

# Anti-social Behaviour Policy

**2022**



South Tyneside Council

Spread the word!

**THIS IS  
SOUTH  
TYNESIDE**

<b>Contents</b>		<b>Page</b>
<b>1.</b>	<b>Basic Principles of the Service</b>	
1.1	Strategic Statement	3-4
1.2	Definitions of anti-social behaviour	4-5
1.3	Examples of anti-social behaviour	5-6
1.4	Anti-social behaviour categories	7
1.5	Cross tenure issues	7
1.6	Tenant expectations	7-8
<b>2.</b>	<b>Working with Vulnerable People</b>	
2.1	Victim and witness support	8
2.2	Vulnerability and Safeguarding	8-9
<b>3.</b>	<b>Taking action</b>	
3.1	Preventative action	9-10
3.2	Informal action	10
3.3	Formal action	10
<b>4.</b>	<b>Partnership working</b>	
4.1	Multi-agency work	11-12
4.2	Information sharing and confidentiality	12
<b>5.</b>	<b>Service development</b>	
5.1	Continual development	12
5.2	Service monitoring	12-13
<b>6.</b>	<b>Summary of Anti-social Behaviour Procedure</b>	
6.1	Reporting anti-social behaviour	13
6.2	Assessing anti-social behaviour	13
6.3	Investigating anti-social behaviour	14
6.4	Taking action	14
6.5	Monitoring the case	14-15
<b>7.</b>	<b>Community trigger</b>	<b>15-16</b>
<b>8.</b>	<b>The Charter for Social Housing Residents</b>	<b>16-17</b>
<b>9.</b>	<b>Equality and diversity</b>	<b>17</b>

## **Council priorities and how links to Policy**

### **1. Basic Principles of the Service**

#### **1.1 Strategic Statement**

South Tyneside Council is committed to taking positive and supportive action in conjunction with its partners, to deal with all forms of anti-social behaviour (ASB), harassment and hate crime. The overall strategic direction for tackling ASB in South Tyneside is agreed and monitored through the Councils Community Safety Partnership Board.

We recognise that Anti-Social Behaviour – ASB, can have a very disruptive impact on neighbourhoods and communities and does not just affect those who are directly involved in the situation. Feeling safe and secure increases the sustainability of neighbourhoods and promotes community cohesion, health and wellbeing. As part of our vision, we will strive to ensure that we build strong communities, making sure that our homes and communities are great places to live, where people feel safe and secure.

The Council are committed to preventing and tackling incidents and perceptions of ASB and understanding our competing responsibilities in relation to legislation under the Homeless Reduction Act, Equality Act and consideration of proportionality under Article 8 of the Human Rights Act. To do this successfully, we aim to strike a balance between prevention, early intervention, support, and enforcement. We will adopt a supportive approach when dealing with victims, witnesses and alleged perpetrators, and will be flexible in our approach to managing incidents, working in partnership with both internal and external partners to tackle ASB, ensuring that our response, at all times, is measured and proportionate before taking any form of remedial or preventative action, with each individual case considered on its merits.

We will adopt a professional and objective approach ensuring we take prompt, appropriate, and decisive action to deal with ASB before it escalates, robustly investigating and intervening early where there are incidents of ASB, using a harm/risk based approach. Where appropriate we will utilise mediation tailored towards the needs of residents, their families and the complainant, regardless of the tenure of the complainant, to prevent matters from escalating. We will also instigate preventative and proactive services or activities where they are needed.

We acknowledge the disproportionate impact that ASB can have upon vulnerable members of our communities, the link it has with safeguarding, the need for effective partnerships to exist, and that our primary responsibility is always to protect victims from further harm or distress. We are committed to working with partners to ensure all victims, especially vulnerable victims, are listened to, kept informed and supported during any investigation.

Where ASB is the result of criminal activity we will expect residents to report criminal behaviour to the Police and we will expect the Police and other statutory agencies to take action where they have sufficient evidence to do so.

Although ASB can be difficult to define because of its impact being perception led, the Council has set out in this policy, the definition and general principles that it will work to when addressing issues and complaints about ASB. The perception led nature of ASB has also required the Council to acknowledge the possibility of unreasonable or unsubstantiated complaints being made and that in those circumstances an investigation may be closed or an alternative approach taken.

## **1.2 Definitions of anti-social behaviour**

There is no commonly agreed definition of anti-social behaviour therefore this section draws on the definition under s105 of the Anti-social Behaviour, Crime and Policing Act 2014 which defines ASB 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 a person in relation to that person's occupation of residential premises; or
- Conduct capable of causing housing-related nuisance or annoyance to any person.”

This definition also sets the legal threshold that must be met in injunction applications and the discretionary grounds for possession define ASB as, where the tenant or a person residing or visiting the property:

- Has been guilty of conduct causing or likely to cause a nuisance or annoyance to a person residing, visiting or otherwise engaging in a lawful activity in the locality;
- Has been guilty of conduct causing or likely to cause a nuisance or annoyance to the landlord of the dwelling-house or a person employed (whether or not by the landlord) in connection with exercise of the landlord's housing management functions, and that is directly or indirectly related to or affects other functions, or
- Has been convicted of – using the dwelling-house or allowing it to be used for immoral or illegal purposes, or an indictable offence committed in, or in the locality of, the dwelling-house.

Hate crime, as defined by the Crown Prosecution Service, is a term that can be used to describe a range of criminal behaviour where the perpetrator is motivated by hostility or demonstrated hostility towards the victim's disability, race, religion, sexual orientation or gender identity, including lesbian, gay, bisexual, transgender and any other gender identity.

A hate crime can include verbal abuse, intimidation, threats, harassment, assault, bullying, damage to property and the perpetrator can also be a friend, carer or acquaintance who exploits their relationship with the victim for financial gain or another criminal purpose.

Domestic abuse and violence are dealt with through a separate policy and procedure, although we recognise that other forms of anti-social behaviour such as noise can be

an indicator of domestic abuse and we will be sensitive to and consider this in our investigations.

This policy also applies to customers of all tenures living in a home managed by South Tyneside Homes on behalf of South Tyneside Council. If necessary the Council may take legal action under the terms of the tenancy agreement, lease, licence and other relevant legislation available.

South Tyneside Council has established close working arrangements with South Tyneside Homes, its Housing Company, created to manage, maintain and improve Council homes and estates. The Council partners with South Tyneside Homes' Community Safety and Tenancy Enforcement Team, to tackle anti-social behaviour across neighbourhoods on a tenure blind basis.

Whilst it is acknowledged that Registered Social Landlords are responsible for enforcing their own tenancy agreements, the Council and our partners will work closely with housing providers in the borough to ensure that the most appropriate course of action is pursued when tackling complaints of anti-social behaviour.

### **1.3 Examples of anti-social behaviour**

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:

- Drug and alcohol abuse resulting in unacceptable and unreasonable actions and activities
- Involvement with illegal drugs resulting in unacceptable and unreasonable actions and activities
- Illegal or immoral use of a property resulting in unacceptable and unreasonable actions and activities
- Extreme noise that is persistent and unreasonable and is causing unacceptable levels of nuisance or annoyance to a reasonable person, which may include:
  - Persistent, excessively loud music;
  - Persistent, unnecessary or excessive noise;
  - Persistent shouting or yelling;
  - Persistent alarms;
  - Excessively loud or persistent parties;
  - Persistent pet and animal nuisance where the animal's behaviour is persistent and unreasonable and is causing nuisance or annoyance to a reasonable person.
- Intimidation and harassment:
  - Verbal or written abuse, harassment, intimidation or threatening behaviour;
  - Actual violence or threats of violence;
  - Damage or threats to damage property;
  - Keeping or failing to control an aggressive dog.

- Environmental:
  - Graffiti;
  - Dumping rubbish and littering;
  - Dog fouling;
  - Fly posting;
  - Abandoned vehicles;
  - Vandalism;
  - Anti-social behaviour as a result of alcohol or drug misuse, including street drinking;
  - Inconsiderate or inappropriate use of vehicles e.g. off-road motorbikes.
  - Unacceptable property or garden condition

What is not Anti-Social Behaviour and will not be investigated under this policy may include but is not limited to the following:

- Children playing in the street or communal areas;
- Young people gathering socially unless they are being intimidating;
- Being able to park outside your own home;
- Parking related issues on a highway or shared access drive;
- DIY and car repairs unless they are taking place late at night;
- Civil disputes between neighbours, i.e. boundary disputes or parking disputes;
- Reasonable day to day noise, i.e. babies crying, children within a household, appliance noise, doors closing.
- One off parties and BBQs
- Giving dirty looks or stares
- Unpleasant behaviour or inconsiderate behaviour
- Reasonable actions that are considered to be part of everyday activities
- Name calling and social media disputes unless it is deemed to be harassment
- Reasonable levels of disturbance that can be reasonably expected

It is also important to acknowledge that some complaints about ASB can be considered malicious, vexatious, trivial, or unreasonable, this may include but is not limited to the following:

- Children playing in an area designed for play e.g. a skate boarding park or multi use games area;
- Having a one off event such as a milestone birthday party with some associated noise;
- A baby crying for attention;
- 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 in conjunction with our partners to decide whether the complaint is reasonable or not. An investigating officer will advise a complainant if they believe the complaint is unreasonable, taking into account the definitions above. This is done because persistent unreasonable complaints can often be perceived as harassment by the subject and lead to a counter complaint being made.

## 1.4 Anti-social behaviour categories

When dealing with complaints of ASB we will respond to your complaint in the following timescales:

- The Council will acknowledge **'Urgent'** incidents, which include race or other hate crime, threats or actual violence or domestic violence and make contact within 1 working day;
- The Council will acknowledge **'Standard'** incidents, which include neighbour disputes, noise nuisance, criminal behaviour and all aspects of other anti-social behaviour defined above, and make contact within 3 working days.

## 1.5 Cross tenure issues

The Council and its partners will respond to reports of anti-social behaviour across all tenures within the borough, however the response will vary depending on the tenure and the tools and powers available under the legislation.

Private landlords and registered providers remain responsible for the behaviour of their tenants, however we will work in partnership to resolve issues affecting communities.

We will also work in partnership with other agencies, for example, the Police and environmental health, to agree who is the most appropriate lead agency and what actions will be taken forward by each agency as part of a multi-agency response.

## 1.6 Tenant expectations

Council tenants must comply with the legal responsibilities and conditions set out in their tenancy agreements, lease agreements or equivalent. A number of these conditions have been established to ensure that not only tenants, but those living with them and their visitors, act in a socially responsible and considerate way. Whilst it is not the intention to reproduce all conditions of tenancy within this Policy Statement, some key obligations relating to anti-social behaviour are summarised below:

- Take responsibility for minor nuisance with their neighbours and try to resolve any such problems themselves in the first instance, by talking to their neighbour first to resolve any minor nuisance problems in a reasonable manner;
- Report incidents of ASB;
- Leaseholders are responsible for the behaviour of subtenants;
- Report any criminal activity to the Police, if a resident is unsure who to report an issue to then the Council and South Tyneside Homes can provide advice;
- Provide South Tyneside Homes with evidence in the form of noise recordings and diary sheets covering incidents over a 10-day period;
- Respect other peoples' right to their chosen lifestyle and be tolerant of everyday, reasonable noise levels or disturbance. Examples may include cooking smells, babies crying, children playing or religious practices.

- Work and cooperate with South Tyneside Homes fully to resolve disputes and issues, for example by providing us with updates of incidents, attending mediation, providing witness statements or attending court.

## **2. Working with Vulnerable People**

### **2.1 Victim and witness support**

In accordance with the principles of the Anti-Social Behaviour, Crime and Policing Act 2014, the Council recognises the importance of providing appropriate support to victims and witnesses of ASB if it is to carry out high quality investigations which achieve an appropriate resolution. To support the focus on victims, the Council will carry out the following actions:

- Assist and support the completion of witness statements;
- Manage ASB in line with this policy and service standards
- Refer cases to our commissioned services to offer support to victims of ASB and crime;
- Set up multi-agency meetings to identify how vulnerable victims could be best supported and take agreed actions;
- Train our staff and partners to identify vulnerability and feel confident to take appropriate action;
- Work closely with other agencies to share information where appropriate so that victims do not get overlooked, any information sharing that takes place will be in accordance with section 4.2;
- Conduct and record a risk assessment of victims to ensure vulnerable victims are identified at an early stage;
- Maintain regular contact at periods agreed with victims and witnesses through a designated contact person;
- Provide suitable support before and at court to ensure the safety of and victims and witnesses; and
- Offer practical measures where appropriate to ensure the safety of victims and witnesses.

The Council takes the welfare and support of victims of ASB seriously and will continue to work with our communities to ensure that victims feel that they are listened to and supported.

### **2.2 Vulnerability and Safeguarding**

The Council acknowledge that being a victim of ASB is distressing for anyone who is affected, but 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, substance or alcohol misuse.

There are many factors that could influence a person's behaviour in ways that could lead some to perceive it as anti-social behaviour. Where the alleged perpetrator is



vulnerable, we will assess whether the risk of ASB can be effectively managed to enable the offer of effective support to enable the perpetrator to sustain their tenancy. In circumstances where ASB is serious or persistent, or support fails to bring about a change in behaviour South Tyneside Council reserves the right to use any appropriate enforcement measures contained in this policy.

Some examples of vulnerability can include, but is not limited to:

- Drug and alcohol dependency;
- Learning disabilities;
- Physical disabilities;
- Physical or mental illness;
- Change in life circumstances; (e.g. relationship breakdown or bereavement)
- Debt problems;
- Illegal money lending;
- Hoarding;
- Domestic Abuse (please refer to our Domestic Abuse policy).

There is a responsibility and a 'Duty of Care' which is shared by all staff at all levels, to take appropriate action where there is a suspicion or concern that a customer is vulnerable and where there is a suspicion, concern or allegation of abuse. Staff must raise their concerns about abuse immediately by making a safeguarding referral, cases that require this course of action will be additionally recorded as part of our safeguarding procedures. We will work with a range of partners, through the South Tyneside Safeguarding Children and Adults Partnership. Details of our partners are available [here](#).

Where the support cannot be delivered solely by the Council, a multi-agency meeting will be organised to discuss the case with the relevant partnering agencies to ensure the right level of support is offered.

Where support is rejected by either the victim or the perpetrator of ASB the case will be reviewed to assess whether the case should be continued or an alternative action or solution is required.

### **3. Taking action**

#### **3.1 Preventative action**

South Tyneside Council understands the alarm and distress that ASB can have on communities and as a consequence is committed to preventing it from occurring in the first place, where possible. We will implement the following measures with the aim of trying to reduce the potential for ASB to occur:

- Have effective designs for new developments and make reasonable improvements to existing developments;
- Conduct regular inspections of the properties in our ownership;
- Promptly report and carry out repairs that compromise the security of a building;

- Carry out a sensitive let where we recognise that a vulnerable resident may be at risk of being harmed if they move into a property or where ASB may have previously taken place;
- Explain to new residents their responsibilities under the tenancy agreement in relation to ASB when they sign their new tenancy agreement;
- Assess potential customers for eligibility when initially seeking to secure housing from South Tyneside Council. Applicants who have breached previous tenancies, have engaged in ASB or criminality and have not corrected their behaviour may be suspended from the housing register;
- Providing pre-tenancy support, where required, to enable housing applicants to gain the necessary skills to be able to successfully manage their tenancy
- Provide introductory tenancies to all new tenants (unless they have a legal right to a secure tenancy) which enable us to end tenancies more easily if there are serious incidents of ASB. Introductory tenancies will be extended by a maximum of 6 months where there has been a breach of tenancy, in accordance with the relevant legislation.

### **3.2 Informal action**

Except in very serious or exceptional cases, the aim of our initial intervention is to stop the problem behaviour through informal action. The interventions we use vary according to the nature of the ASB. Informal early intervention tools may include:

- Mediation;
- Warnings;
- Acceptable Behaviour Agreements;
- Good Neighbour Agreements;
- Parenting Contract Agreements;
- Referral to support services;
- Education within schools;

### **3.3 Formal action**

If early intervention through informal action and preventative measures are not successful in resolving issues of ASB then proportionate enforcement actions will be considered. Formal actions which may be considered include:

- Community Protection Warnings;
- Community Protection Notices;
- Criminal Behaviour Orders;
- Noise Abatement Notices and Orders;
- Injunctions;
- Notice of Possession Proceedings;
- Demotion Orders;
- Possession Proceedings and Evictions;
- Closure Notices and Orders;
- Public Space Protection Orders;
- Parenting Orders.

## 4. Partnership working

### 4.1 Multi-agency work

South Tyneside Council is unable to tackle ASB in isolation and recognises the importance of working collaboratively with its partners to enable a holistic approach to tackling ASB in neighbourhoods.

**South Tyneside Homes** – South Tyneside Homes is the Council's Housing Company and provides tenure blind services in neighbourhoods through its Housing and Area Management services. The teams are responsible for the management and maintenance of all Council house tenancies through a Management Agreement

**Northumbria Police** – We have in place a formal information sharing arrangement through the Northumbria Safer Estates protocol agreement and informal local knowledge sharing through professional relationship between South Tyneside Council, South Tyneside Homes and Neighbourhood Policing teams.

The Police may carry out joint home visits with the Council and South Tyneside Homes staff. They will assist in the effective safety planning for vulnerable victims, such as high-risk domestic abuse cases, and will support Council and partners staff with their safety when confronting perpetrators. Coordinated action is undertaken in appropriate cases to ensure best use of all relevant tools and powers, including multi-disciplinary team meetings.

The Police are the lead organisation for criminal actions and behaviour and they provide supporting statements to enable legal proceedings where criminal activity has taken place.

**Tyne and Wear Fire and Rescue Service** – provides fire safety visits when required, offering advice around fire safety in material hoarding cases as well as installing smoke alarms and other measures to mitigate risks of fire.

**Voluntary sector** - Including but not limited to South Tyneside Adult Recovery Service, Impact Family Services, Age Concern, Shelter and Citizens Advice.

The Council will refer customers into these services to receive the appropriate support to change behaviour. The voluntary sector are invited to attend multi-disciplinary team meetings and appointments with their service users and provide advocacy for the most vulnerable customers so that they have equality in terms of access to our services.

**Probation Services** – The Council work in partnership with Probation Services to enable behavioural change to address the causes of ASB. We have in place an information sharing agreement through statutory meetings such as Multi-Agency Public Protection Arrangements (MAPPA), Multi-Agency Risk Assessment Conference (MARAC) and professionals meetings. Probation Services are in attendance at multi-disciplinary meetings.

**Community Safety (South Tyneside Council)** – This team has access to CCTV cameras for hotspot areas, and coordinate multi-agency responses to ASB issues and problem solving alongside joint bids for funding streams to tackle ASB.

**Environmental Health (South Tyneside Council)** – This team work closely with South Tyneside Homes in the management of statutory nuisance cases. Action on cases will take account of the statutory guidance on the Anti-Social Behaviour, Crime and Policing Act which does not allow Councils to discharge its duty under the Environmental Protection Act 1990 in relation to statutory nuisance by serving a Community Protection Warning. Advice is provided on case management where required, especially around private properties. Coordinated responses are compiled on cases which cross over both services and use of powers under the Environmental Health Act, such as Noise Abatement Notices whereby a breach is a mandatory ground for possession.

**Social Services - Adults and Children Services (South Tyneside Council)** – The Adults and Children’s social workers team work in partnership with South Tyneside Homes staff on casework. Where there are formal plans in place, actions can be allocated specifically around reducing ASB e.g. as part of child protections plans etc. South Tyneside Homes will make relevant referrals where a safeguarding concern is identified. Where possession action is taking place and there is a child within the property, contact will be made with children’s social care.

#### **4.2 Information sharing and confidentiality**

Through the Community Safety Partnership we will share relevant information with third parties for the purposes of preventing, investigating and tackling anti-social behaviour. When sharing and storing personal information, we will comply with all aspects of the General Data Protection Regulation 2016 and Data Protection Act 2018, ensuring we adhere to appropriate retention periods.

### **5. Service development**

#### **5.1 Continual development**

The Council we will ensure that staff from the Council and our Partners receive the appropriate training and professional development to keep their knowledge and expertise up to date with current legislation and good practice.

South Tyneside Homes will also undertake regular case reviews to ensure the quality of case work is of the appropriate standard and the tools and powers are appropriately used in line with this policy.

#### **5.2 Service monitoring**

The Council are committed to monitoring and improving our performance in managing and resolving ASB. Monitoring will include:

- Regular performance reporting to the Council and Community Safety Partnership, alongside South Tyneside Homes Board and Housing Performance Panel;
- Performance published for customers;
- Benchmarking our service with the sector;

- Researching best practice;
- Reviewing the customer experience using satisfaction surveys and customer journey mapping;
- Analysing and learning from complaints.
- Monitoring reports will be presented at least once every quarter.

## **6. Summary of Anti-social Behaviour Procedure**

### **6.1 Reporting Anti-social Behaviour**

Victims and witnesses to acts of anti-social behaviour committed in our neighbourhoods can report incidents to the Council by contacting South Tyneside Homes directly:

- Through the website: [www.southtynesidehomes.org.uk](http://www.southtynesidehomes.org.uk)
- Via private message through South Tyneside Homes social media channels;
- In person by speaking to a member of staff directly;
- By telephone: 0300 123 6633
- Written correspondence.
- e-mail: [ASB@southtynesidehomes.org.uk](mailto:ASB@southtynesidehomes.org.uk)
- Through a third party (e.g. friend, councillor, family member, Police).

### **6.2 Assessing Anti-social Behaviour**

On receiving a report of ASB South Tyneside Homes will carry out a full assessment to determine whether the report is ASB by assessing behaviour, the impact of the behaviour and potential harm to the victim, we will advise complainants if we do not consider the report to reach our definition that ASB has taken place.

We will assess and categorise the complaint and then made contact with the complainant in line with our timescales set out in paragraph 1.4 (this is 1 working day of initial report for 'urgent' cases and 3 working days for reports of ASB defined as 'standard'). Our initial response is to investigate and assess any risk. In determining the seriousness of the ASB and what the proportionate action for resolving it would be, we consider:

- Nature of the ASB;
- Frequency of incidents;
- Impact that the behaviour is having on the complainant and/or other known individuals;
- Whether any person may be vulnerable;
- Impact on the wider community.

### **6.3 Investigating Anti-social Behaviour**

We will take the appropriate steps to investigate and address allegations of ASB in an expedient, joined up manner, in doing so we will:

- Check for any previous history or action (where this is applicable);
- Make contact with the complainant(s) using their preferred method or meet them at a location where they feel safe to ascertain the full facts;
- Carry out a risk assessment(s)
- Be clear on the expectations required of the victim;
- We will agree with the victim what information that they have provided to us, that they are willing for us to discuss with the perpetrator
- Provide victims with information on other agencies who might be able to offer additional support;
- Canvas the area if appropriate;
- Interview the alleged perpetrator to take into account their response to the allegations and assess whether the perpetrator is vulnerable or has support needs;
- Evaluate the level of evidence available, any previous conduct or patterns of behaviour

The alleged perpetrator may report an incident involving the complainant. In these circumstances, we adopt the same approach when responding to allegations about a complainant.

Where we receive an anonymous complaint of ASB, we will endeavour to investigate the alleged incident. However, we will need to consider whether the information and evidence available is sufficient to take a case forward.

### **6.4 Taking action**

Once the investigation has concluded and it is apparent that ASB may have occurred the Council or its partners will:

- Contact the Police if there are allegations of criminal behaviour;
- Use the civil burden of proof when assessing evidence and potential suitable action;
- Choose the most appropriate action from a toolkit of different actions;
- Agree with the perpetrator what action is required to remedy any inappropriate behaviours which may be causing ASB;

### **6.5 Monitoring the case**

It is essential that once any actions have been taken against a perpetrator that the case is robustly monitored to establish if the action taken has resulted in a change in behaviour. We will be proactive with victims and witnesses agreeing and setting clear timescales in conjunction with victims and witness ensuring that we:

- Assess the severity of the situation taking account of any vulnerabilities the victims and witnesses may have;
- Develop an action plan with the complainant;
- Be clear and realistic about potential outcomes and the timescales involved;

- Provide regular updates to victims on a case management basis, this will include any 'interested party', for example elected members;
- Escalate action where appropriate should there be no improvement in behaviour.

## **6.6 Closing cases**

The Council aims to resolve all cases of ASB and it is important that we seek the views of victims and witnesses before closing a case to check that the situation has improved before formally closing the case. However we acknowledge that there may be occasions where there is no further action we can take, but the victim or witnesses do not want the case closed. We will close cases of ASB in the following circumstances:

- When the ASB is successfully resolved in agreement with the complainant;
- The complaint has been investigated extensively and all options exhausted;
- There is no available evidence to support the allegations of ASB;
- When the complainant fails to assist in providing evidence to our officers, and we cannot take further action;
- When another agency is dealing with the case and no longer requires involvement by the Council or South Tyneside Homes;
- If we believe the ASB complaint to be vexatious.

All cases that have been closed will be confirmed in writing notifying KPI, where appropriate the victim(s), witnesses, perpetrator(s), partner agencies and other relevant persons i.e. a Councillor who may have been involved, outlining the reasons why the case is being closed.

Cases will only be re-opened where there is new evidence of ASB, which falls within the definition of ASB above.

If persistent, and potentially vexatious, complaints continue then we will carefully consider the most appropriate course of action.

## **7. Community Trigger**

If a resident has reported anti-social behaviour and they feel that no action has been taken, then they may be able to ask for your case to be reviewed. This is known as a 'Community Trigger Request'. It can be used for individuals, businesses or community groups.

The review panel will look at the action taken by the relevant agencies, such as:

- South Tyneside Council
- South Tyneside Homes, or other housing providers
- Northumbria Police
- Clinical Commissioning Groups (CCGs)

The process helps to make sure that no one has to deal with persistent problems before action is taken.

A request can be made for a case to be reviewed under the Community Trigger process if:

- Someone has made 3 or more complaints about the same problem in the past 6 months, and 'no action' has been taken by the appropriate organisation
- 5 different people have complained about the same problem in the past 6 months, and 'no action' has been taken by the appropriate organisation
- One of the victims has been identified as 'high-risk' within the last 6 months

'No action' has been taken if:

- There was not an initial acknowledgement of your complaint
- There has been no contact from the organisation after the initial complaint
- The anti-social behaviour problem that was reported was not investigated
- The resident was not informed about the outcome of the case, or that a decision was made to close the case

A case will not be considering under the Community Trigger process if:

- The report has been investigated but the problems and the investigation is ongoing, or
- The person is unhappy with the service received

In these cases, the resident should follow the complaints procedure for the organisation that the problem was reported to.

Further details are available from South Tyneside Council's website.

We will make residents aware of their right to invoke the community trigger.

## 8. The Charter for Social Housing Residents

The Charter for Social Housing Residents sits at the heart of the Social Housing White paper and outlines seven key commitments that residents should expect from their landlords. Of relevance to this policy are requirements relating to:

- **To know how your landlord is performing** - including on repairs, complaints, and safety, and how it spends its money, so you can hold it to account;
- **To have your complaints dealt with promptly and fairly** - with access to a strong Ombudsman who will give you swift and fair redress when needed;
- **To be treated with respect** - backed by a strong consumer Regulator, and improved consumer standards for tenants;
- **To have your voice heard by your landlord** - for example through regular meetings, scrutiny panels or being on its board. The Government will provide help, if you want it to give you the tools to ensure your landlord listens.
- **To have a good quality home and neighbourhood to live in** - with your landlord keeping your home in good repair.

The Regulator for Social Housing implicitly directs landlords "to work in partnership with other agencies to prevent and tackle anti-social behaviour in the neighbourhoods where they own homes" giving South Tyneside Council a statutory obligation to effectively manage and resolve incidents of anti-social behaviour.



Following the Social Housing White paper, further action was taken by the government to clarify the roles of agencies involved in tackling anti-social behaviour and signpost tenants to those agencies who can give them the most appropriate support and assistance when faced with anti-social behaviour. When it comes to anti-social behaviour, social tenants are not always clear on who they are supposed to report incidents to. The Home Office has published guidance for social housing tenants on their website: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1003578/Help\\_for\\_social\\_housing\\_tenants\\_when\\_faced\\_with\\_anti-social\\_behaviour.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1003578/Help_for_social_housing_tenants_when_faced_with_anti-social_behaviour.pdf)

In order to tackle the perception amongst some social housing residents that their landlord does not take sufficient action to deal with ASB, the government proposes to include within the Tenant Satisfaction Measures, a measure surrounding responsible neighbourhood management and ASB. As with any such measure, performance will be reportable to residents and available to the Regulator of Social Housing as part of its review of a social landlord's performance against the consumer standards.

The government is also considering the scope for including crime and residents' perception of crime within the Tenant Satisfaction Measures. The Council and the Community Safety Partnership will actively monitor social landlord's ability to deal with crime and ASB, particularly beyond the perimeters of its properties, which is dependent upon a much wider range of factors that are outside of its direct control but within its ability to influence. This is in part recognised in the government's commitment to clarify for residents the different roles and responsibilities that the Police, local authorities and landlords have in this area. It will be important that any resulting Tenant Satisfaction Measure is aligned to that part of the picture which a social landlord can reasonably be expected to influence.

On behalf of South Tyneside Council, South Tyneside Homes will adopt any Tenant Satisfaction Measures introduced by the Social Housing Regulator.

Finally, the social housing white paper will seek to promote the Community Trigger, a statutory requirement under the ASB, Crime and Policing Act 2014, designed to provide an opportunity for victims of ASB to have their case independently reviewed. Details of how the community trigger will be applied in South Tyneside is set out above.

## **9. Equality and diversity**

We will ensure that the service meets the requirements of the Equality Act 2010. Services will be accessible to meet the diverse needs of customers, reasonable adjustments will be made and we will communicate with victims, perpetrators and local residents in a format that meets their individual needs.

Date of approval: January 2022  
Date of review: January 2023 and annually thereafter.

This policy remains a dynamic document and review periods may be amended to consider any urgent changes in legislation or operational practice.