



Community Safety & Anti-Social Behaviour (ASB) Intervention Policy

Version number: 1
September 2023

Tracking

Revision History

1. Initial Committee Version

Document Approvals

Each revision requires the following approvals:

- Non-administrative updates: SMT followed by relevant Committee
- Administrative updates: Head of Housing and Community

1. Introduction

At Epsom & Ewell Borough Council we are committed to placing the victim of anti-social behaviour (ASB), at the centre of our approach. In considering the best way to support victims and discharge our duties through prevention, intervention, and enforcement.

Whilst it is occasionally necessary, formal enforcement action will be considered a last resort to be used only when other more constructive measures have been exhausted to safeguard our residents.

We firmly believe that partnership working plays an important part in addressing the issues associated with anti-social behaviour and multi-agency working is our integral approach to tackling the issue.

We know that by improving the environment in which our residents live we will create a safer community for our residents.

2. Aim of this policy

This policy sets out how Epsom & Ewell Borough Council (the Council), will identify and respond to reports of ASB and community safety concerns.

The aim of this policy is to set out how we will deal with antisocial behaviour by:

- taking effective action to deal with severe and/or persistent antisocial behaviour.
- Set realistic expectations in relation to how we can deal with antisocial behaviour
- Provide support and advice to victims
- Ensure a partnership approach is taken to tackle ASB

3. Scope

The Crime and Disorder Act 1998, as amended by the Police Reform Act 2002 and the Police and Justice Act 2006, requires responsible authorities to work together alongside the community and voluntary sector to develop and implement strategies for reducing crime and disorder in the borough.

Working in partnership is integral to cutting crime and making communities safer as well as improving the wellbeing of residents. This policy is about looking at the bigger picture and supporting residents with early intervention and support services.

Epsom & Ewell Community Safety Partnership have oversight of the partner agency responses to addressing the most vulnerable people in our community.

This policy also documents where we are not best placed to become involved but will instead signpost to other potential options.

Nothing in this policy prevents a victim from seeking a review under s.104 Anti-social Behaviour, Crime and Policing Act 2014 (ASB Case Review).

4. Definition of Antisocial Behaviour

Epsom & Ewell Borough Council have adopted the definition of ASB as set out in the Anti-Social Behaviour, Crime and Policing Act 2014:

- (a) Conduct that has caused, or is likely to cause, harassment, alarm, or distress to any person.
- (b) Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises.
- (c) Conduct capable of causing housing-related nuisance or annoyance to any person

The following issues will not be considered antisocial behaviour and therefore not investigated:

- Actions that are limited to normal everyday activities or household noise. Example provided but not limited to – ordinary domestic activities such as walking across laminate flooring, people talking, children crying, children playing, noise generated from domestic appliances at reasonable hours.
- Cooking odour from residential premises
- Children playing in their homes or in the locality of their home or designated playing area where their behaviour is considered non-threatening, alarming or distressing to an reasonable person.
- A one-off party or other social gathering
- Actions which amount to people being unpleasant to each other such as staring with no other associated ASB. This is not sufficiently serious considering the likely harm caused to justify our involvement.
- Complaints about others lifestyle. For example, issues about differences in parenting, who people socialise with, the frequency of visitors, how people dress
- Spreading rumours
- Parking disputes
- Boundary disputes
- Low level neighbour disputes - Not all neighbour disputes should be dealt with as anti-social behaviour. Depending on the circumstances of a complaint, a complainant may be advised to contact their own legal advice in relation to their complaint.

5. General Principles

The Community Safety Team will work within the statutory guidance framework set out in the Anti-social Behaviour, Crime and Policing Act 2014: Anti-social behaviour powers Statutory guidance for frontline professionals.

We will treat people fairly and equally and ensure that a proportionate and reasonable approach is taken to resolve anti-social behaviour. Intervention will be targeted only at cases which action is needed.

The approach will be evidence driven and we will only become involved in those instances where behaviour is of a persistent or continuing nature, has a detrimental effect on the quality of life for those in the locality and is unreasonable.

We reserve the right not to investigate a case where there is evidence that the complainant is being unreasonable, vexatious, or vindictive. In these circumstances, the complainant will be advised of this assessment and the reasons.

We will put the victim at the centre of the decision-making process and ensure they are kept aware of progress on a case and fully informed when the Council chooses to discontinue an intervention, or when there is progress generally with their complaint.

The existing adopted enforcement policy codifies the approach to enforcement generally in our main areas of responsibility and is complementary to this policy.

6. ASB in properties owned or part owned by Registered Housing Providers

Registered Housing Providers, often known as Housing Associations, are responsible for dealing with ASB involving their properties and it will be expected that they deal with complaints of ASB arising from occupants of their properties regardless of whether the victim(s) are also their tenants or not.

Cases which require a multi-agency response can be referred to a multi-agency problem solving meeting with a range of partner agencies to problem solve. We will not normally case-manage these cases, but can provide guidance, if required.

7. ASB Case Management

On receipt of an initial report we will assign a case number and identify the community impact of the concern. A risk assessment will be conducted and any signposting to support agencies will be identified.

We will also consider any cumulative effect of a range of lower level ASB which together may constitute unreasonable behaviour on the part of the offender(s).

The risk assessment will identify any vulnerabilities and appropriate referrals to Adult and Children Services will be completed. Any relevant meetings associated with the

referral will be attended such as Community Harm and Risk Management (CHaRMM) or Surrey Adult Matters (SAM).

In immediate neighbour disputes with no community impact, the parties will be signposted to Mediation services. Consideration will be given as to whether any other department or agency need to be advised such as Police, Environmental Health, Planning or Housing Associations.

In cases where there is no community impact, but the reporter is making allegations of harassment, they will be directed to report this to Surrey Police to conduct a Police risk assessment and investigation.

For cases where there is a more wider community impact, we will investigate the matter further by identifying all the parties involved and liaise with all appropriate agencies. All parties will be signposted to any relevant support service where necessary. It would be expected that matters relating to hate crime will be included within this definition.

For allegations involving inappropriate use of CCTV, the reporter will be directed to the Information Commissioners Office (ICO).

If a report is made involving a Registered Housing Providers property (victim or offender), then the reporter will be directed to report this directly to the provider and review their ASB policy.

We recognise that exposure to ASB can be emotionally traumatising for many people. We will act with compassion and thoughtfulness ensuring support services are properly engaged and/or sign posted to. We will ensure our staff operating in this area possess a suitable degree of ongoing competence through a combination of formal qualifications, experience, and support. However we will not tolerate abuse, harassment or targeting of our staff in any form by any person. Such instances may result in the withdrawal of our services and referral to the police in serious circumstances.

8. Intervention and Enforcement

Epsom & Ewell Borough Council adopts a robust stance in tackling anti-social behaviour and associated issues. In all investigations the emphasis will be on achieving an early resolution which is acceptable to all parties without the need to pursue a formal legal remedy.

The Council do not have the power of arrest but works closely with Surrey Police and partner agencies. All relevant investigations covered by this policy are jointly investigated which enables the full range of available enforcement powers to be utilised.

For cases which we believe to meet our criteria for active intervention and after carrying out a sufficient investigation, one or more of the following courses of action shall be taken (this may be from Council, Police or Housing Provider):

- No action required and the case will be filed
- Informal action (verbal or written)
- Formal action – including Fixed Penalty Notices, Community Protection Warnings, Community Protection Notices, Abatement Notices, Injunctions, Closure Orders, Prosecution and Eviction proceedings.

It is the responsibility of those professionals working in the field to determine the most appropriate course of action based on professional judgement having assessed the full facts of the case from all perspectives. We will not normally reopen cases in which one of the above outcomes has been determined unless new information of substance is received or there is an escalation of risk or harm.

9. Vulnerable Perpetrators

We acknowledge that the vulnerabilities of some residents contribute to behaviour which may present as anti-social to those around them. These vulnerabilities include but are not limited to, mental health issues, learning difficulties and substance misuse.

Having due regard to the Public Sector Equality Duty, in cases where vulnerable perpetrators are involved, we will work closely with various support agencies with the aim of improving their behaviour. Understanding that a coordinated multi-agency approach is often needed, cases will be referred to the Community Harm and Risk Management Meeting to facilitate joint working and ensure a co-ordinated multi agency approach. This will not mean that we won't use some of the tools available to us, rather that we will ensure such an approach does not disadvantage an individual by virtue of any of their protected characteristics.

10. Policy Monitoring

We will ensure this policy is reviewed annually and as necessary taking into account any changes in legislation, case law and guidance.

Any changes not of an administrative nature will be brought to the relevant Council committee for adoption