



COUNCIL

Minutes of a meeting of the Council of Broadland District Council, held on Thursday 15 December 2022 at 7pm at the Council Offices

Members Present:	Councillors: S C Beadle, N J Brennan, D J Britcher, S J Catchpole, S M Clancy, J K Copplestone, C Eden, J J Emsell, J F Fisher, R R Foulger, S C Gurney, E C Laming, K E Lawrence, J Leggett, T M Mancini-Boyle, M L Murrell, G K Nurden, R E Potter, D Roper, D M Thomas, J L Thomas, S A Vincent, J M Ward, F Whymark
Officers in Attendance:	The Managing Director (T Holden), the Director Place (P Courtier), the Director of People and Communities (J Sutterby), the Chief of Staff and Monitoring Officer (E Hodds), the Governance Manager and Deputy Monitoring Officer (L Mockford), the Assistant Director Finance and Section 151 Officer (R Fincham) and the Committee Officer (D Matthews).

151 DECLARATIONS OF INTEREST

No declarations were made.

152 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors A D Adams, P E Bulman, A D Crotch, J Davis, N J Harpley, L H Hemsall, S I Holland, D King, D Harrison, N C Karimi-Ghovanlou, K S Kelly, K G Leggett, I J Mackie, I N Moncur, J A Neesam, G Peck, S M Prutton, S Riley, L A Starling and K A Vincent.

153 MINUTES

The minutes of the meeting held on 13 October 2022 were agreed as a correct record and signed by the Chairman.

154 MATTERS ARISING

No matters were raised.

155 ANNOUNCEMENTS

Members noted the civic engagements undertaken by the Chairman and Vice Chairman of the Council since the last meeting.

The Leader of the Council updated members on the latest situation regarding County Deals. On 8 December the County Deal for Norfolk had been signed in principle by the Leader of Norfolk County Council, Andrew Proctor, and the Parliamentary Under Secretary of State (Local Government and Building Safety) Lee Rowley MP.

Finalising a Deal would mean that, from 2024 onwards, more could be done to target funding and resources to Norfolk's own growth and infrastructure priorities, attract and retain new and key businesses and sectors, invest in the skills needed, unlock housing and employment sites, raise the profile of the County nationally strengthening the County's voice with Government, and help shape future policies. The deal would bring additional funding to the County and an opportunity to be in control of new powers and additional funding which could make a real difference to residents and to Norfolk.

There were some concerns from a district perspective surrounding the potential infringement of sovereignty and risks of undermining local democracy. The Chairman of the District Councils Network had worked hard to secure an amendment to clause 16 of the Deal which would enable the deferring/stopping of the transfer of district functions to the County Council.

The decision to proceed or not still rested with the County Council and not the districts. It was anticipated that agreement to the official signing of the deal would be determined at a special meeting of the County Council in January 2023, followed by consultations on the detailed proposals and, if agreed, a decision by the County Council towards the end of 2023 to make the necessary amendments to its constitution to facilitate the deal.

The Portfolio Holder for Finance updated members on progress on the future of the "corgis". The sculptures had now all been removed from their various locations and cleaned ready for storage over the winter. Arrangements were being made for an on-line auction of the corgis in February 2023 by Horners of Acle who had offered their services free of charge. The proceeds from the auction would be going to Nelson's Journey – the Chairman's chosen charity. A marketing campaign had begun and it was anticipated there would be a great deal of interest in the sculptures. Two of the corgis would be retained by the Council and arrangements were being made for the corgi named Susan to be gifted to the Royal Household and potentially homed at Sandringham in recognition of the late Queen Elizabeth II. A formal handover was being organised.

The Portfolio Holder for Economic Development advised members that the District Council been allocated £1.3m of funding from the UK Shared Prosperity Fund subject to approval of an investment plan and that she was pleased to confirm that approval of the plan had been received that day.

The Portfolio Holder for Environmental Excellence advised Council that the new “Broadland Bins” app was now available to download which would provide residents with information on bin collection dates, which bin to put out and a reminder about the collection service for textiles and small electrical items and batteries. She encouraged members to download the app. She went on to state that there had been some difficulty accessing the normal national collection rates for recycled materials from the Government for comparison but these would be available in the spring. She was pleased to announce that for 2021/22 the Council’s recycling rate was 50.6% made up of 21.4% dry recycling and 29.2% garden and food waste. The first seven months of operation of the collection of textiles and small electrical items had seen 80 tonnes collected and taken out of residual waste. There was still a desire to increase recycling but the district continued to have the highest rates in Norfolk. She added that the recently refurbished Environmental Strategy and Action Plan would be available on the website in January 2023.

The Portfolio Holder for Communities, Housing and Planning thanked the communities and housing teams for their hard work in the current difficult times. He reminded members that the help hub was available to those in difficulty but it was also available to help people to avoid going into crisis. He reminded members of the contact details for the help hub – telephone: 01603 430431, email: helphub@southnorfolkandbroadland.gov.uk.

156 QUESTIONS FROM THE PUBLIC

No questions had been received.

157 PUBLIC SPEAKING

It was noted that there had been no requests for public speaking.

158 OVERVIEW AND SCRUTINY COMMITTEE

The minutes of the Overview and Scrutiny Committee meetings held on 25 October, 15 November and 22 November 2022 were received.

159 CABINET

The minutes of the meeting held on 1 November 2022 were received.

In response to a question regarding the Peer Review action plan and the member workshop, the Leader encouraged all members to attend the workshop on Monday 19 December and he confirmed this was an opportunity for members to go through the action plan and suggest any enhancements or improvements which could be taken forward.

160 CABINET

The minutes of the meeting held on 29 November 2022 were received.

The following matters were considered by Council:

Minute no: 60 – Strategic Performance and Finance Report for Quarter 2 2022/23

The Portfolio Holder for Finance invited Council to support the recommendations from Cabinet.

It was then proposed, seconded, and on being put to the vote,

RESOLVED to agree

- (1) the land charge fees and charges as detailed in paragraph 3.28 of the report
- (2) that the 23/24 Remote Working Capital Budget of £135,000 is brought forward to 22/23.

Minute no: 62 – Best in Class Housing – Temporary Accommodation

The Portfolio Holder for Communities, Housing and Planning stated that the Council needed to review its financial spending on temporary accommodation; financial modelling had highlighted that going forward if the current challenges continued the Council could be looking at spending up to £2m on temporary accommodation. The focus of attention was as always on people and those needing help. The option to purchase and manage its own accommodation would enable the right accommodation to be offered to the right people at the right time. He proposed that members support the recommendations from Cabinet.

In answer to a question, the Portfolio Holder for Communities, Housing and Planning confirmed that proposals to purchase a property in Hellesdon were continuing.

A comment was made by one member that historically the Council had been very successful in preventing homelessness and avoiding the cost of homelessness action. Finding yourself homeless was a devastating situation and he questioned why the previous policy of prevention of homelessness was no longer working.

The Portfolio Holder for Communities, Housing and Planning responded that he believed the Policy of homeless prevention was still working well and that homelessness would always exist; as one family was helped out of homelessness another would find themselves in difficulty. Prevention continued to be a priority and work with homelessness people and rough sleepers would continue. The report focussed on ensuring that the right accommodation would

be available when needed with a move away from using expensive temporary bed and breakfast accommodation.

The member responded stating that by the time families were needing temporary accommodation, prevention had failed and that prevention should be a priority not helping them after they had become homeless.

The Leader of the Council referred the member to the performance report considered earlier in the meeting which detailed the continue improving performance on homelessness prevention. He referred to the pressures on this work from events over the last 2 years including COVID, the war in Ukraine, asylum seekers and the cost of living crisis which had all contributed to the unprecedented difficulties currently being experienced and it was wrong not to consider the impact of these factors on the increasing cost of homelessness. The proactive proposals being put forward would enable the use of more suitable accommodation in the right locations with better value for money and would put the Council in the best place to deal with the increasing demand without the additional cost burden.

In response to a question, the Portfolio Holder for Communities, Housing and Planning confirmed that local members and parish councils would be kept informed of proposals as they progressed and as far as was possible mindful of the confidentiality of the work.

In seconding the proposal, the Portfolio Holder for Finance expressed her support for the proposals which, although primarily focussed on the financial position, also recognised that people were at the heart of all actions of the Council and this would enable the Council to respond to the increasing demand.

It was then put to the vote and

RESOLVED to

- (1) Create an additional capital budget of £1,356,000, to purchase additional temporary accommodation and to capitalise the staff costs of any purchases;
- (2) increase the current allocated opportunities reserve from £900,000 to £1,000,000, to facilitate the purchase of a property and pay for the renovation works to make the property ready for use;
- (3) To agree to the increase in establishment of 1 x FTE officer for every additional purchase of 10 units of temporary accommodation, which will be paid for by the additional income received from those properties.

Minute no: 64 – Anti-Social Behaviour Policy

The Portfolio Holder for Environmental Excellence invited members to support the recommendations of Cabinet which would see the adoption of a policy to

provide a framework within which officers could work and support early intervention.

It was then proposed, seconded, and on being put to the vote,

RESOLVED to

agree the adoption of the proposed Antisocial Behaviour Policy (attached at appendix 1 to the signed copy of these minutes).

Minute no: 69 – Frettenham Depot – Award of Redevelopment Contract

This matter was considered later in the meeting (see minute no 171 below).

161 PLANNING COMMITTEE

The decisions of the Planning Committee meetings held on 5 October, 2 November and 30 November 2022 were received.

162 AUDIT COMMITTEE

The minutes of the Audit Committee meeting held on 27 October 2022 were received.

The Chairman of the Committee drew attention to the completion of the audit of the 2020/21 accounts with no matters of concern. He also advised that Public Sector Audit Appointments Ltd had appointed Ernst and Young to undertake the Council's audit for 2023/24 to 2027/28. The Audit fees had increased by 150% and he hoped to see a significant improvement in the service delivered by Ernst Young.

163 LICENSING AND REGULATORY COMMITTEE

The non-exempt minutes of the two Licensing and Regulatory Committee meetings on 23 September 2022 were received.

Council noted that the matter set out at agenda item number 13.1 - Minute no: 11 – Local Government (Miscellaneous Provisions) Act 1976 - Town Police Clauses Act 1847 -Taximeter Tariff (table of fares) Consultation Responses had been withdrawn from consideration at the Council meeting that night to enable it to be considered by Cabinet.

164 STANDARDS COMMITTEE

The minutes of the Standards Committee meeting on 1 December 2022 were received.

The Chairman of the Committee drew attention to the recommendation to adopt the LGA Model Code of Conduct (see minute no 165 below) and advised that Norfolk County Council and several parish councils had already agreed to adopt the code.

165 THE LGA MODEL CODE OF CONDUCT

Members considered the report inviting Council to adopt the Local Government Association Model Code of Conduct for Broadland.

It was proposed, seconded and

RESOLVED

To adopt the LGA Model Councillor Code of Conduct, in full, as Broadland's new member code of conduct with effect from 5 May 2023, with the additional section to be added to Part 10 – registering gifts and hospitality:

'I register with the Monitoring Officer, an accumulation of small gifts received from the same source totalling £100 over a period of one year.'

166 REPORT OF THE MONITORING OFFICER

The report detailed the allocations of seats on committees and the appointment to outside bodies as a result of the recent by-election. The Monitoring officer drew attention to the resignation received that day of Cllr B Cook which fundamentally affected some of the proposals contained in the report. She made reference to an updated report tabled at the meeting (copy attached at appendix 2 to the signed copy of these minutes) which set out a revised set of recommendations based on a new calculation of political balance for committees and she read through the revised recommendations.

Cllr Roper indicated he was happy to suggest a proposal, subject to agreement by the Leader of the Council, that the Liberal Democrat group take up their vacancy on the Electoral Arrangements Committee. The Monitoring Officer thanked Cllr Roper but stated that the constitution required this proposal to be made by the Leader of the Liberal Democrat Group.

It was then proposed, seconded and

RESOLVED (unanimously)

1. That agreement be given to the following appointments:

- Chairman (Cllr J Thomas) and Vice Chairman (Cllr K Kelly) on the Service Improvement and Efficiency Committee as set out in paragraph 4.5 and 4.6 of the report (the appointment of Cllr Thomas to the committee agreed with no member voting against the proposal, as it is not in line with the rules of political balance);
- Cllr Clancy replacing the late Cllr Shaw on the Overview and Scrutiny Committee;

Outside bodies:

- Community Safety Partnership Scrutiny Panel – TBC
- Broad (2006) Internal Drainage Board – vacant
- Local Government Association Strategic Aviation ((Special Interest Group) (LGA) (SASIS)) – vacant
- Norwich Airport Limited Consultative Committee – Cllr Copplestone

2. That agreement be given to delegate the following:

- the re-allocation of the Conservative Party committee seat to the Liberal Democrats on either the Appeals Panel, the Electoral Arrangements Committee or the Licensing and Regulatory Committee to the relevant group leaders in consultation with the Monitoring Officer
- the appointment of all vacant committee seats which have arisen from the recent resignations, to the relevant Group Leaders in consultation with the Monitoring Officer.

167 OUTSIDE ORGANISATIONS/MEMBER CHAMPION FEEDBACK

Members received and noted the feedback from members appointed to represent the Council on Outside Organisations and as member champions.

168 QUESTIONS FROM MEMBERS

The following questions had been received in accordance with Procedural Rule 12.4:

1. Question from Cllr Laming

UK biodiversity is in decline and a spotlight will be on the subject during the COP15 event in Canada from 7-19 December 2022. Has Broadland District Council ever commissioned a report on the state of biodiversity in Broadland, and does it plan to do so in the near future?

Response from the Portfolio Holder for Environmental Excellence

The Council had previously engaged with Natural England, the Environment Agency, Norfolk Wildlife Trust and the Norfolk Biodiversity Partnership in the preparation of Local Plans. As a part of this process the Council had also prepared sustainability appraisals, incorporating strategic environmental assessments, and habitat regulations assessments. Both the engagement with these environmental bodies and the preparation of the aforementioned reports have informed the Council's Local Plan policies and Green Infrastructure strategies.

In addition to this, work was currently underway to update the Greater Norwich Growth Board Green Infrastructure Strategies. It was agreed, as part of this work, that there would be the need to conduct a biodiversity baseline study across the partnership area. This work was currently in the process of being scoped out with the view to go out to tender in the New Year.

Supplementary Question from Cllr Laming

An on line search for "Biodiversity in Broadland, Norfolk" returned a reference to the Norfolk Biodiversity Partnership which she believed involved some 20 different organisations including Broadland District Council. It appeared the partnership had been established in 1996 but the latest news post was dated 2019. Is the Partnership still in place and, if not, why not?

Response from Portfolio Holder for Environmental Excellence

The Portfolio Holder stated that to provide a comprehensive reply, she would do this by way of a written response after the meeting.

2. Question from Cllr S Gurney and Cllr D King

A recent political leaflet from another party to ours, distributed in Hellesdon, which comprises two electoral wards situated in the Broadland District Council area stated:-

"The Tories spent £8.5 million pounds of Your district council tax on new offices".

Would the Leader of Broadland District Council please confirm how much council tax money was actually spent by BDC to purchase a new office?

Response from the Leader

The Leader stated he was surprised to see this information circulated as all members had access to the costings for the purchase of the Horizon Centre. The cost to Broadland District Council for the building was £3.55m.

Supplementary Question from Cllr Gurney

Given the information presented by the Leader, would he agree that the residents who read the leaflet were grossly misled?

Response from the Leader

The Leader confirmed that yes the residents were misled. He was appalled that the Liberal Democrat Group would promote false information and mislead residents with incorrect information.

3. Question from Cllr D Roper

In accordance with paragraph 12.4 (b) of the Constitution, and with the consent of the Chairman, the following question was raised as a matter of urgency, and circulated to all members with the supplementary papers:

"Would the Leader please provide his views on the published Norfolk Devolution Deal (County Deal) and what this means for Broadland as a Council and for residents?"

Response from the Leader

The Leader stated that the County Deal was an opportunity for Norfolk. It would bring new powers and decision making to Norfolk. It would provide extra funding which would make a real difference to the lives of people in Norfolk. How the proposals would impact on Broadland residents was still unknown but the extra funds, resources and opportunities were a positive for Norfolk and Broadland.

Supplementary Question from Cllr Roper

Could you say if you agree or disagree with the Leader of South Norfolk District Council who was reported in the Eastern Daily Press as saying "what is the point it doesn't even absorb the Police and Crime Commissioner and proposes leadership which does not have any hands on planning, housing growth and the clean environment – this is even more government but doing less."

Response from the Leader

The Leader stated that he both agreed and disagreed. The Deal would bring extra resources, funding and powers to local decision making. However the other side of this which the South Norfolk Leader had identified was about being more ambitious and bringing forward other things which could form part of future deals. The South Norfolk Leader was promoting a combined authority as a way forward which would enable it to take those powers forward and be more ambitious. This was, however, not part of the Deal at the current time. A decision could be made to take the current Deal or defer for an extended deal and this debate would continue over the next few months. The Leader confirmed that at the current time he supported the County Deal based on information available but he did have

concerns regarding governance and the ability of the Deal to fulfil its promises. He also had concerns about the capacity of the County Council to consume the extra responsibilities and deliver on them. These were matters to be decided before the County Council took its final decision.

169 MOTIONS

No motions had been received.

170 EXCLUSION OF PRESS AND PUBLIC

RESOLVED

To exclude the press and public from the meeting for the remaining item of business because otherwise, information which was exempt information by virtue of Paragraph 3 of Part I of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006 would be disclosed to them.

171 CABINET

The EXEMPT minutes of the meeting held on 29 November 2022 were received.

The following matter was considered by Council:

Minute no: 69 – Frettenham Depot – Award of Redevelopment Contract

The Portfolio Holder for Environmental Excellence reported that the Council had identified the need for redevelopment of the Frettenham Depot and that funding had been allocated for the refurbishment. A full condition survey had been undertaken to evaluate what was needed. Veolia would manage the contract work and would not be required to move from the site whilst work was carried out. The contract had been independently assessed and deemed to be value for money and a contingency sum had been set aside. The Portfolio Holder for Environmental Excellence drew attention to the range of environmental improvements included within the works. She invited Council to endorse the recommendations set out in the exempt Cabinet minutes.

A member said they would like to see the range of environmental improvements expanded to include alternative low energy options to provide hot water but they acknowledged this would form part of the detail managed by the contractor/operator.

The Leader made reference to the question as to whether the level of investment in environmental improvements and the predicted reduction of 23 tonnes of carbon from Council's footprint was value for money. He explained that the Public Sector Decarbonisation Scheme set a threshold for reduction of carbon and had calculated that projects of no more than £325 per tonne were deemed to be good value. The proposals at the depot would be £311 per tonne, and would be good value for money. This demonstrated the Council's continuing desire to make effective, good value decisions.

In response to a question, the Portfolio Holder for Environmental Excellence confirmed that the existing workshop would be replaced with a new workshop which would be able to accommodate the refuse vehicles. It was then proposed, seconded and

RESOLVED

1. That the approved Capital Budget for Waste Vehicles /Depot is increased by £200,000 to £2,665,369 to allow for the project contingency if required;
2. To delegate to the Assistant Director Community Services, in consultation with the Portfolio Holder for Environmental Excellence, approval to utilise the project contingency if required.

Chairman

(Meeting closed at 8:10 pm)

Anti-Social Behaviour Policy

2022 - 2025

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1 Introduction

- 1.1 The Broadland district enjoys relatively low levels of anti-social behaviour (ASB) and crime, high levels of safety, and generally good quality of life. However, the Council recognises the damage that persistent ASB can cause to the stability, cohesiveness and health of communities that experience it. There are vulnerable people living in local communities and there are victims of ASB, ranging from low level, often unintentional neighbour nuisance to belligerent, targeted behaviours that pose serious and escalating threats to individuals and households.

Whilst in the Broadland district the ASB incidence rate is relatively low, when people are vulnerable or victimised then the consequences can be just as devastating and lasting as anywhere else in the country.

The Council has key duties and responsibilities for tackling local ASB, which is a cross-cutting theme for its frontline services. Alongside other local agencies, the Council occupies a key position in offering local community leadership.

This Policy will support a shift in the way the Council tackles ASB, moving from a reactive service to a combination of pro-active and re-active actions, designed to make the Council's services efficient and effective at preventing ASB from occurring in the first place.

- 1.2 Although ASB can be difficult to define because of its impact being perception led, the Council has set out in section three of this Policy the definition and general principles it will work to when addressing issues and service requests about ASB. The perception-led nature of ASB has required the Council to acknowledge the possibility of unjustified or unreasonable service requests being made and that under such circumstances an investigation would not be offered or would be halted.
- 1.3 The Council acknowledges the disproportionate impact that ASB can have upon vulnerable members of local communities, the connection with safeguarding, the need for effective partnerships to exist, and that the primary responsibility is always to protect victims from further harm or distress. The Council is committed to working with partners to ensure all victims, especially vulnerable victims, are listened to, kept informed and supported during any investigation.
- 1.4 This Policy provides an overview of the action(s) that the Council will take to deal with ASB and what route a person can take if they are not satisfied with the service they have received.
- 1.5 The Council will not tolerate incidents of anti-social behaviour (ASB). The Council will intervene appropriately where possible under this Policy and enforce matters relating to ASB when required. This approach will be made clear to all residents within and visitors to the district.

- 1.6 This Policy will apply to how anti-social behaviour services are offered to all Broadland residents, their families and any other occupants or visitors. The Policy will be observed by members of staff and any other persons working on behalf of the Council.
- 1.7 The Council has a responsibility to protect staff members whilst they are undertaking Council business. The Council will not tolerate anti-social behaviour directed towards staff and robust action will be taken against those that engage in such behaviour.

2 Policy Context

2.1 Relationship with the Council's Strategic Plan and Delivery Plan

Our Council's joint Strategic Plan 2020-2024 contains four key priorities:

1. Growing the economy
2. Supporting individuals and empowering communities
3. Protecting and improving the natural and built environment, whilst maximising quality of life
4. Moving with the times, working smartly and collaboratively

We operate a two-year Delivery Plan to deliver against and achieve these priorities, and the Delivery Plan specifically address a range of services dealing with anti-social behaviour.

- 2.3 The ASB Policy directly contributes to a number of the above objectives and should be read alongside the Council's enforcement policies and published service commitments.
- 2.4 The Council is an active member of the Norfolk County Community Safety Partnership (NCCSP) which brings together a number of organisations to work together with local people to build safer and stronger communities.

2.5 Safer Norfolk Plan

Resilience and cohesion help communities to look out for and help each other, which is key to communities thriving. Communities need to be able to withstand, adapt to and recover from adversity and residents need to feel they belong and are comfortable mixing and interacting with others. Everyone has the right to feel safe in their local neighbourhood.

Within the Safer Norfolk Plan there is a commitment to further develop the multi-agency evidence base regarding anti-social behaviour affecting communities, enabling targeted interventions to be developed. Communities will be empowered to increase their resilience to anti-social behaviour through Community Connectors.

3 What is Anti-Social Behaviour (ASB)?

3.1 There is no single definition of what is meant by ASB. For the purpose of this Policy, the Council has adopted the definition applied by 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, or
- d) Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of business premises.

3.2 ASB covers a wide range of unacceptable activity that causes harm to an individual, to their community or to their environment. This could be an action by someone else that leaves you feeling alarmed, harassed or distressed. Anti-Social Behaviour may include but is not limited to the following:

Noise:

- a) Loud music
- b) Persistent, unnecessary or excessive noise
- c) Shouting or yelling
- d) Persistent Alarms
- e) Excessively loud or persistent parties
- f) Dogs persistently barking

Intimidation and harassment:

- a) Verbal or written abuse including via social media
- b) Threats of violence
- c) Damage or threats to damage property
- d) Keeping or failing to control an aggressive dog

Environmental:

- a) Graffiti
- b) Dumping rubbish and littering
- c) Dog fouling
- d) Fly posting
- e) Abandoned vehicles

- f) Vandalism
- g) Anti-social behaviour as a result of alcohol or drug misuse, including street drinking
- h) Inconsiderate or inappropriate use of vehicles e.g. off-road motorbikes

3.3 What is not deemed by the Council to be Anti-Social Behaviour and will not normally be accepted for investigation by officers of the Council under this Policy includes:

- a) The use of leaving of vehicles outside schools, homes or businesses, including traffic that is stationary or otherwise, unless satisfied that of a potential statutory nuisance or that the Council's powers to deal with abandoned vehicles apply.
- b) Children playing in the street or communal areas.
- c) Young people gathering socially unless they are being intimidating.
- d) Being able to park outside your own home.
- e) Parking related issues on a highway or shared access drive.
- f) DIY and car repairs unless they are taking place late at night.
- g) Civil disputes between neighbours, i.e. boundary disputes or disputes over shared driveways.
- h) Reasonable day to day noise, i.e. children within a household, appliance noise.
- i) One-off service requests about noise, e.g. parties.
- j) Clashes of lifestyle differences between residents, except where they constitute significant anti-social behaviour or a potential statutory nuisance.
- k) Service requests about controlled drug usage in a domestic setting, unless deemed a potential statutory nuisance or forming part of wider anti-social behaviour.

3.4 It is important to acknowledge that some service requests about ASB might be considered malicious, vexatious, trivial, or unreasonable. Children playing in an area designed for play, for example a skateboarding park or multi use games area, may fall within this category. Other examples may be someone having a one-off event such as a milestone birthday party with some associated noise, a baby crying for attention, or a misplaced wheelie bin temporarily blocking access or egress. Although the incident may be annoying at the time, it is the role of the Council's officers when assessing new requests for service to decide whether or not each request is reasonable and acceptable under the terms of this Policy. An investigating officer will advise a complainant if they believe the service requests is unreasonable or cannot be accepted. Persistent unreasonable service requests can often be perceived as harassment by the subject, and/or lead to a counter-complaint being made. In the event of any remaining uncertainty about whether a new service request should be accepted or an ongoing service request should be closed, the relevant service manager will be consulted, and they will have the discretion afforded under this Policy to decide accordingly.

- 3.5 The Council will work together with partners to utilise the resources and legal powers it is provided with to reduce environmental crimes, problematic street drinking, graffiti, vandalism and all other types of ASB. The Council will endeavour normally to respond to an initial ASB service request within five working days.
- 3.6 The Council's activity to tackle ASB is intended to help make people in Broadland's communities feel safe, welcome and secure that they have a pleasant place in which to live, work and visit.

4 Policy Objectives

4.1 The Council aims and is committed to:

1. Preventing anti-social behaviour where it can and, where it happens, to minimise it as far as possible.
2. Responding promptly and nip problems in the bud, discouraging them from escalating.
3. Intervening assertively with enforcement action in cases of serious or persistent anti-social behaviour.
4. Working across Council services and with partner agencies to maintain vigilance, coordinate support and offer reassurance to affected communities.

Across the Council's district a core focus will be adopted on prevention and response to incidents of anti-social behaviour involving:

- a) Close working between Council services (e.g. community connectors, early help and support referrals, housing standards regulation, homelessness assistance and housing options, community and environmental protection, environmental offending including fly tipping and dog fouling, premises licensing, and various community safety functions) and with partner agencies including Norfolk Constabulary and adult and children social services.
- b) Collective coordinated responsibility for operational information pooling and sharing, coordinated tasking, frequent tactical planning, targeted attention to ongoing problems, and regular strategic review at a sub-county level.

The focus warrants an integrated approach favouring intervening early, taking measured action to stop problems from worsening, and following cases through to closure.

It is not the purpose of this Policy to describe how the Council will deal with anti-social behaviour on a day-to-day basis, nor how it will coordinate with partner agencies. More detail can be found on anti-social behaviour in pages on the Council's website.

4.2 The six objectives of this Policy are to:

Objective 1: **Deploy a lean and agile joined-up service to incidents and reports of anti-social behaviour.**

We will:

Optimise the Council's reactive and targeted response; assertively challenge ASB and intervene / enforce; demonstrate rapid impact and effective results; cultivate inter-agency shared commitment, communications and information sharing; engage close joint working with operational policing's response / neighbourhood / beat manager teams; exploit opportunities for profitable co-location and extended service delivery hours; operate clear and strong intelligence, prioritisation and exit strategies; aim to dispel community tensions and apply restorative justice and reassurance.

Objective 2: **Adopt a preventative early intervention approach, where possible getting to and tackling the underlying and root causes, and a focussed strategic commitment.**

We will:

Engage full support from Community Safety Partnership partners and from housing associations; promote referral pathways for perpetrators and victims into early help and support services (social care, mental health, substance abuse, youth offending); maintain strong safeguarding vigilance.

Objective 3: **Develop and optimise close partnership working, founded on solid and rounded collective awareness of ASB.**

We will:

Reinforce existing partnership working; grow new partner agency relationships; develop highly effective tactical and operational partnering.

Objective 4: **Closely work with local people and ensure ASB services are delivered with and not to them, recognising the shared community responsibility for building strong communities.**

We will:

Encourage elected member facilitation and early reporting of ASB symptoms and concerns; work with and encourage existing community networks and resources; promote community-led and self-sustaining solutions.

Objective 5: **Focus programmed, intelligence-led and targeted operational ASB activity in support of tactical planning, aims and objectives arising over time.**

We will:

Inform tactical planning with annual strategic assessments and quarterly assessments collated from inter-agency data.

Objective 6: **Drive down avoidable and wasteful demands, impacts and costs on public services, local communities and community assets.**

We will:

- a) Work with partners to support and protect victims of ASB
- b) Deliver a range of appropriate early interventions when responding to incidents of ASB
- c) Use enforcement and legal powers with partners to target those who continue to cause ASB

4.3 Prioritisation

Many kinds of impact from one person's activities on another person can cause irritation or annoyance. As statutory agencies the Council will seek to ensure its activities are prioritised and undertaken with regard to clear evidence of need, sound consideration of how effective the work to be undertaken is likely to be, and a clear understanding of the agreed outcomes. The Council must be satisfied that it is justified, necessary and proportionate for it to become involved in each new case.

The starting point for an accepted new case will be that, based on an assessment of risk and vulnerability of the parties involved, the Council determines which initial rating should be applied as outlined in the Table 1 below. This grading may affect how quickly the Council can respond, assess and deal with the case, however officers will

keep an open mind and will periodically review and change the rating if, based on the evidence available, the case has become more or less serious than it previously appeared to be.

Table 1 Prioritisation rating ASB cases according to risk and vulnerability

High	<p>Cases involving acute threats of serious and imminent harm or victimisation to individuals or a community (as identified in the risk assessment).</p> <p>Reports where acute needs for support are identified.</p> <p>Reports where individuals with care needs (as set out in the Care Act 2014) are involved and there is a serious and imminent risk of victimisation.</p> <p>Reports originally classed as 'Medium Risk' where the risk has escalated sufficiently to be classed as 'High'.</p> <p><i>Notes:</i></p> <p><i>Incidents such as serious threats of violence or abuse, assault, violent criminal activity, drug-related activity, sexual abuse and other serious crimes should be reported to Norfolk Police by dialling 999 if in emergency.</i></p> <p><i>Non-emergency incidents should be reported by dialling 101 or Norfolk Constabulary on-line.</i></p>
Medium	<p>Cases involving a likelihood of significant and potentially serious harmful consequences, or aggravated anti-social behaviour.</p>
Routine (<i>with due consideration for early intervention, resources permitting</i>)	<p>Reports of continuing or persistent, unreasonable anti-social behaviour or nuisance to individuals not of the same household. This could include (but is not limited to):</p> <ul style="list-style-type: none"> • Intimidating or harassment of people (including verbal abuse, aggressiveness). • Statutory Nuisance. <p>The Council can only deal with what it considers to be actionable* matters, include environmental offences.</p> <p><i>Note: The Council must be satisfied that a routine case is potentially actionable, within its responsibilities, policies and procedures, and resources.</i></p>

General note:

Registered Social Landlords (housing associations) have their own policies and powers for dealing with anti-social behaviour. If a concern relates to a tenanted property where the landlord is a housing association, that should be where the report is made.

If the behaviour of concern includes commission of a crime for which the police is the enforcing authority, then it should be reported to the Police by dialling 101 (in an emergency dialling 999).

5 Responsibilities

5.1 We will use a range of mechanisms to coordinate the Council's ASB services and activities:

- a) Joined-up service-specific enforcement strategies
- b) Internal tactical coordinating group and a partnership working equivalent
- c) Operational enforcement coordinating group
- d) ASB action group (ASBAG)
- e) Safety advisory group (SAG)
- f) Partnership problem solving forums as appropriate, for example with housing providers

5.2 The response to ASB incidents is provided across the Council's areas and responsibilities are outlined as follows:

Assistant Director Regulatory – Responsibility for ensuring that the Council's ASB Policy is in place and is being delivered effectively. The Assistant Director Regulatory has responsibility for the authorisation of high level ASB enforcement including service of a Closure Notice or legal proceedings.

Environmental Protection Manager – Responsible for the maintenance and monitoring of the ASB Policy, and authorisation of some formal interventions. The Manager is responsible for the monitoring of any raised risk ASB cases and any Community Triggers made to the Council. Together with the **Community Protection Team Leader**, the Environmental Protection Manager is responsible for managing operational service delivery.

Senior Community Protection Officers – Qualified environmental health officers with responsibility for all cases involving statutory nuisance. They will tend to lead the investigation of complex, serious and protracted cases and provide support to Community Protection and rapid response ASB Officers to effectively perform their roles.

Community Protection Officers – Responsible for dealing with all cases of ASB. They have delegated authority to take forward any enforcement action, except cases of statutory nuisance.

Rapid response, **Early Intervention ASB Officers** (where appointed) – Responsible for providing an initial rapid response to reports of low level ASB and delivering the

Council's door-stepping approach to nip issues in the bud. Assist with tasked actions in ongoing cases led by more senior officers.

6 Supporting the Victims of ASB

6.1 In accordance with the principles of the Anti-Social Behaviour, Crime and Policing Act 2014, the Council will give priority to supporting victims of ASB. To support the focus on victims, the Council will carry out the following actions:

- a) Refer cases to the commissioned service in the Broadland district for offering support to victims of ASB and crime. This is provided by Victim Care at the time of writing this Policy.
- b) Set up multi-agency meetings as to identify how vulnerable victims could be best supported and take agreed actions.
- c) Train staff to identify vulnerability and feel confident to take appropriate action.
- d) Work closely with other agencies to share information where appropriate so that victims do not get overlooked.

6.2 The Council takes the welfare and support of victims of ASB seriously and will continue to work with local communities to ensure that victims feel that they are listened to and supported. Service requests regarding ASB can be made online, by telephone, or in person and referrals are often made through partner agencies and services, e.g. Community Protection, Police and schools. These reporting options are important to ensure that victims can access the services they need as easily as possible.

7 Vulnerability and Safeguarding

7.1 Whilst accepting that being a victim of ASB is distressing for anyone who is affected, the Council recognises that for some people the impact may be far worse because of an identified vulnerability.

Vulnerable victims are likely to be disproportionately affected by ASB and vulnerabilities can be caused by a wide range of factors, such as isolation, a mental health condition, physical disability, age, or substance misuse.

7.2 Sometimes it will be necessary to make a safeguarding referral and cases that require this course of action will be additionally recorded as part of safeguarding procedures. Concerns about ASB and safeguarding often overlap which reinforces the necessity for strong partnership working.

8 Actions and Enforcement (in conjunction with the Council's enforcement policies)

8.1 To deal effectively with ASB the Council recognises that it is necessary to affect a long-term change in people's behaviour so that individuals are able to make alternative behavioural choices that are more acceptable to the communities within which they live.

- 8.2 However, the Council recognises that behavioural change can be achieved in many other ways and will therefore explore all reasonable interventions that could bring about the desired change in behaviour. This will generally be the initial approach whilst reserving the option to take early enforcement action, where appropriate. The Council will take an assertive approach to the initiation of enforcement action for cases of ASB in order to protect victims.
- 8.3 The Council will take an approach to dealing with ASB that is proportionate and appropriate to the behaviour being produced or complained about and Table 2 below outlines some of the main actions it will take. The Council will endeavour within reason to prevent ASB, and will pursue proportionate enforcement action in appropriate case whilst employing any preventative measures deemed necessary.
- 8.4 The Council has reviewed working practices in relation to enforcement and as a result have moved to an evidenced-based methodology using tried and tested problem-solving methods to identify root-cause behaviour. This is supported by a set of service commitments for Regulatory services and an overarching Enforcement Policy.

Table 2 Preventative Measures (this is not intended as an exhaustive list).

Diversionary activities	We will collaborate internally and externally to take advantage of opportunities to attract external funding to support diversionary activities. For example, in an area where youth related ASB is identified, funding could be utilised to provide temporary youth out-reach work to engage with and identify the needs of young people in that locality and ensure they are involved in the delivery process.
Other preventative services and measures	We will utilise Community Connectors to support victims and perpetrators of ASB to seek behaviour change. As a planning authority, the Council will work to identify where changes to the built environment can prevent ASB. For example, using conditions to ensure car parks on retail parks are closed after hours to prevent their use for unlawful gatherings, vehicles stunts and general places of congregating.
Mediation	The Council will use qualified experts in mediation to try to resolve issues and come to agreements on a way forward.
Referral to support services	A range of support services is available via the Help Hub.
Warnings	Often it is appropriate to issue a warning, which could be either verbal or in writing. Warnings would be issued by the Council's officers, another individual agency e.g. Police, social landlord.

- 8.6 If early intervention and preventative measures are not successful in resolving issues, then proportionate enforcement actions will be considered. Enforcement may be taken, for example, under powers provided by the Anti-Social Behaviour, Crime and Policing Act 2014. Given the broad legal definition of ASB, this legislation and the powers it contains may in individual cases be more appropriate to consider, and enable earlier intervention, than other legislation such as the Environmental Protection Act 1990.
- 8.7 Prosecution for breaches of formally imposed anti-social behaviour controls can result in fines, the issue of court orders, lead to injunctions, and even imprisonment. In all cases these powers will be used only where they are judged to be necessary and proportionate in individual cases, and only when considered appropriate. Whenever enforcement powers are used, they will be in accordance with the Council's Enforcement Policy. The Council may decide to pursue preventative measures before or alongside taking formal enforcement action.

Table 3 Enforcement Measures – People

Community Protection Warning	To challenge a person, business or organisation causing anti-social behaviour which spoils the community's quality of life. A Community Protection Warning can be issued by police or authorised officers of the Council with delegated powers to do so. The officer must be satisfied that the behaviour has a detrimental effect on the quality of life of those in the locality, be persistent in nature, and be unreasonable.
Community Protection Notice	<p>To intervene formally with a Community Protection Notice may be issued if there is evidence that a Community Protection Warning is not adhered to.</p> <p>The Notice can direct any individual over the age of 16, business or organisation responsible to stop causing the problem. It could require the person responsible to take reasonable steps to ensure that it does not occur again.</p> <p>It is a criminal offence if a person served with a Notice does not comply, subject to fixed penalty notice enforcement or prosecution for non-compliance.</p>
Criminal Behaviour Orders	These are Court orders, normally following prosecution, typically made when evidence satisfies the Court beyond reasonable doubt that the individual has engaged in behaviour that has, or is likely to cause, nuisance, harassment and distress to any person(s) and that an Order is necessary and proportionate to correct the individual's behaviour.
Civil Injunctions	Civil injunctions are issued in the County Court for over 18's or in the Youth Court for under 18's. They must meet legal tests and reflect evidence that, on the balance of probabilities, the individual has engaged or likely to engage in behaviour that causes nuisance or annoyance and the Court finds it just to impose an Injunction to legally stop or prevent individuals from engaging in anti-social behaviour.

Table 4 Enforcement Measures – Places

Closure Order	An Order which provides the police or Local Authority to close a premises, which is being used, or likely to be used, to commit nuisance or disorder. An initial Closure Order can close a premises for 48 hours however, if the disorder is of such a level, the police or Local Authority can apply to the Magistrates Court for an Order for up to a period of maximum 6 months, which can see a premises closed and access to the premises restricted.
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Public Space Protection Order (PSPO)	A Public Space Protection Order is a formal Order made by the local authority to render unlawful specific types of antisocial behaviour in public places by individuals or groups of people. Local authorities have the powers to make such Orders however they must be satisfied that the behaviour has had a detrimental effect on the quality of life of those in the locality, and has been both persistent in nature and unreasonable.
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8.8 Where appropriate the Council will publish enforcement action outcomes in the press or via the Council's social media platforms on a case per case bases, taking into account public interest, and the level of enforcement taken.

8.9 Although the Council will employ a range of measures to tackle ASB its **overriding principle is that victims must be protected from those who perpetrate ASB, and the Council is committed to reducing ASB in its communities.** This means that the Council will use all legal powers at their disposal and encourage partners to do likewise. The Council may use various techniques including collation of evidence using both covert and overt CCTV, diary records and witness statements.

9 Partnership Working

9.1 To ensure that it tackles ASB effectively, the Council will work with a number of external partners and is committed to effective partnership working. Partners include:

- a) Norfolk and Suffolk Police.
- b) Registered providers of social housing.
- c) Norfolk County Council.
- d) Victim Care.
- e) Probation.
- f) Health.
- g) Change, Grow, Live (commissioned drug and alcohol service)
- h) Schools and educational facilities.
- i) Norfolk Fire and Rescue Service.
- j) Other local authorities, including town and parish councils.
- k) The Environment Agency.
- l) Voluntary agencies and the third sector.

9.2 By working with partners and sharing information, the Council is able to adopt the best method to deal with each individual case and in many cases enforcement action is jointly taken forward. Sometimes the Council may be the lead enforcement agency whereas on other occasions it may play a supporting role. This depends on the nature of the ASB and the matters being enforced.

- 9.3 The Council is an active partner of the Norfolk County Community Safety Partnership (NCCSP) and will support this partnership to improve community safety generally and tackle ASB across the districts.

10 Working with other Housing Providers

Those social housing tenants responsible for behaving in an anti-social manner put themselves at risk of tenancy enforcement action. Those who live in accommodation provided by private landlords may put themselves at risk of similar action. The Council will share information and support other Housing providers to enable the use of early intervention tools and offer guidance and support to them in developing effective policies in order to deal with anti-social behaviour. The use of legal remedies by other housing providers will be the responsibility of that landlord, however the Council will provide supporting evidence to them subject to the provisions of the Data Protection Act 1990, as amended and other relevant legislation.

11 Community Trigger (also known as the ASB Case Review)

The Anti-Social Behaviour, Crime and Policing Act 2014 introduced specific measures designed to give victims and communities a say in the way that service requests of anti-social behaviour are dealt with.

The Community Trigger gives victims of persistent antisocial behaviour reported to any of the main responsible agencies (such as the Council, police, housing provider) the right to request a multi-agency review of their case where a local threshold is met.

The Community Trigger process is different from a single agency Complaints process which looks at faults in the way an agency has responded. The Community Trigger aims to bring agencies together to take a joined up, problem solving approach, to find a solution and ultimately stop the anti-social behaviour.

More information about the Community Trigger (ASB Case Review) process is on the Norfolk County Council website.

12 Equalities

- 12.1 The Council has made a commitment to ensuring that it complies with the requirements of the Equalities Act 2010. Part of this commitment requires an understanding of how policies may affect people with 'protected characteristics' under the legislation.

- 12.2 The Council recognises that people with 'protected characteristics', such as those who are older or younger, who have disabilities or who are from a minority ethnicity, may be particularly vulnerable to ASB. The Council will work to ensure that any risk assessments or consultation takes this into account and that its response is tailored accordingly.

Hate motivated ASB or behaviour that is malicious in nature, offensive, or targeted towards a particular group of society will be dealt with as a high priority because of the elevated risk.

13 Policy Review and Updates

- 13.1 This Policy will be reviewed at least once every three years. However, interim amendments may be required to reflect any legislative or procedural changes.

14 Complaints and Feedback

- 14.1 Please contact the Council with any complaint about service such as how a case has been dealt with, or with comments regarding this Policy.
- 14.2 The Council operates a Complaints procedure that can be accessed through the Council's website, via the customer service teams or by writing to the Council. More information on how to make a formal complaint about the service you have received from the Council can be found on the Council's website.

15 Legal Framework

As a minimum, the Council's approach to anti-social behaviour will be compliant with the following legislation:

General Data Protection Regulations

Data Protection Act 1998 and 2003

Human Rights Act 1998

Freedom of Information Act 2000

Equalities Act 2010

Mental Health Act 1983 (amended 2007)

The Crime and Disorder Act 1998 (as amended)

Anti-Social Behaviour, Policing & Crime Act 2014

Housing Act 1996

Environmental Protection Act 1990

The Noise Act 1996 (as amended by Antisocial Behaviour Act 2003, and the Clean Neighbourhoods and Environment Act 2005)

Children's Act 2004

Harassment Act 1997

Homelessness Act 2002

Police Reform Act 2020

Police and Criminal Evidence Act

Criminal Justice and Police Act 2001

End.

Monitoring Officer Report – Update to be tabled at the Council meeting – 15 December 2022

The current Monitoring Officer report provides details of the revised political balance for committees as a result of the recent by-election and the resignation of Cllr J Thomas from the Conservative party.

Today, Cllr B Cook has resigned as a councillor, which means that the political balance needs to be revisited again and the allocation of seats re-discussed with relevant Group Leaders. Cllr Cook is currently on the Standards Committee and the Member Development Panel and the Labour Group Leader will need to reappoint to these seats.

The percentage allocation of each political group on the council is now as follows (old paragraph 3.1 with changes in yellow):

Conservative Group	29 members	65%
Lib Dem Group	12 members	27%
Labour Group	2 members	4%
Green Group	2 members	4%
Independent	1 member	not classed as group under political balance rules
Vacant seat	1 member	

This has resulted in the following changes in the allocation of seats to political parties, the Conservative Party losing 1 seat and the Liberal Democrats gaining 1 seat, as follows (old paragraph 4.1 with changes in yellow).

Group	Existing seats	New allocations
Conservative Group	69	68
Lib Dem Group	27	28
Labour Group	4	4
Green Group	4	4
Total	104	104

A review of the allocation of seats across the committees indicates that the change will be on one of either of the Appeals Panel, the Electoral Arrangements Committee or the Licensing Committee, and this needs to be resolved with the relevant Group Leaders as part of a delegated decision.

The following business can still be resolved this evening, which is:

1. That Council agrees to the appointment of Chairman (Cllr J Thomas) and Vice Chairman (Cllr K Kelly) on the Service Improvement and Efficiency Committee as set out in paragraph 4.5 and 4.6 of the report (the appointment of Cllr Thomas to the committee will need to be agreed with no member voting against the proposal, as it is not in line with the rules of political balance).
2. That Council agrees to Cllr Clancy replacing the late Cllr Shaw on the Overview and Scrutiny Committee.
3. That Council agrees to the appointment to outside bodies as set out in paragraph 4.7 of the report.

Other recommendations in the report will require further consultation. Therefore, Council is asked to delegate the following two decisions:

4. That Council agrees to delegate the re-allocation of the Conservative Party committee seat to the Liberal Democrats on either the Appeals Panel, the Electoral Arrangements Committee or the Licensing Committee to the relevant group leaders in consultation with the Monitoring Officer.
5. That Council agrees to delegate the appointment of all vacant committee seats which have arisen from the recent resignations, to the relevant Group Leaders in consultation with the Monitoring Officer.

ELHodds

Broadland District Council Monitoring Officer

15 December 2022