

## Appendix 1

### 1. Introduction

1.1. This policy supports the East Suffolk Council Anti-Social Behaviour Policy 2022

### 2. General

Behaviours that will not be dealt with under the Anti Social Behaviour Policy 2022

2.1. Behaviour which results from different lifestyles, or which would not generally be considered unreasonable will not be dealt with by the Council. Examples may include, but are not limited to:

- Babies crying
  - Children playing
  - Doors & drawers being shut
  - Noise from household appliance
  - Footfalls (walking on floors or upstairs)
  - Light switches being turned on or off
  - Nuisance parking
  - ASB that is covered under various other Council departments.
  - [The Crime and Disorder Act 1998](#) places a duty to consider crime and disorder implications, and that it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent,
  - [The Anti-Social Behaviour, Crime & Policing Act 2014](#) introduced new powers which enable the police, local councils, social landlords and other agencies to tackle ASB more effectively and enable victims and communities to feel safe in their own homes and neighbourhoods.
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- Data Protection Act 1998 - we recognise that we have a duty to protect any individual's identity and have an obligation to protect personal information under the Data Protection Act 1998. We understand that data must be obtained and processed fairly and lawfully, and that we must not keep information longer than is necessary.
- The Human Rights Act 1998 brought much of the European Convention on Human Rights to the UK. We must act consistently with convention rights – we must be mindful that action we take to tackle ASB must comply with obligations placed on local authorities.
- The Regulation of Investigatory Powers Act 2000 (RIPA) is a piece of legislation and a procedural framework to regulate the way investigatory powers are used by organisations such as the Councils. RIPA is in place to protect the public. The Human Rights Act gives powers and a qualified right to interfere in people's private lives, however, the RIPA framework if adhered to ensures organisations that might want to use covert surveillance techniques to investigate people and comply with the Human Rights Act.

Equalities Act 2010 legally protects people from discrimination in the workplace and in wider society. It replaced previous anti-discrimination laws with a single act making the law easier to understand and strengthening protection in some situations.

### **3. Case Management**

#### **3.1. Stage 1- Resolving the situation within the community.**

Before reporting ASB or nuisance to the Council, if safe to do so, we will always recommend a person tries to talk to their neighbour who is causing the problem in the first instance. This can often resolve problems straight away.

Each department covered in the policy will use a case management system which will be used to record the relevant details where applicable.

#### **3.2. Stage 2- Reporting ASB.**

Should an individual feel they are not able to approach their neighbour, or if all attempts to resolve the problem amicably have been exhausted and the complaint constitutes a persistent nuisance this may be reported to the council.

#### **3.3. Stage 3- Investigating ASB.**

Once the case is assessed by the relevant team, they will investigate further. This may include prevention, intervention, and informal methods of resolving a complaint.

You should receive a response within 5 working days, excluding weekends and bank holidays.

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The case will then be allocated to a Community Officer or passed to other relevant ESC departments and/or external agencies.

Investigative measures may include but are not limited to:

- Acceptable Behaviour agreements (ABAs)
- Working alongside other agencies, such as the Police and Social Services
- Joint agency meetings
- Negotiating with both parties
- Letters
- Home visits
- Signposting
- Referrals to partner agencies
- Taking witness statements
- Mediation

3.4. If appropriate we will carry out a risk assessment will be carried out, and this will determine the response time.

3.5. It is our policy not to accept anonymous complaints, however in exceptional circumstances where the reported complaint is extreme, can be evidenced and deemed to have a significant effect on others in the community, we will investigate as appropriate.

3.6. Should someone make a complaint on another's behalf, we will take steps to verify authenticity of the complaint before proceeding with any investigation.

3.7 Stage 4- Closing a case

We will identify cases as being resolved where:

- We believe the complaint is unjustified or is outside the scope of our services
- There is evidence to show the behaviour has been mitigated to reasonable levels.
- There is no longer a cause for concern
- The complainant has not returned the required evidence

We will close a case in a timely manner where possible and advise you of the reasons for doing so.

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#### 4. Version Control

	<b>Date Required</b>	<b>Completed</b>	<b>Completed by</b>
<b>Procedure Adopted</b>	April 2022	April 2022	Rachel Tucker
<b>Review Required</b>	April 2025		
<b>Review Required</b>			
<b>Review Required</b>			

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