

**Environmental Excellence Policy Development Panel**  
**20<sup>th</sup> October 2022**

## **Anti-social Behaviour Policy**

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**Portfolio:** Environmental Excellence and Communities, Housing and Planning

**Ward(s) Affected:** All Wards

**Purpose of the Report:**

This report presents a proposed new Anti-social Behaviour Policy for adoption.

**Recommendations:**

1. Environmental Excellence Policy Development Panel to recommend to Cabinet to recommend to Council to agree the adoption of the proposed Anti-social Behaviour Policy at Appendix 1.

## **1. Summary**

- 1.1 This report and the proposed new overarching Anti-social Behaviour Policy at Appendix 1 set out arrangements applicable to a range of the Council's services referred to in paragraph 2.1.
- 1.2 If adopted, the proposed Anti-social Behaviour Policy will:
  - a) Be a new addition to the Council's broad policy framework.
  - b) Set out the Council's principles and broad policy for ASB investigation, intervention and robust enforcement.
  - c) Support both informal early intervention and efficient enforcement where it is needed.
- 1.3 There is no legal or statutory requirement to put in place a formalised Anti-social Behaviour Policy. The Council is however a primary agency responsible (1) for dealing with anti-social behaviour as it affects our communities, and (2) for exercising enforcement powers including those under the Anti-Social Behaviour, Policing and Crime Act 2014. The Anti-social Behaviour Policy is designed to clarify what communities can expect from the Council, to endorse and support partnership working, and to clarify how intervention / enforcement approaches will be pursued in appropriate cases.
- 1.6 It is proposed that a common Anti-social Behaviour Policy approach is adopted with that of South Norfolk Council as a collaborating partner. This would see a common set of ASB policy provisions being adopted by both Councils, reflecting common geographic and community concerns about ASB in both districts, as well as providing clarity and certainty to common officer teams in how they approach and administer ASB advice and support, investigation and intervention / enforcement services.

## **2. Background**

- 1.4 The Council has statutory responsibilities under the Crime and Disorder Act 1998 (as amended) and the Anti-Social Behaviour, Policing and Crime Act 2014. Neither of these Acts require the Council to document its Anti-social Behaviour Policy.
- 1.5 The Council is responsible for administering a wide range of planning and design, prevention, diversionary activity, licensing and regulatory, intervention and enforcement services to address the potential for anti-social behaviour to have harmful impacts on our communities. The proposed Anti-social Behaviour Policy at Appendix 1 will have specific implications for the Council's help and intervention services (help hub, community protection, community safety, environmental protection, licensing, housing standards, housing management, homelessness, and planning enforcement).
- 1.6 Documenting the Council's Anti-social Behaviour Policy serves two key purposes:

- a) To establish a documented policy framework informing the Council's approaches, decision-making and practices for dealing with ASB and its causes, working with key partner organisations (principally, housing associations and Norfolk Constabulary).
  - b) To provide information and assurance about the Council's policy approach to those people and communities afforded protection from ASB under the Policy, so that they can know what to expect and can assure themselves when facing potential enforcement.
- 2.3 The Environmental Excellence Policy Development Panel has considered prevailing ASB service delivery experience, ASB principles, appropriate prevention and enforcement approaches, and a range of policy implications during the development of this proposed Policy.

### **3. Current position/findings**

- 1.7 Following the informal considerations by the Environmental Excellence Policy Development Panel, elected member support was expressed for the proposed Anti-social Behaviour Policy at Appendix 1, to formalise the Council's position on tackling ASB and relevant portfolio holders have been consulted.
- 1.8 During the development of the proposed Policy, Council services have been:
- a) Responding to a wide range of ASB incidents, intervening to nip them in the bud
  - b) Using the Council's informal and formal ASB powers to challenge unacceptable behaviours.
  - c) Forging partnerships with Norfolk Constabulary, the Office of the Police and Crime Commissioner, and partners in the Norfolk County Community Safety Partnership (CSP).
  - d) Putting closer working and enforcement coordination arrangements in place.
  - e) Developing the Council's existing hub-style approach to further co-locate Council and police colleagues who will jointly monitor, respond and act on ASB incidents, patterns and themes.
- 1.9 In common language, various matters tend to be described as 'anti-social'. It is important to define the matters proposed to be addressed by the Council as anti-social behaviour (ASB). The proposed Policy identifies some matters that will be deemed not to fall within the scope, or to fall below the threshold for, an ASB concern being acceptable for action by the Council. This is helpful to ensure that the Council's resources are directed towards the right cases. Policy panel members and partner agencies have commented favourably on this definitive clarity.
- 1.10 The Council's overarching Enforcement Policy has recently been updated and it will be necessary for the proposed Anti-social Behaviour Policy to operate smoothly and consistently with it.

1.11 The approach proposed in the development of the Anti-social Behaviour Policy is to enable services to respond quickly and accountably to emerging ASB incidents and threats.

#### **4. Proposed action**

1.12 The draft Anti-social Behaviour Policy at Appendix 1 is proposed as suitable for consideration and adoption by both Broadland and South Norfolk Councils, preferably as a common policy to support its implementation by officers.

1.2 The council's progressive and robust approach to ASB is supported in the proposed Policy by:

- a) Clear ASB definitions, policy aims and objectives.
- b) A systematic way of prioritising ASB cases proportionately.
- c) Assigned responsibilities for coordinating and responding to ASB.
- d) Commitments around victim support, vulnerability and safeguarding.
- e) Preventative and enforcement measures.
- f) Arrangements for partnership working, including with housing providers and Norfolk Constabulary.

1.3 Whilst this proposed new Policy adopts a fresh and more documented format, many of the considerations are consistent with and codify the Council's existing policy principles and approaches for service delivery.

1.4 As previously stated, there would be a minimum threshold below which intervention by the Council might be inappropriate. However, the Policy proposes an early intervention approach in cases that do warrant the Council's involvement. Early intervention can have the desirable effect of nipping problems in the bud and can prevent problems from escalating and requiring more extensive and complex investigation and enforcement.

1.5 The key requirements in any formalised intervention / enforcement consideration under the Policy will be that under the delegations in place (1) the Council is satisfied that the legal tests are met for the use of a specific legal power to intervene, and (2) if and when an enforcement consideration is required, there is sufficient evidence and public interest, and that it is necessary and proportionate, to carry out enforcement. There is therefore a strong link with the overarching Enforcement Policy that has recently been adopted by the Council and which is published on the Council's website.

4.6 Adopting the proposed Anti-social Behaviour Policy will provide supportive documented policy foundations going forwards. It is proposed that a common Anti-social Behaviour Policy approach corresponds with that of South Norfolk Council as a collaborating partner, and this would see a common set of ASB policy provisions being adopted by both councils. This would give the clarity and certainty to common officer teams in how they approach and administer ASB advice and support, investigation and intervention / enforcement services. This is recommended by officers because, from an ASB services perspective, both districts share similar characteristics, profiles of ASB issues and impacts, and

enforcement requirements. No significant ASB policy distinctions or special requirements have been identified that would affect the adoption of the proposed Anti-social Behaviour policy.

## 5. Other options

- 1.6 **Option 1 – Do Nothing.** The council is not legally obliged to document its Anti-social Behaviour Policy, however doing nothing would fail to reflect opportunities identified in this report and the management of reasonable expectations on the Council.
- 1.7 **Option 2 – Pursue a different policy.** The Council could decide to document its policy but to take a different line on anti-social behaviour principles, approaches and detailed considerations than those proposed in Appendix 1.

## 6. Issues and risks

- 1.8 **Resource Implications** – No new budget implications have been identified. The existing approach of balanced prevention, early intervention and robust intervention and enforcement manages service demands, with attendant benefits for managing officer time and legal costs, is confirmed in this documented Policy. In other respects, the proposed Policy contains no changes raising significant new resource implications.
- 1.9 **Legal Implications** – The adoption of the proposed Policy is supportive of robust and enforcement. Legal advice has been taken on the draft policy and no new legal implications have been identified.
- 1.10 **Equality Implications** – The proposed Policy includes specific considerations concerning balanced engagement with vulnerable people, whether as victims or perpetrators of ASB. There are no identified impacts on any specific individuals or groups having protected characteristics.
- 1.11 **Environmental Impact** – Positive service delivery under the proposed Policy to tackle ASB is protective of the environment. No adverse implications have been identified.
- 1.12 **Crime and Disorder-** Positive service delivery under the proposed Policy to tackle ASB is protective of our communities from crime and disorder. No adverse implications have been identified.
- 1.13 **Risks** – Adopting the Policy as proposed raises no identified risks beyond the matters covered in this report.

## 7. Conclusion

- 1.14 The proposed Anti-social Behaviour Policy will meet the expectations of recognised good practice. Adopting the Policy will document the council's position,

supporting communities with balanced prevention, intervention and positive enforcement.

## **8. Recommendations**

- 8.1 Environmental Excellence Policy Development Panel to recommend to Cabinet to recommend to Council to agree the adoption of the proposed Anti-social Behaviour Policy at Appendix 1.

## **Background papers**

None.