



North Tyneside Council

Environment, Housing and Leisure

ANTI-SOCIAL BEHAVIOUR ACT 2003

Summary of

Statement of Policy and Procedures in relation to Anti-social Behaviour.



We can provide this information in other languages and in different formats, such as large print, Braille or audiotape.

For more details, please contact us on:

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Hindi

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Urdu

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Russian

Эту информацию мы можем предоставить Вам на других языках в других форматах, например, крупным шрифтом, печатью Брайля для слепых или на аудиокассете:

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Farsi

ما می توانیم این اطلاعات را به زبان های دیگر و همچنین در فرمت های مختلف مانند حروف چاپی درشت، بریل و نوار صوتی (کاست) در اختیار شما بگذاریم. برای آگاهی بیشتر لطفاً با ما از طرق زیر تماس حاصل نمایید:

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The Anti-social Behaviour Act 2003 requires Local Housing Authorities, Housing Action Trusts, and Registered Social Landlords to prepare and publish a statement of their policy and procedures in relation to anti-social behaviour.

A copy of these statements can be obtained by telephoning the Community Protection Team on 0191 643 7710, or by e-mail at community.protection@northtyneside.gov.uk A request can also be made via your Neighbourhood Housing Team, or a Customer First centre.

This booklet is a summary of the Council's Policy and Procedures in relation to anti-social behaviour.

A copy of this document is also available on audiotape and in large print, and can be made available in other languages on request by telephoning 643 7710.

Summary of Statement of Policy and Procedures in relation to Anti-social Behaviour.

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PART ONE

Summary of statement of policy in relation to anti-social behaviour

1. Introduction

North Tyneside Council recognises the disruption that can be caused by the anti-social behaviour of an unreasonable few. Problem neighbours and youth disorder can make people's lives a misery.

Fortunately anti-social behaviour in the Borough is not widespread, but where problems do arise they can have an enormous effect on the quality of people's lives.

The Council believes that timely and efficient intervention working in multi-agency partnerships including the Police, can and will succeed in tackling these problems effectively.

2. Approach to anti-social behaviour

North Tyneside Council will seek to make full use of legal and other remedies to deal swiftly and effectively with the minority of tenants, and their associates, who engage in anti-social behaviour, whilst ensuring that the means used to tackle problems are reasonable and proportionate to the particular situation.

The Council will demonstrate by its actions that it will not tolerate anti-social behaviour. The Council will make this position absolutely clear to both its existing tenants and to any person who is seeking a tenancy with the Council.

3. Examples of anti-social behaviour

Anti-social behaviour can involve a wide variety of activities that may cause nuisance and distress to others. Some examples of activities which can constitute anti-social behaviour are as follows:

- Noise nuisance (for example loud parties, shouting, noise from TVs, radios, music and burglar alarms).
- Intimidation or harassment
- Domestic violence and abuse
- Using housing accommodation to sell drugs, or for any other unlawful purpose
- Racial harassment and hate crime
- Criminal behaviour
- Youth disorder
- Alcohol and solvent misuse
- Inappropriate use of fireworks.

4. Support for victims and witnesses

North Tyneside Council will support complainants by dealing with their complaint promptly, keeping them informed of any developments relating to their complaint and referring them to appropriate support services where necessary.

Every report of anti-social behaviour will be treated in the strictest confidence. Investigations will start at the earliest practical time after receipt of the complaint and will be conducted with all possible speed.

Support to complainants will include the provision of adequate, regular and up to date information on the progress of cases.

At the same time housing officers will be realistic and aim to strike a balance between establishing reasonable optimism and avoiding unreasonable aspirations.

5. Racial harassment policy and hate crime.

The Council will not allow any act of harassment on the basis of someone's race or sexual orientation, or for any other reason.

Hate crime is any criminal offence committed against a person or property that is motivated by an offender's hatred of someone because of their race, colour, ethnic origin, nationality or national origins, religion, sexual orientation or disability.

The Council is committed to fulfilling its statutory duties under race equality and hate crime legislation.

6. Domestic abuse policy.

Tenants must not carry out acts of domestic violence/abuse against their partner or anybody else living in the property.

If a tenant threatens to carry out any act of domestic violence/abuse, and their partner or any member of their partner's family living with the tenant leaves as a result, the tenancy will be at risk.

North Tyneside Housing has a key role in tackling domestic violence/abuse and in working in partnership with other agencies to improve services and reduce incidents of domestic violence and abuse.

7. Tenancy management.

In terms of prevention, the earlier a case is reported and investigated the more likely that future deterioration in, or recurrence of the anti-social behaviour will be prevented.

Where warnings are ignored North Tyneside Council will make full use of the courts to enforce the terms of its tenancy agreement, including evictions, demotion orders, injunctions and community protection notices to enforce terms prohibiting anti-social behaviour.

8. Multi-agency partnerships

Anti-social behaviour is a complex issue, and the causes or solutions do not lie solely within the remit of a single organisation. Multi-agency partnerships involve the Council working with residents and other local agencies such as:

- The Police
- Neighbourhood wardens
- Youth offending teams
- Schools
- Health services
- Drug action teams
- Social services
- Probation services

The development of multi-agency partnerships can be an effective way to prevent and combat anti-social behaviour.

9. Protection of staff

The Council will not tolerate unacceptable behaviour directed towards its workforce or others acting on its behalf, and will take all steps, legal or otherwise available to address any behaviour of this kind.

10. Introductory tenancies

The Council operates an Introductory Tenancy scheme for all new tenants. This has proved to be effective in tackling anti-social behaviour by tenants new to the Council who under the scheme are offered twelve month probationary tenancies to determine their suitability as a tenant.

PART TWO

Summary of Statement of Procedures

1. Introduction

This summary of the Council's statement of procedures in tackling anti-social behaviour outlines the remedies that are available and sets out the actions that the Council will take when it receives a report of anti-social behaviour.

2. Acceptable behaviour

Everyone is entitled to quiet enjoyment of their home without unreasonable interference caused by anyone else.

Simply informing someone that their behaviour is upsetting the lives of others may be enough to resolve a particular problem. A good neighbour should also have a reasonable tolerance and understanding of the different lifestyles and needs of others. In some cases people making complaints may need to be reminded of this.

4. Respect – ASB Charter for Housing.

North Tyneside Council has signed up to Respect – ASB Charter for Housing. This commits the Council to doing all it can to tackle anti-social behaviour and create a culture of respect.

3. Human rights

Action taken by staff in the case of nuisance problems must be proportionate and reasonable, taking into account the nature of the behaviour and the perpetrator's own human rights, but at the same time balancing the effects of the behaviour and the rights of other people affected by the problem with respect for their own family life.

4. Confidentiality

Housing staff have a duty of confidentiality towards each tenant, and will not disclose or discuss matters relating to the tenancy with any third party without the tenant's permission.

5. Equality and diversity.

Employees of North Tyneside Housing are trained to have a thorough knowledge of Equality and Diversity in order to implement our procedures in tackling anti-social behaviour effectively. This is to ensure that no one person or group is discriminated against directly or indirectly.

5. Reporting anti-social behaviour

Reports of anti-social behaviour will be dealt with in the strictest confidence and can be made

- by telephone or in writing to a Neighbourhood Housing Office or Customer First Centre
- by visiting a Customer First Centre
- by telephone 0345 2000 102
- by e-mail: Community.protection@northtyneside.gov.uk
- through the 'report it' section of the councils website at www.northtyneside.gov.uk
- by the person who experienced the incident or by someone acting on their behalf
- by completing incident diary sheets and handing them in to a Customer First Centre or a Neighbourhood Housing Office.
- anonymously.

An answer phone service is available at Neighbourhood Housing Offices for reporting of incidents outside office hours.

All complaints will be taken seriously and responded to promptly.

6. Managing anti-social behaviour

A summary of the service standards for tenants is set out at the appendix to this document.

Details of how complaints of anti-social behaviour will be dealt with are set out in the main Statement of Policy and Procedures, including:

- Processing a complaint of anti-social behaviour
- Gathering evidence
- Agreeing a joint action plan with the complainant

7. Non-legal remedies

Taking legal action in an attempt to resolve a nuisance problem is essentially the last resort as it is expensive, time consuming and there are no guarantees that the action taken will be successful.

Prior to taking any form of legal action the Community Protection Team will ensure that all other possible remedies have been explored in an effort to end the problem. Alternative approaches which may assist in resolving nuisance problems include:

- Warnings, verbal and written

- Mediation
- Acceptable Behaviour Agreements.

8. Legal remedies

In serious cases formal legal action may need to be taken in an attempt to resolve the problems.

All legal actions for anti-social behaviour will be co-ordinated by the Community Protection Team. The options available are as follows:

Injunctions

In some particularly serious and urgent cases applying for an injunction may be a useful means of resolving a particular nuisance problem where the perpetrator is 10 years old or over.

Community Protection Notice. (CPN)

The purpose of a CPN is to stop a person aged 16 or over, or a business or organisation committing ASB which spoils the community's quality of life.

Possession proceedings (Secure Tenancies)

The Council may take action to repossess a Council property in the most serious of nuisance cases, in particular where:

“The tenant or a person residing in or visiting the dwelling house 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”.

Demotion Order (Secure Tenancies)

The Anti-Social Behaviour Act 2003 provides that councils and registered social landlords can apply to the County Court for a Demotion Order.

Demotion places the secure tenant in an interim or non-secure tenancy.

The removal of security of tenure lasts for 12 months from the date specified by the court order. Tenants of demoted tenancies lose their right to buy their property.

Closure of premises for persistent disorder or nuisance

The ASB Crime and Policing Act 2014 introduced reformed powers for making closure orders.

9. Cases involving right to buy purchasers and leaseholders.

Right to Buy purchasers and leaseholders are just as likely to cause nuisance and annoyance to their neighbours as any other type of tenant or resident. They often mistakenly think that because they have purchased the property, the Council is unable to do anything about their behaviour.

North Tyneside Council may be able to take action against them under the terms of the covenant of the conveyance which transferred the property to them, and which contain restrictions on behaviour. The Council may be able to take action against the owner by warning them about the breach of covenant and further action the Council may take if the behaviour does not stop. The Community Protection Team can provide further advice and assistance on this.

APPENDIX

Managing anti-social behaviour Service Standards – summary for tenants

- When you report a case of nuisance, harassment, or anti-social behaviour to the Council we will complete a complaint form.
- We will come to an agreement with you as to how we will investigate your complaint and an indication of how long this may take.
- We will respond to category 1 (urgent) reports within one working day, examples include violence or serious threat of violence confirmed by the police.
- We will respond to category 2 (serious) reports within five working days, examples include issues relating to a property including untidy gardens, noise nuisance.
- We will respond to category 3 (environmental) reports within ten working days, examples include illegal parking, fly tipping.
- If we need you to complete incident diary sheets to record incidents we will explain how you should do this. We will ask you to complete the diary sheets for no more than five days. After five days we will review them with you. If they are useful we will ask you to continue completing them.
- We will respect your request for confidentiality. We will not reveal your identity unless we have your consent to do so.
- We will keep you up to date with the steps we are taking to deal with your complaint. We will do this by letter, phone or by visiting you.
- We will take the lead and work with other agencies to address the reported problems. Examples of other agencies include the Police, Youth Offending Team, Schools etc.
- We will explain what support the Council and other agencies or groups can give you.
- We understand that you may not feel able to give evidence in court. When this happens we may ask you to provide written evidence (in the form of statement), and/or we will try to use evidence from other sources (such as the Police) as well as other evidence housing officers have gathered. We will discuss the implications of this with you.
- If you are willing to be a witness and give evidence in court we will give you support before, during and after any legal proceedings.
- When we close your case we will ask you to complete a satisfaction survey for you to tell us how you felt your case was dealt with. This will help us to continually improve our service in tackling neighbour nuisance and anti-social behaviour on housing estates.