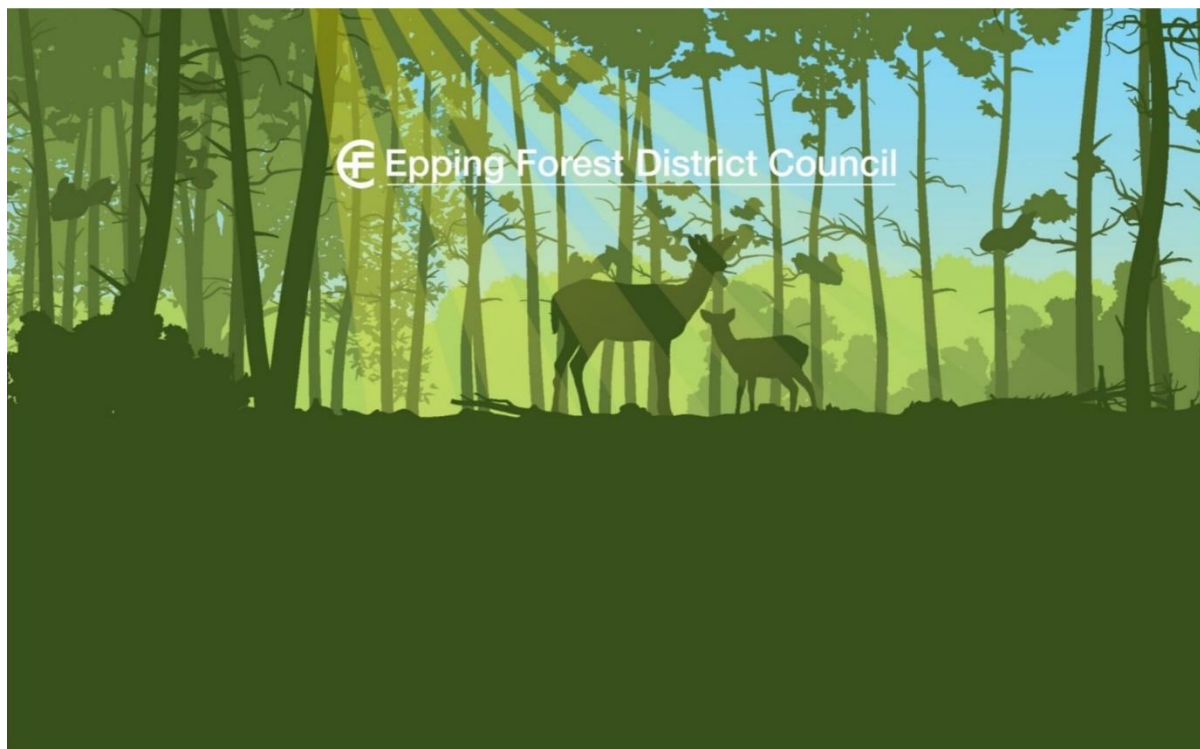


Epping Forest District Council

Anti-social behaviour policy



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1. Summary

Epping Forest District Council seek to create sustainable neighbourhoods whereby people from different backgrounds and groups can live side by side within a culture of co-operation and respect. We will seek to prevent ASB but where it does occur, we will pursue early intervention to prevent the problem escalating. An action plan will be developed in agreement with the complainant to investigate the problem and agree a level of support and contact.

The Council has a statutory duty under section 218A of the Housing Act 1996 as inserted by the ASB Act 2003 to publish their Anti-social Behaviour Policy.

This Policy is in place to ensure residents of the Epping Forest district can clearly see the commitment that is made by the Council to tackling anti-social behaviour within the district and what happens when anti-social behaviour is reported. It explains the resources available to tackle anti-social behaviour and what action Epping Forest District Council may take. The Council consider all forms of ASB to be unacceptable and will consistently apply the principles contained in this policy to ensure that our residents' lives are not negatively impacted by ASB.

2. Introduction

Anti-social behaviour (ASB) can have a serious impact on the quality of life of residents and communities.

This policy sets out the Council's commitment to effectively deal with anti-social behaviour in the Epping Forest district.

The Council has a wide range of responsibilities to tackle ASB:

- Responsible Authority as defined by the Crime and Disorder Act 1998 and the Anti-Social Behaviour, Crime & Policing Act 2014 - the Council must work with the police and other agencies to reduce crime and disorder.
- A social landlord, under the Housing Act 1996 - the Council has a statutory duty to deal with anti-social behaviour affecting the properties it owns and manages.
- A duty to deal with 'Environmental' anti-social behaviour such as noise, litter, bonfires, and dumped rubbish. These responsibilities arise from several Acts, but in particular the Environmental Protection Act 1990.

The Council works effectively, in partnership, with other key agencies to prevent the occurrence of ASB wherever possible, but where ASB does occur, we are committed to taking positive action to deal with it using the full range of powers available to us.

We are committed that all residents of the district enjoy their right to peace, quiet and security in and around their homes and will not tolerate anti-social behaviour in any form. We adopt a victim centred approach and take all complaints of anti-social behaviour seriously, carrying out investigations as appropriate. We will also consider any vulnerabilities for victims and perpetrators prior to commencing any action and offer any appropriate support and guidance. We will work in partnership with other agencies and local communities to reduce anti-social behaviour in the district. We will seek to achieve this by:

- Sending out a clear message that we will not tolerate anti-social behaviour
- Promoting good standards of behaviour through education and awareness.
- Encourage all victims/witnesses to promptly report incidents of anti-social behaviour.
- Encourage all victims or witnesses of Hate Crime to report such incidents via the Hate Crime Reporting Centre's (HIRCS) which are available throughout the district.
- Seeking to intervene at an early stage to prevent problems escalating.
- Ensuring support is offered to victims and/or witnesses throughout the investigation and any subsequent legal proceedings.
- Tackling anti-social behaviour using the full range of tools and powers available to us, from early intervention and support to enforcement.

- Addressing the anti-social behaviour whilst supporting victims and witnesses in their homes where possible rather than move those involved in ongoing investigations (unless exceptional circumstances apply). This applies to Epping Forest District Council tenants only.
- Where appropriate, support vulnerable people who are being exploited and signpost them to relevant services

3. Definitions

Anti-social Behaviour is defined as:

- conduct that has caused, or is likely to cause, harassment, alarm or distress to any person.
- conduct capable of causing nuisance or annoyance to any person in relation to that person's occupation or residential premises, or;
- conduct capable of causing housing-related nuisance or annoyance to any person.

Anti-social Behaviour covers a range of behaviour from low-level nuisance to serious harassment, which can damage the quality of life and interfere with the ability of people to use and enjoy their home or community.

Hate Crime is defined as:

Any criminal offence committed against a person or property that is motivated by hostility or prejudice towards someone based on their age, race, religion or belief, gender identity, disability, sexual orientation or subculture. A hate Incident is defined as:

- Any incident, which may or may not be a crime, which the victim or any other person perceives to be motivated by hostility or prejudice towards any aspect of a person's identity.

4. What can we do?

The key provisions within the Anti-Social Behaviour, Crime and Policing Act 2014 to tackle anti-social behaviour with the aim of achieving better outcomes for victims include:

- Community Trigger known as the "ASB Case Review", to give victims and communities an opportunity to raise their issues formally when they believe their ASB case has not been dealt with effectively.
- Mandatory grounds for possession for Council tenants if the tenant or a member of their household or visitor has committed a serious criminal offence or breached a civil injunction, Criminal Behaviour Order, Noise Abatement Order or where a Closure Order is in place. This means the judge must grant the Council an Absolute Possession Order and has no discretion.

- Our housing related responsibilities also give powers to not allocate properties to applicants with a history of ASB, or to allocate a lower priority for rehousing.
- Community Protection Notices (CPN) deal with ongoing problems or nuisance which negatively affect the community's quality of life targeting those responsible. Failure to comply with a CPN is an offence, where an individual or organisation fails to comply with the terms of a CPN, a Fixed Penalty Notice (FPN) can be issued in the first instance and failure to pay or continuing to breach a CPN will result in prosecution. The FPN should be no more than £100.00.
- Injunctions
- Public Spaces Protection Orders
- Closure of Premises associated with serious nuisance and/or disorder

The Council has a dedicated team which investigates incidents of anti-social behaviour and works with internal teams such as the Environmental Enforcement Team and the Tenancy and Estates Teams (when dealing with EFDC tenants).

5. Investigation of alleged ASB

Many complaints of minor disputes or disturbances received are uncorroborated, not every allegation reported will be accepted as an anti-social behaviour case. Some of these disturbances are considered to be everyday living noises or minor lifestyle differences rather than anti-social behaviour and therefore they may not be investigated as such under the terms of this policy. The Council's action in these cases will be limited to encouraging neighbours to resolve minor disputes among themselves and/or referring them to other agencies if appropriate.

The Council will complete a risk assessment and action plan with victims and will use all the tools considered appropriate to ensure that victims and witnesses feel safe and secure throughout an investigation. This may include:

- Referral to the Sanctuary scheme for home security
- Pre-court visits
- Referrals to other support agencies
- Work to prevent homelessness and help residents to remain in their home wherever possible.
- thoroughly investigate all complaints and gather/obtain evidence from complainants, other residents and partner agencies including the Police and also through the use of Noise Monitoring Equipment, Deployment of CCTV and Professional Witnesses as appropriate.
- Epping Forest District Council will consider all options available when investigating and taking action in a case of ASB and will use the legislative

framework to ensure the protection of victims and to stop incidents repeating. The tools available, some of which are delivered in partnership with other agencies, include:

- Warnings
- Restorative Justice and Mediation Service
- Acceptable Behaviour Contracts
- Noise Abatement Notices
- Injunctions
- Criminal Behaviour Orders
- Possession Proceedings (for Epping Forest Council tenants only)
- Closure Orders

Epping Forest District Council tenants are issued a tenancy agreement at the start of the tenancy that sets out their rights and responsibilities and the implications of causing ASB may be.

Epping Forest District Council recognises that eviction is a useful tool to tackle ASB and will use the discretionary and absolute grounds for possession when appropriate. To prevent homelessness and break the cycle of ASB, eviction to resolve ASB will only be used as a last resort. Before eviction we will consider moving victims or perpetrators elsewhere and will support anyone evicted to relocate.

All social landlords are required to prepare and publish policies in relation to anti-social behaviour and Hate Crime. This document fulfils that requirements and is designed to give a clear statement of our approach to anti-social behaviour .

The Council will work with other agencies and specialist organisations to ensure that appropriate best practice is employed in the prevention of ASB. Where perpetrators of ASB show a willingness to address any underlying issues which cause their behaviour, then the Council will offer assistance and support in this.

6. Equality Assessment

Consideration is given to the Equalities Act 2010, by undertaking individual Equality Impact assessments if enforcement action is to be instigated. Undertaking this assessment will make certain that the any vulnerabilities are identified to ensure effective support mechanisms can be put in place as appropriate.

The Council will also offer support to vulnerable people who are being exploited and help them to access services that can assist them with addressing their behaviour.

The Council will meet any access or cultural needs of any customer accessing the service, for example providing an interpreter or assisting those with literacy difficulties or disabilities.

7. Our service standard

We will contact victims within three working days of an initial report to us of any form of anti-social behaviour (ASB) or hate crime.

We will keep victims updated on the progress of their case in a timely manner.

Epping Forest District Council will map and monitor ASB incidents to identify any trends. Using this information the ASB Team will undertake targeted work to prevent incidents occurring. The Council and its partners will communicate any positive action taken to resolve ASB wherever possible.

8. Communication

Epping Forest District Council will publicise any positive action taken to resolve ASB wherever possible. Working with partners, this may include press releases to local newspapers, radio or television or other publicity materials such as leaflets and posters in the locality of where legal action has been successful.

Where appropriate we will undertake campaigns to raise public awareness of their responsibilities and actions around ASB and the sanctions the Council and its partners can impose to prevent or stop ASB in our communities.

Advice on what is ASB and how to report it is on the Council's website along with the ASB policy with relevant contact details and will be reviewed regularly.

9. Information sharing and confidentiality

Under the Crime and Disorder Act 1998 information can be shared between agencies to prevent and detect crime and disorder, including ASB and other behaviour affecting the local environment. The Council will share information with partners in line with the Epping Forest Community Safety Partnership sharing protocol. The Council will provide a confidential service and only involve other agencies and share information with the consent of the resident concerned unless child protection issues are suspected or disclosed. We will comply with the principles of the Data Protection Act 2018. The Data Protection Act 2018 is the UK's implementation of the General Data Protection Regulation (GDPR) and controls how personal data is used. We also comply with the Human Rights Act 1998.