committed to working collaboratively with residents and partner agencies to ensure a fair, proportionate, and effective response to ASB.
- 1.5. Given the broad nature of ASB, multiple Council teams may be involved in addressing specific issues. When they are, they will apply the general principles outlined in this policy to ensure consistency and fairness.
- 1.6. The Council will consider relevant regulatory guidance and best practice when enforcing and reviewing this policy.
- 1.7. [The Anti-Social Behaviour, Crime and Policing Act 2014](#) provides the primary powers for dealing with Anti-social Behaviour. Statutory guidance was first published in July 2014, with revisions in December 2017, January 2021 and July 2022.
- 1.8. The [Home Office Anti-social Behaviour Strategic Board](#) has developed a set of principles which seek to describe a consistent approach to understanding and addressing antisocial behaviour in local communities. The principles are not intended to fetter local decision making but rather to act as a guide in seeking to deliver the best possible outcomes for victims of antisocial behaviour.
 - i. **Victim-Centred Approach**
Victims should feel confident to report anti-social behaviour, be taken seriously, and have access to support and restorative options.
 - ii. **Clear Reporting and Communication**
Agencies must provide transparent processes for reporting, investigating, and updating victims on progress.
 - iii. **Collaborative Working Across Services**
Agencies should work together across boundaries, with clear referral pathways including health services and case reviews.
 - iv. **Strategic Consideration and Knowledge Sharing**
Anti-social behaviour concerns should inform strategic safety assessments, with best practices shared locally and nationally.
 - v. **Accountability and Intervention for Perpetrators**
Individuals responsible for anti-social behaviour should be supported to take responsibility and face appropriate interventions based on risk and vulnerability.
- 1.9. This policy sets out how officers will deliver a professional standard of service to all residents and visitors, with due regard to the protected characteristics defined in the Equality Act 2010.
- 1.10. For the purposes of this policy, the terms 'we', 'our', and 'us' refer to Braintree District Council (BDC).

2. What is Anti-Social Behaviour?

- 2.1. Anti-social behaviour (ASB) is defined in the **Anti-social Behaviour, Crime and Policing Act 2014** as:
 - i. Conduct that has caused, or is likely to cause, harassment, alarm, or distress to any person;
 - ii. Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises; or
 - iii. Conduct capable of causing housing-related nuisance or annoyance to any person.
- 2.2. ASB can affect anyone and encompasses a wide range of behaviours, including but not limited to:
 - Noisy neighbours (e.g. shouting, swearing, or other unreasonable noise)
 - Playing amplified music at disruptive volumes
 - Fly-tipping and littering
 - Dog fouling
 - Graffiti
 - Accumulation of waste
 - Abandoned vehicles
 - Excessive vehicle noise
 - Noise in public or open spaces
 - Dangerous or uncontrolled dogs
 - Aggressive begging
 - Nuisance bonfires

What We Do Not Classify as Anti-Social Behaviour

- 2.3. The following are examples of behaviours or situations that, while they may be frustrating, do not fall under the definition of anti-social behaviour and will not be investigated as such by the Council:
 - Children playing in the street or communal areas
 - Young people gathering socially
 - Babies crying
 - Normal use of domestic appliances (e.g. vacuuming, washing machines)
 - Civil disputes between neighbours (e.g. disagreements over shared driveways, fences, or hedges)
 - Inability to park directly outside your home



3. Types of Anti-Social Behaviour (ASB)

3.1. Anti-social behaviour (ASB) can be broadly categorised into three main types:

- **Personal ASB**
- **Nuisance ASB**
- **Environmental ASB**

Some behaviours may fall into more than one category.

Personal ASB

3.2. Personal ASB involves incidents that deliberately target an individual or a specific group, rather than the wider community. These behaviours can cause distress, anxiety, or negatively impact someone's quality of life.

Examples include:

- Intimidation
- Harassment

Nuisance ASB

3.3. Nuisance ASB affects the community rather than a specific individual. These incidents cause annoyance, inconvenience, or distress and can interfere with public interests such as health, safety, wellbeing, and overall quality of life.

Examples include:

- Drug or substance misuse
- Vehicle-related nuisance
- Animal-related problems

Environmental ASB

3.4. Environmental ASB refers to behaviours that harm or degrade public spaces and the wider environment. This includes damage to property and the misuse of shared spaces.

Examples include:

- Criminal damage or vandalism (e.g. graffiti, damage to bus shelters)



4. Council Commitments to Tackling Anti-Social Behaviour

i. Right to a Safe Environment

We believe that everyone has the right to live in a safe and secure environment that enables them to enjoy their home and community. Anti-social behaviour (ASB) can be deeply disruptive, and the actions of a small minority can significantly harm the lives of others.

ii. Seriousness of ASB

The Council takes ASB very seriously. We operate a wide range of services that can influence the behaviour of residents and visitors. We are committed to ensuring these services work in a coordinated manner to promote acceptable behaviour and protect the rights of all.

iii. Clear Standards of Behaviour

We will set and communicate clear standards of behaviour by regularly publishing advice and guidance for the public.

iv. Partnership Working

We will work closely with the police and other relevant partners and agencies on matters related to ASB. Through these partnerships, we aim to ensure that the most appropriate tools and resources are used to support the Council's objectives.

v. Prevention and Early Intervention

We recognise that making the Braintree District a healthy and safe place to live requires effective action against ASB. Wherever possible, we will prioritise prevention and early intervention to reduce the occurrence of ASB and prevent escalation.

vi. Support and Informal Resolution

We will offer support to individuals who are willing to change their behaviour. Where appropriate, we will seek to resolve ASB complaints informally through education, persuasion, and mediation.

vii. Formal Enforcement

When necessary, we will take formal enforcement action, including the use of all legal remedies available through the courts.



5. ASB Responsibilities

Environmental Protection Role

- 5.1.** Braintree District Council has a range of legal powers to address environmental forms of anti-social behaviour, including noise nuisance, graffiti, littering, fly-tipping, and abandoned vehicles.
- 5.2.** These responsibilities are derived from various pieces of legislation, including (but not limited to) the **Environmental Protection Act 1990, the Refuse Disposal (Amenity) Act 1978, Noise Act 1996, Anti-social Behaviour Act 2003, Clean Neighbourhoods and Environment Act 2005 and the Anti-social Behaviour, Crime and Policing Act 2014**. The latter also grants powers to the police to address more serious forms of anti-social behaviour.

Noise Complaints

- 5.3.** A noise complaint may be identified as a statutory nuisance. To fall within the definition of statutory nuisance, an activity needs to be, or likely to be:
- a nuisance
 - posing a threat to health
- 5.4.** A nuisance is something which is unreasonable and causes substantial interference in the use and enjoyment of a person's property. It is much more than just an annoyance or being aware of something. In these cases, environmental and or specific noise legislation will be used rather than the Anti-social Behaviour, Crime and Policing Act 2014 .

Community Safety Partnership Role

- 5.5.** [The Braintree Community Safety Partnership](#) (CSP) is a multi-agency collaboration established under the Crime and Disorder Act 1998, bringing together local authorities, police, fire services, probation, health services, voluntary organisations, residents, and businesses.
- 5.6.** Its core mission is to reduce crime, anti-social behaviour, and disorder across the district. The partnership conducts annual strategic assessments to analyse crime patterns and community concerns, ensuring its priorities align with local needs.
- 5.7.** Through intelligence-led initiatives and coordinated action plans, the CSP addresses key issues such as domestic abuse, re-offending, hidden harm, and homelessness, while promoting safer and more resilient communities.



6. Our approach to tackling Anti-Social Behaviour

- 6.1.** A victim-centred approach is crucial in any setting where individuals have experienced harm, especially in areas like anti-social behaviour, crime, or enforcement. Here's why it matters so much:
- Empowerment and Respect**
It places the victim at the heart of the process, ensuring their voice is heard and respected. This helps restore a sense of control and dignity, which is often lost during traumatic experiences.
 - Improved Outcomes**
When victims feel supported and understood, they're more likely to engage with services, report incidents, and participate in investigations or legal processes. This can lead to better enforcement outcomes and community safety.
 - Trauma-Informed Practice**
A victim-centred approach acknowledges the psychological and emotional impact of harm. It promotes sensitivity to trauma, reducing the risk of re-traumatisation and encouraging recovery.
 - Trust and Confidence in Services**
Victims are more likely to trust and cooperate with authorities when they feel their needs are prioritised. This builds public confidence in enforcement and justice systems.
 - Holistic Support**
It encourages agencies to work together to address not just the incident, but the wider needs of the victim—such as housing, mental health, or financial support—leading to more sustainable solutions.
 - Ethical and Legal Obligations**
In many contexts, especially public service roles, there's a duty to uphold human rights and treat individuals with fairness and compassion. A victim-centred approach aligns with these principles.
- 6.2.** Even when two ASB cases involve the same type of behaviour, the impact on victims can vary significantly. For example, consider a tenant who plays loud music until 11 p.m. every night:
- One neighbour works night shifts and is only home on weekends. When they do hear the noise, it causes minimal disruption, as they have no early commitments the next day.
 - The other neighbour is elderly and on medication for high blood pressure. The nightly noise disrupts their sleep, exacerbating their health condition and significantly affecting their wellbeing.
- 6.3.** Although the behaviour is identical, the level of harm experienced is not. This highlights the importance of tailoring our response to the specific circumstances of each case.
- 6.4.** There's a reason we often say, "no two ASB cases are the same." Effective ASB management requires a victim-centred approach that considers the individual impact, not just the behaviour itself.
- The case officers will:
- Complete an initial victim risk assessment to understand the impact and urgency of the reported behaviour.
 - Agree a contact plan with the complainant and provide regular updates throughout the investigation.
 - Ensure safeguarding referrals are made where appropriate, in line with statutory duties and best practice.

Investigation & Enforcement Process

- 6.5.** In many cases, individuals may be unaware that their behaviour is causing a problem. Early engagement and intervention can resolve issues and prevent them from escalating. Being informed of a complaint gives individuals the opportunity to modify their behaviour, and advice or guidance can be offered where appropriate. Education and the use of codes of conduct can support behavioural change before more formal steps are necessary. This could also include working with other partner agencies to support individuals.
- 6.6.** If the subject of a complaint disputes the allegation, they will be given the opportunity to respond. Their comments will be recorded and considered as part of the investigation, particularly if further complaints are received.
- 6.7.** In other cases, intervention may be necessary. This includes the initial steps of formal action, where issuing a verbal or written warning may be required. This helps establish clear behavioural expectations and reinforces that anti-social behaviour will not be tolerated.
- 6.8.** Raising awareness of the impact on victims and the potential for formal enforcement is often enough to encourage behavioural change. However, where informal approaches fail, the Council will pursue formal enforcement options to resolve the issue, and this may include an interview under caution.

A 3 Stage approach will be followed in most cases:

Stage 1

Engage/ Education & Prevention

Following receipt of the complaint/s:

- Acknowledge receipt of the complaint within 1 working day.
- Diary Sheets sent to complainant/s to complete & return within a four-week period.
- Informal letter sent to make subject/s aware of complaint, seek cooperation in ceasing the alleged nuisance (or refute of allegation if applicable)
- Advice/guidance offered to both complaint/s and subject/s if applicable.
- Acceptable behaviour contracts and code of conduct agreements (where necessary)

Stage 2

Explain & Intervention

If not resolved at Stage 1 – Formal investigation commences:

- Case officer speaks to subject to discuss complaint, consequences and possible resolution.
- If supporting statements are received, officers visit area and speak to others in local community to establish facts & wider impact.
- If complaint deemed justified:
 - i. Discussion with other agencies/ services for support
 - ii. Mediation referral to be offered.
 - iii. Community Protection Warning (CPW), Notice (CPN) or other statutory notice issued requiring behaviour to stop.

Stage 3

Enforcement

If complaints continue and are deemed justified:

- Fixed Penalty Notice
- Formal Prosecution
- Injunctions
- Criminal Behaviour Order on conviction
- Premises Closure Order

- 6.9.** However, the [Braintree District Council Enforcement Policy](#) allows for circumstances where enforcement action may be taken without giving a warning first e.g. where offence is serious, if council priority or where previous advice or a warning has been given and advice not followed.



7. Our Objectives

7.1. The Council's Anti-Social Behaviour (ASB) Policy is guided by the following principles:

a) Everyone has the right to live free from ASB. We will:

- Raise awareness of what constitutes ASB through various media channels.
- Encourage residents to report ASB via online forms or by phone.
- Acknowledge each report of ASB within one working day.
- Complete an ASB risk assessment for each case.
- Provide an initial response to the complainant within seven working days of receiving the report.

b) Reports of ASB will be treated seriously and professionally. We will:

- Treat all reports as confidential, sharing information only with relevant organisations (e.g. Essex Police) in accordance with data protection laws and information-sharing agreements.
- Register each report and assign a unique reference number.
- Appoint a case officer to manage each case.
- Fully investigate complaints that are not resolved at the initial stage.
- Keep cases open until the case officer determines they are resolved.
- Notify the complainant when the case is closed. If diary sheets are not returned within 28 days, the case will be automatically closed.
- Explain when no action can be taken and provide advice on self-help or alternative options where appropriate.
- Ensure all necessary safeguarding referrals are completed.

c) ASB will be addressed firmly, fairly, and proportionately. We will:

- Investigate the circumstances and seek to understand all relevant facts.
- Adjust our approach when victims or perpetrators are identified as vulnerable.
- Use the legal tools and powers available to us under legislation and Council protocols.

d) We will work with partners to deliver an effective, value-for-money ASB service. We will:

- Collaborate through the Community Safety Partnership to identify multi-agency solutions.
- Work with housing associations, private landlords, letting agents, and businesses, offering professional advice and support to help them address ASB using their own resources.

Note: If the complainant or alleged perpetrator is a housing association tenant, the ASB complaint must be directed to the housing provider in the first instance.

e) We are committed to providing a high-quality service. We will:

- Ensure staff handling ASB cases are trained, competent, and follow agreed policies and procedures.
- Respond promptly to complaints about our service and inform individuals how to make a formal complaint or submit an ASB Case Review application.
- Review the ASB policy and procedures at least annually or in response to new legislation.
- Seek feedback from service users and partner organisations as part of each review.



8. Tools and Powers available to tackle Anti-Social Behaviour

Diary Sheets

- Sent to complainants to complete and return within 4 weeks. Enable evidence capture of behaviour being reported.

Allegation Letter

- Initial letter sent to subject advising them of the ASB allegation made against them and requesting their co-operation in preventing ASB from reoccurring.

Community Protection Warning (CPW)

- Issued prior to escalation to Community Protection Notice (CPN), explaining consequences of failing to stop behaviour.

Community Protection Notice (CPN)

- Intended to deal with on-going problems or nuisances which negatively affects the community's quality of life by targeting those responsible.
- A CPW will be issued prior to the CPN.
- Breach of CPN is an arrestable offence.

Criminal Behaviour Order (CBO)

- Available on conviction for any criminal offence in any criminal court. Aimed at tackling the most serious and persistent offenders where their behaviour has taken them to criminal court.
- Breach of CBO is a criminal offence

Public Spaces Protection Order (PSPO)

- PSPOs are intended to deal with a particular nuisance or problem in particular that is detrimental to the local community, by imposing conditions on the use of that area which apply to everyone.

Premises Closure Order

- A fast, flexible power that can be used to protect victims & communities by closing premises that are causing nuisance & disorder.

Civil Injunction

- A civil power which can be applied for at court to deal with anti-social individuals. It offers fast and effective protection for victims & communities.
- Injunction powers are available under: [Sec 1 Anti-social Behaviour, Crime and Policing Act 2014](#) & [Sec 222 Local Government Act 1972](#)

9. ASB Case Review

9.1. The Anti-social Behaviour, Crime and Policing Act 2014 introduced key measures to ensure that victims and communities have a voice in how anti-social behaviour (ASB) is addressed:

- ASB Case Review (formerly known as the Community Trigger)

9.2. This mechanism allows victims of persistent ASB to request a formal review of their case if they believe that the response from local agencies has been inadequate. If the locally defined threshold is met, a multi-agency review will be conducted to determine whether further action can be taken. Local authorities are required to publish their ASB Case Review procedures.

You can submit an ASB Case Review application through the Braintree District Council website:

► [Submit an ASB Case Review Application](#)



10.Information Sharing and Data Protection

- 10.1. All data protection and information sharing activities will be carried out in accordance with Braintree District Council's Data Protection Policy and the Community Safety Hub Information Sharing Agreement.
- 10.2. Depending on the original purpose for which the information was collected, and the intended use, your personal information may be shared with other Council departments or external organisations.
- 10.3. In certain circumstances, we may be required to share your information with law enforcement agencies, government bodies, or other local authorities. While we aim to obtain consent before disclosing personal data, there are specific situations where consent is not required, including:
 - When the Council is legally required to provide the information.
 - When the information is necessary to prevent or detect crime.
 - When the Council is legally obliged to publish the information.
 - When disclosure is necessary to protect the vital interests of the individual concerned.

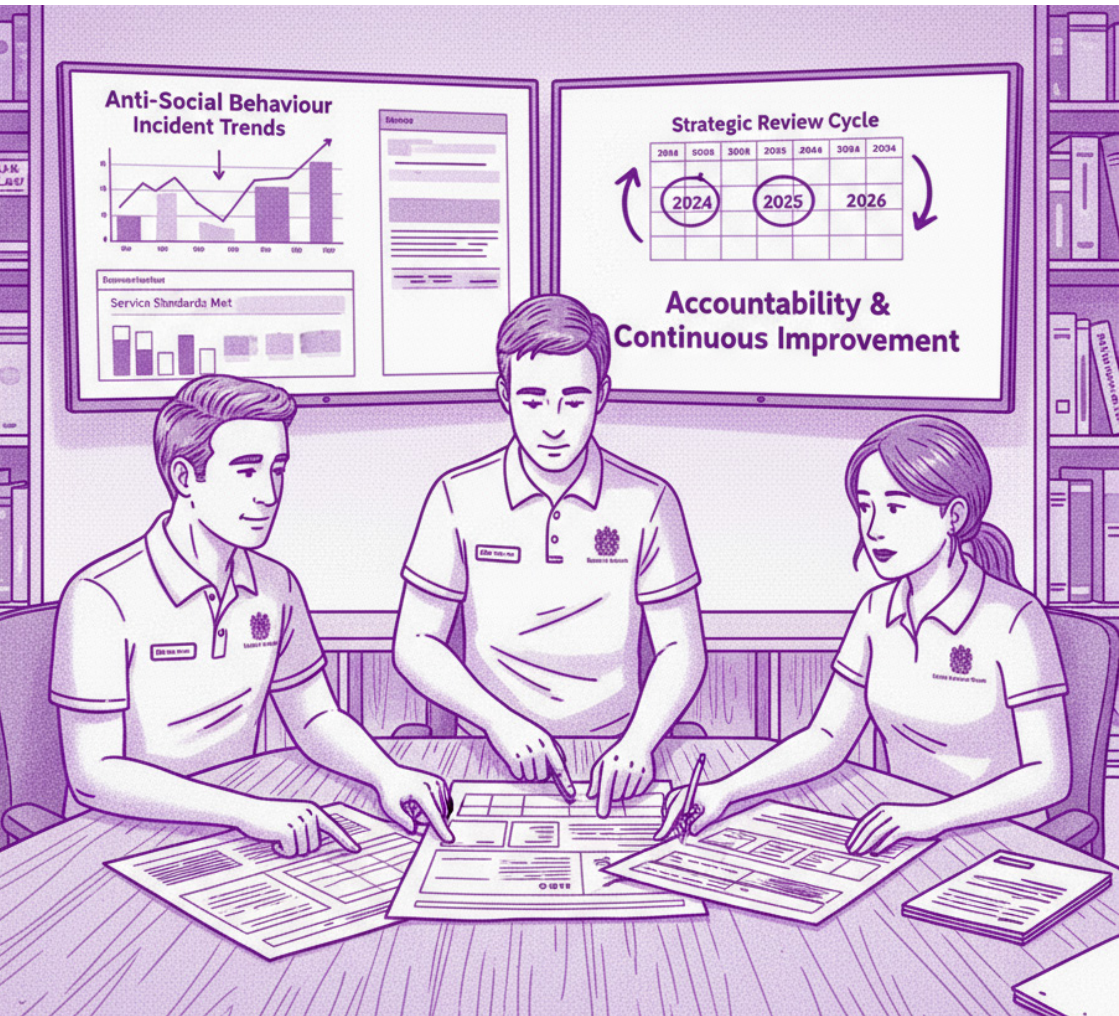
Data Retention

- 10.4. Information relating to cases of anti-social behaviour will be retained for a period of **six years** from the date the case is officially closed. This retention period aligns with the Council's data management policies and legal obligations.



11.Monitoring, review and accountability

- 11.1. The Street Scene Protection Team receive regular reports on the level and type of antisocial behaviour.
- 11.2. This will be used to monitor the effectiveness of the policy and ensure accountability for service delivery. The service standards set out in this policy will be used to measure performance and will be reported to relevant panels and forums.
- 11.3. This policy will be reviewed every three years or sooner to incorporate legislative and/or regulatory amendments, best practice developments, or to address any operational issues identified with the process.



12.Measuring Success and Service Improvement

12.1. We are committed to continually improving our ASB service. We will use resident feedback, complaint trends and performance data to ensure our services align with the expectations of the communities we serve and the Regulator. We measure our success and drive service improvements through the following:

How we measure success:

- Customer satisfaction
 - through community Safety Partnership Surveys
- Resolution rates
 - the number of cases resolved successfully and within appropriate timescales
- Response times
 - how quickly we acknowledge and act on reports
- Audit outcomes
 - quality and consistency checks through regular case reviews
- Feedback from residents and partners
 - used to identify areas for improvement How we improve the service:
- Performing regular internal audits of ASB cases by Team Leaders
- Ensuring ASB Officers are professionally qualified, and all necessary training is up to date
- Collaborating with community members to ensure the service reflects local priorities.
- Learning the lessons through Case Review outcomes & recommendations

Legislation Appendix – Braintree District Council

Anti-social Behaviour Act 2003

Purpose: Strengthens powers to tackle anti-social behaviour in communities.

Key Provisions:

- Closure orders for premises used for drug-related activities.
- Dispersal powers for police to break up intimidating groups.
- Restrictions on air weapons and imitation firearms.
- Powers for local authorities to address noise nuisance, graffiti, and high hedges.
- Enhanced enforcement tools for social landlords, including injunctions and demoted tenancies.

Anti-Social Behaviour, Crime and Policing Act 2014

Purpose: Consolidates and simplifies previous ASB legislation.

Key Provisions:

- Civil Injunctions for individuals aged 10+, to prevent ASB.
- Criminal Behaviour Orders (CBOs) issued upon conviction to address persistent offending.
- Community Protection Notices (CPNs) for individuals or businesses causing nuisance.
- Public Spaces Protection Orders (PSPOs) to restrict activities in public areas.
- Closure Powers to shut down premises causing nuisance.
- Community Trigger allows residents to demand action on persistent ASB.
- Community Remedy offers victims a say in out-of-court sanctions.

Environmental Protection Act 1990

Purpose: Framework for pollution control and waste management.

Key Provisions:

- Part I: Integrated Pollution Control and Local Air Pollution Control.
- Part II: Duty of care for waste producers; licensing of waste carriers.
- Part IIA: Identification and remediation of contaminated land.
- Enforcement powers include fixed penalties, seizure of vehicles, and clean-up cost recovery

Refuse Disposal (Amenity) Act 1978

Purpose: Addresses abandoned vehicles and unauthorised refuse dumping.

Key Provisions:

- Duty on local authorities to provide refuse disposal facilities.
- Offences for abandoning vehicles or refuse on public land.
- Fixed penalty notices for abandonment offences.
- Powers to remove and dispose of abandoned vehicles.

Noise Act 1996

Purpose: Regulates excessive night-time noise from dwellings and licensed premises.

Key Provisions:

- Local authorities can investigate complaints and issue warning notices.
- Offences for exceeding permitted noise levels between 11pm–7am.
- Powers to seize noise-making equipment.
- Fixed penalty notices and prosecution options for non-compliance.

Clean Neighbourhoods and Environment Act 2005

Purpose: Enhances local authority powers to tackle environmental offences.

Key Provisions:

- Littering extended to private land; includes fixed penalties.
- Graffiti & Fly-posting: Removal notices and penalties.
- Waste: Powers to investigate fly-tipping, seize vehicles, and recover costs.
- Dogs: Dog control orders and enforcement of fouling offences.
- Noise: Extends Noise Act 1996 to licensed premises; includes alarm nuisance provisions.

