

## **Anti-social Behaviour**

## **Policy Statement**

January 2008



**South Tyneside Council**

If you would like this document in another language or format, or if you require the services of an interpreter, please contact us on 0191 424 7385.

إذا أردت هذه الوثيقة بلغة أخرى أو بطريقة أخرى، أو إذا كنت بحاجة إلى خدمات مترجم، فنرجو أن تقوم بالاتصال بنا.  
Arabic

যদি আপনি এই ডকুমেন্ট অন্য ভাষায় বা ফরমেটে চান অথবা যদি আপনার একজন ইন্টারপ্রেটারের প্রয়োজন হয়, তাহলে দয়া করে আমাদের সাথে যোগাযোগ করুন।

Bengali

ਜੇ ਇਹ ਦਸਤਾਵੇਜ਼ ਤੁਹਾਨੂੰ ਕਿਸੇ ਹੋਰ ਭਾਸ਼ਾ ਵਿਚ ਜਾਂ ਕਿਸੇ ਹੋਰ ਰੂਪ ਵਿਚ ਚਾਹੀਦਾ ਹੈ, ਜਾਂ ਜੇ ਤੁਹਾਨੂੰ ਗੱਲਬਾਤ ਸਮਝਾਉਣ ਲਈ ਕਿਸੇ ਇੰਟਰਪ੍ਰੀਟਰ ਦੀ ਲੋੜ ਹੈ, ਤਾਂ ਤੁਸੀਂ ਸਾਨੂੰ ਦੱਸੋ।

Punjabi

यह दस्तावेज़ यदि आपको किसी अन्य भाषा या अन्य रूप में चाहिये, या आपको आनुवाद-सेवाओं की आवश्यकता हो तो हमसे संपर्क करें

Hindi

یہ دستاویز اگر آپ کو کسی دیگر زبان یا دیگر شکل میں درکار ہو، یا اگر آپ کو ترجمان کی خدمات چاہئیں تو برائے مہربانی ہم سے رابطہ کیجئے۔

Urdu

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## **Introduction**

This document fulfils the Council's statutory obligation under section 12 of the Anti-social Behaviour Act 2003, to publish a Policy Statement, which sets out working arrangements for tackling anti-social behaviour within South Tyneside.

The document has been prepared in consultation with local residents, the business community and partner agencies. It provides guidance as to the general principles that Council employees will apply in performing their duties responsibly and consistently.

The Policy Statement is underpinned by the Council's corporate commitment to 'Safer and Stronger Communities' and will contribute towards South Tyneside being a safe and tolerant place in which to live and work.

The Policy Statement will be periodically reviewed and will be amended in response to legislative changes or specific local needs.



## **Safer and Stronger Communities**

### **Our Vision**

“South Tyneside is a place where people feel safe because crime is the exception rather than the rule. It is also a place where everyone can feel involved in a way that suits them, where people understand and respect each other, and communities are actively engaged in decisions that affect them.”

(South Tyneside Council - Performing Together 2007 – 2010).

## 1. Contextual Information

Anti-social behaviour can manifest itself in many forms.

The consequences can vary considerably and can often have a detrimental affect upon a person's health and their ability to enjoy their home life and surroundings.

Instances of anti-social behaviour are not limited to individual households; they can adversely affect whole communities and cause their decline.

In order to tackle anti-social behaviour across all tenures within the borough, the Council has developed strong relationships with a number of partner agencies.

This Statement explains how the Council, together with its partners, will tackle anti-social behaviour in order to promote and sustain safe and valued communities.

## 2. What is Anti-social Behaviour?

Whilst there is no one single definition, sections 153A and 153B of the Housing Act 1996 define anti-social behaviour as conduct which:

- is capable of causing nuisance or annoyance to any person; and
- directly or indirectly relates to or affects the housing management function of a relevant landlord; or
- consists of, or involves using or threatening to use housing accommodation owned or managed by a relevant landlord for unlawful purposes.

Conduct that could be classed as anti-social behaviour includes, but is not limited to, racist incidents, hate crime, domestic violence, noise nuisance, intimidation, harassment and threatening behaviour.

In deciding whether behaviour is anti-social, the determining factor will be the impact that the behaviour has on others.

### 3. Making a Complaint

The Council is committed to tackling anti-social behaviour across all tenure types within the borough.

To assist in achieving this aim, the Council has established close working arrangements with South Tyneside Homes, an Arms Length Management Organisation, created to manage, maintain and improve Council houses and estates.

Both organisations have adopted a uniform system for recording and investigating complaints of anti-social behaviour. Depending on the severity and nature of the case, all complaints will be divided into one of three categories.

#### Category A/Urgent

Category A cases include:

- Racist incidents (any incident which is perceived to be racist by the victim or any other person).

- Hate crime (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, gender or gender identity, sexual orientation or disability).
- A serious threat of violence or complaints of domestic violence.

#### Category B/Standard

All types of anti-social behaviour can be classed as Category B except where:

- there is an allegation of race or hate crime;
- there is a serious threat of violence; or
- the complaints are so minor that they require little or no further investigation.

#### Category C/Minor

Category C cases are 'one off' or infrequent events that are unlikely to cause harm or distress in the short term.

Examples include low-level noise nuisance and litter.

Depending on the circumstances these cases will be further divided into one of two sub-categories:

- Minor needing further investigation.
- Minor requiring no further investigation.

Council tenants wishing to report anti-social behaviour should direct their enquiry to South Tyneside Homes Tenancy Enforcement Team, who will endeavour to resolve the matter.

Where a case is identified as Category A (Urgent) or Category B (Standard), the circumstances will be referred to the Council's Anti-social Behaviour Unit for further investigation.

Private tenants and owner/occupiers should report instances of anti-social behaviour directly to the Council's Anti-social Behaviour Unit.

#### **4. Service Standards**

Upon receipt of a complaint the following response times will be applied:

- Category A cases – The complaint will be acknowledged within one working day and the complainant will be interviewed within three working days.
- Category B cases – The complaint will be acknowledged within three working days and the complainant will be interviewed within six working days.
- Category C cases – The complaint will be acknowledged within five working days and the complainant will be interviewed within ten working days.

Where investigations need to take place over a prolonged period, complainants will receive updates on a fortnightly basis.

All allegations of anti-social behaviour will be recorded and every case will be investigated in a fair, consistent and sensitive manner.

#### **5. Our Approach to Tackling Anti-social Behaviour**

As a Respect Action Area, the Council is committed to building a society where people respect one another and live in peace together.

The Respect Programme is a Government initiative aimed at nurturing a culture where individuals show tolerance, acceptance and common decency towards others regardless of age, culture or religion.

In tackling anti-social behaviour, the Council has adopted a stepped approach which reflects the principles of the Respect Programme.

Necessity and proportionately will be considered before taking any form of remedial or preventative action, and each individual case will be considered on its merits.

In pursuing the most appropriate course of action, the Council will consider the use of educational, supportive and preventative techniques, as well as exercising appropriate enforcement powers.

### **Education and Prevention**

Every member of society has the power to improve behaviour within their own communities.

Using various educational mediums, the Council will work with local people to convey this message and help them to understand the impact that their own behaviour can have on others.

As a means of preventing challenging behaviour, the Council will provide a series of diversionary activities for young people. Such activities instill a sense of community and respect and, where appropriate, they will be used as mechanisms to harness talents and abilities, developing them to be used in acceptable ways.

### **Early Intervention and Support**

In order to help individuals to change and moderate their behaviour, the Council will engage with various support and partner agencies.

Utilising the skills and knowledge of both professional practitioners and volunteers from the local community, the Council aims to resolve anti-social behaviour through the application of early intervention techniques.

As well as providing diversionary activities, which help people to make positive and constructive use of their time, the Council endeavours to work closely with parents and families.

Parents are the greatest influence on a child's behaviour and they play a major role in promoting positive behaviour and tackling bad.

Good parenting is really important in determining children's life chances, acting as a protection against poverty, social exclusion, poor academic attainment, as well as crime and anti-social behaviour.

The Council will use accredited parenting practitioners to promote good parenting skills and to challenge unacceptable behaviour.

### **Enforcement**

Where behaviour causes persistent distress or repeated misery to a victim, the Council will adopt a victim centred approach to the problem and will use a full range of enforcement tools and powers to protect the community as a whole.

The tools and powers available to the Council are varied and differing combinations will be used to suit specific individuals or families.

A summary of some of the tools and powers available to the Council is provided below:

### **Acceptable Behaviour Agreements**

An Acceptable Behaviour Agreement is an intervention designed to engage an individual in acknowledging their anti-social behaviour and its effect on others.

Whilst the Agreement is voluntary, it stipulates what action needs to be taken to stop the behaviour in question and can be used for a person of any age.

### **Anti-social Behaviour Orders**

Anti-social Behaviour Orders are civil remedies that protect the public from behaviour that causes, or is likely to cause, harassment, alarm or distress.

Orders can be made against any person aged 10, or over, who have displayed anti-social behaviour within the previous six months.

They can be imposed for a fixed period – from a minimum of two years to an unlimited maximum – or until a further Order is made. It is best practice for Orders made against young people to be reviewed after one year.

These Orders are not criminal penalties and are not intended to punish the offender, but rather to protect the well-being of the community.

They can be used against perpetrators living in any type of housing and breach constitutes a criminal offence.

### **Anti-social Behaviour Injunctions**

Injunctions are civil orders obtained from the County Court.

An injunction prohibits the person concerned from engaging in specified behaviour and it can be used to exclude the person from particular places or areas.

Injunctions are increasingly used to control anti-social behaviour in situ, rather than displacing the problem by evicting the nuisance tenants who could then continue the behaviour unchecked in another property. Injunctions are a discretionary remedy. This means that the Court decides whether it is appropriate for one to be issued.

Injunctions can only be used to control the behaviour of those with the mental capacity to understand:

- what they are doing; and
- how to modify their behaviour.

Penalty for breaching the conditions of an injunction can result in up to two years imprisonment and/or an unlimited fine for contempt of Court.

### **Demotion Orders**

Demotion Orders reduce the security of tenure on a given property.

Where a tenant or another resident/visitor to the tenant's home has behaved in a way which is capable of causing nuisance or annoyance, the Council can apply to the County Court for a Demotion Order.

The order removes a number of rights, including the right to buy and right to exchange, which gives the tenant a positive incentive to review and change their behaviour.

Demotion Orders provide a serious warning to the tenant that if they continue to misbehave, swift action can be taken to seek possession of their home.

### **Possession Proceedings**

When a tenant fails to meet the standards of reasonable behaviour established by their tenancy agreement, the Council may seek to protect the rights of other tenants and the wider community by seeking a Possession Order.

Where the Court deems it reasonable to grant such an Order, possession of the property passes back to the Council and the tenant loses their home.

### **Witness and Victim Support**

The Council will adopt a victim and witness centred approach to all instances of anti-social behaviour.

Where formal enforcement action is pursued, the Council will assist in securing 'best evidence' by providing ongoing support to witnesses and victims, prior to and following legal action.

Where there is an identifiable victim, the Council will follow the Legal Guidance issued by the Crown Prosecution Service – 'Prosecutors Pledge'.

In accordance with the Council's Witness Support Policy, every stage of legal action will be discussed with victims and witnesses.

In certain extreme circumstances the Council will consider rehousing or relocating victims or witnesses.

## **6. Strategic Context**

In tackling anti-social behaviour the Council will have due regard to statutory obligations arising from various Acts of Parliament.

Particular consideration will be given to the following Acts:

### **Crime and Disorder Act 1998**

In accordance with this Act the Council has established a Crime and Disorder Reduction Partnership.

The work of the partnership is detailed in the Crime and Disorder Alcohol Harm and Drug Misuse Strategy which aims to:

- Tackle crime and its causes.
- Raise public confidence.
- Support vulnerable people.
- Tackle anti-social behaviour.
- Prevent youth crime.
- Tackle the effects of drug and alcohol misuse.

The strategy makes it clear that anti-social behaviour is a top priority for local people and, as per this Policy Statement, will be tackled through the use of all available tools and powers.

### **Race Relations Act 1976 (as amended)**

The Act defines racial harassment as unwanted behaviour, which has the purpose or effect of:

- Violating a person's dignity; or
- Creating an intimidating and hostile, degrading, humiliating or offensive environment for that person.

The Council has a Race Equality Scheme which seeks to:

- Eliminate unlawful racial discrimination.
- Promote equality of opportunity.
- Promote good relations between people of different racial groups.

As a means of promoting these objectives, the Council will treat all racist incidents as Category A – Urgent cases, requiring action within one working day.

### **Children Act 1989**

To support the principles within section 27 of the Act, various parties, such as the Youth Offending Service and Social Services, will be consulted before instigating action against children involved in anti-social behaviour.

In keeping with the spirit of the Act, the Council will liaise with the Children and Young People's Directorate prior to publicising the outcome of successful enforcement action.

### **Disability Discrimination Act 1995**

In delivering public services, the Council has a general duty to promote disability equality.

The approach to fulfilling this duty is documented in the Council's Disability Equality Scheme.

When investigating any complaint, the Council will consider the disability of perpetrators or victims in determining the most appropriate course of action.

With regard to accessibility, the Unit is based at the Central Library Building, Prince Georg Square, South Shields, which has a main reception area to receive personal callers, which is fully compliant with the requirements of the Act.

Alternative access to services can be made via telephone, the internet or pre-arranged home visits.

### **Equality Act 2006**

In accordance with the Act, the Council has produced a Gender Equality Scheme, which emphasises the need for regulatory and enforcement activities to be conducted in a manner which addresses the differing needs of men and women.

To achieve this goal, participatory appraisal exercises have been conducted across the borough to help shape the services provided by the Council's Community Services Group, of which the Anti-social Behaviour Unit forms an integral part.

In essence, the Council believes that everyone has the right to live in a society free from discrimination, harassment, bullying and prejudice.

In order to support this vision, and make South Tyneside a place where individuals do not experience disadvantage because of their age, gender, race, disability, faith, belief or sexual orientation, all reports of anti-social behaviour will be treated seriously and will be fully investigated.

### **Homelessness Act 2002**

As per section 1 of the Act, the Council has adopted a Homelessness Strategy which aims to prevent homelessness and ensure that everyone within the borough has access to a decent home, in a safe and healthy environment.

In support of this strategy, the Council will make every effort to resolve occurrences of anti-social behaviour prior to evicting any tenant.

### **Human Rights Act 1998**

All complaints of anti-social behaviour will be investigated in accordance with this Act.

Specific regard will be made to Article 8 of the Act which states that everyone has the right to respect for their private and family life and their home and correspondence.

Disclosure of personal information will be made in accordance with the Data Protection Act 1998 and surveillance activity will be processed as per the Regulation of Investigatory Powers Act 2000.

## **7. Local Arrangements**

In addition to applying statutory policies and strategies, the Council has implemented a number of local arrangements which aim to resolve anti-social behaviour through inter-agency working.

Examples of the arrangements which have been developed include:

### **Multi-agency Public Protection Arrangements**

This forum is led by the Probation Service and involves the management of individuals who pose public protection risks to the local community.

The process enables action plans to be developed which dictate how agencies will collectively manage the risks in question.

Dependent on the circumstances, accountabilities for delivering the action plan will be set at senior, middle manager or practitioner level.

### **Multi-agency Problem Solving Meetings**

These meetings are led by the Council's Community Safety Team and aim to address cross cutting crime and disorder issues.

Representatives from various agencies and Council services attend this forum, including:

- Northumbria Police
- South Tyneside Homes
- Community Wardens
- Trading Standards
- Fire Brigade Arson Task Force
- Youth Offending Service

### **Family Intervention Project**

The Family Intervention Project is an initiative which aims to challenge and moderate the behaviour of families who cause a disproportionately high level of anti-social behaviour within the community.

The process relies on a model of sanction and support, both of which are intrinsically linked to provide incentive for change.

The changes to be made are stipulated in a contract between the Council and the family in question. The consequences of breaching the contract are also clearly stated and may include sanctions such as demoting tenancies or gaining Possession Orders.

The Project acknowledges that there are obvious links between a child's behaviour and those of their parents. As such, a whole family approach is adopted in attempting to facilitate sustainable change and, where possible, positive parenting programmes will be utilised.

By enhancing the skills, knowledge and confidence of parents within these families, it is envisaged that behavioural and emotional problems experienced by their children will be significantly reduced.

### **Choice Based Lettings Policy**

The Council is committed to ensuring that social housing tenants have choice and control over where they live.

This commitment is delivered through a Choice Based Lettings system operated by South Tyneside Homes.

Where appropriate, the Council will utilise the Lettings Policy to relocate families engaged with the Family Intervention Project, from their existing property to a new area within the borough.

Known as dispersal, this form of resettlement aims to prevent re-offending by providing intensive support for families in a new environment.

### **South Tyneside Domestic Violence Forum**

The Forum defines domestic violence as “violence between current or former partners and/or other family members in the same household”.

Chaired by the Police Authority, the Forum meets on a quarterly basis and seeks to:

- Support victims.
- Protect children.
- Respond to perpetrators.
- Address diversity.
- Identify victims and improve reporting/recording of incidents.
- Improve quality, consistency and co-ordination of services.
- Target repeat incidents.

Where the Council receives a complaint of domestic violence, it will refer the matter to the police or signpost to an appropriate partner agency.

## 8. Tackling Cross Tenure Issues

The borough of South Tyneside covers 64 square kilometres and has a population of 151,000 people living in 66,000 households.

The tenure split is:

- 61% owner-occupied.
- 29% rented from the Council.
- 6% Registered Social Landlord/Housing Association.
- 4% private rented.

The Council's Anti-social Behaviour Unit operates on a tenure blind basis.

As previously stated in section 3 of this Policy Statement, the Council has established close working arrangements with South Tyneside Homes, an Arms Length Management Organisation, created to manage, maintain and improve Council houses and estates.

Whilst retaining the strategic housing management function, the Council has adopted a Service Level Agreement with South Tyneside Homes to tackle anti-social behaviour effectively.

In essence, minor incidents of anti-social behaviour occurring on Council estates will be investigated by South Tyneside Homes Tenancy Enforcement Team. Where a solution cannot be found and problems continue to escalate, the matter will be referred to the Council's Anti-social Behaviour Unit for further investigation.

Instances of anti-social behaviour arising at private tenure properties will be investigated by the Council's Anti-social Behaviour Unit.

It is acknowledged that Registered Social Landlords are responsible for enforcing their own tenancy agreements. The Council will, however, work closely with them to ensure that the most appropriate course of action is pursued when tackling complaints of anti-social behaviour.

## **9. Information Exchange and Confidentiality**

All personal data processed by the Anti-social Behaviour Unit will be done so in accordance with the Data Protection Act 1988.

To ensure that data is handled and controlled correctly, the Council has produced a Data Protection Policy which will be adhered to at all times.

Whilst the Council will as far as possible endeavour to maintain client confidentiality, there may be certain circumstances where personal information needs to be shared with other agencies, such as the police, to help prevent or detect crime. A local information sharing protocol has been established to aid this process.

It should be noted that the consent of a client will always be sought prior to the disclosure of information to a perpetrator or their legal representative.

## **10. Recruitment and Training**

Through its Recruitment and Selection Policy, the Council seeks to employ the best possible staff. In making an appointment the

Council does not discriminate in any way, except in favour of the best candidate.

By offering competitive terms, conditions and flexible working arrangements, the Council strives to be an employer of choice.

In terms of training, all practitioners within the Anti-social Behaviour Unit are appropriately trained to fulfil their job role competently.

Personal Development Plans are used to review the performance of all staff, whilst ensuring that future training needs are addressed.

The Council will provide an ongoing training programme to ensure that staff adhere to national best practice, and continue to apply the law fairly and consistently.

## **11. Protection of Staff**

The Council views acts of violence and aggression towards staff as unacceptable.

To minimise the risks posed to staff, core areas of business such as lone working have been risk assessed and suitable working procedures have been developed.

Where appropriate, personal protective equipment including panic alarms and mobile phones have been issued to staff.

Where an act of violence or aggression has been experienced by a member of staff, the Council's Violence Towards Employees Procedure will be invoked.

Where necessary, matters will be reported to the Police Authority for further investigation.

## **12. Obligations of Tenants**

Council tenants must comply with the conditions of their tenancy agreements.

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:

- Anti-social behaviour is defined in the tenancy agreement as an act, or failure to do something, which causes or is likely to cause nuisance, annoyance, harassment, alarm or distress to anyone.
- Tenants are responsible for the behaviour of everyone (including children) living in, or visiting their home. Tenants are responsible for them in their home, in shared areas and in the locality of their home.
- Tenants must not harass or discriminate against any person (including Council or South Tyneside Homes employees) because of their race, sexuality, gender, religion or belief, age or disability. Examples of harassment and discrimination include damage to any other person's home or belongings; threats of violence or insulting graffiti.
- Tenants must not cause a disturbance that would be a nuisance or annoyance to others. For example, persistent shouting or arguing; using drugs or dumping rubbish.
- Tenants must not threaten violence or be violent towards anyone living in, or visiting their home.

If any condition within a tenancy agreement is broken the Council may take legal action, such as obtaining a Possession Order, Anti-social Behaviour Order, Injunction, Demotion Order or an order suspending the right to buy your home.

### **13. Rehabilitation of Perpetrators**

In some cases there are underlying causes of anti-social behaviour, such as:

- Mental illness.
- Disability.
- Family or relationship breakdown.
- Drug or alcohol dependency.
- Exclusion from school.

In these circumstances, pursuing legal action against a perpetrator may not be appropriate or effective in the first instance.

Where necessary, the Council will work with public and private sector partners to offer the support needed to change and modify unacceptable behaviour. The aim of such support is to regain

community stability, whilst helping perpetrators to maintain their tenancies and lead independent lives.

If, despite the provision of advice and support, anti-social behaviour continues, the Council will explore all available options, including enforcement action.

To assist prisoners leaving institutions, the Council supports a regional Housing of Returning Prisoners Protocol.

The Protocol does not seek to give any preferential treatment to returning prisoners; it promotes forward planning, allowing agencies to prepare for and identify accommodation for ex-offenders upon release.

### **14. Community Engagement**

Through participatory appraisal, neighbourhood action planning and consultation events, the Council aims to tackle the issues that matter most to local people.

Where appropriate, the Council will publicise actions taken to tackle anti-social behaviour and those cases where enforcement action has been successful. This will reassure the public and provide information to allow them to report any breaches of orders imposed on perpetrators. In addition, such publicity may act as a deterrent to others whose behaviour affects the quality of life of others.

If you would like to influence the content of this Policy Statement, or the actions which take place in your community, you can do so by contacting the Anti-social Behaviour Unit.

## **15. Contact Details**

Anti-social Behaviour Unit  
First Floor, Central Library Building  
Prince Georg Square  
South Shields  
Tyne and Wear  
NE33 2PE

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E-mail: [asb@southtyneside.gov.uk](mailto:asb@southtyneside.gov.uk)