

THE GATESHEAD HOUSING COMPANY

ANTI-SOCIAL BEHAVIOUR POLICY & GUIDANCE PROCEDURES

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THE GATESHEAD HOUSING COMPANY

ANTI-SOCIAL BEHAVIOUR PROCEDURES

Introduction

Dealing with anti-social behaviour effectively is a key priority for our customers, and therefore we are committed to improving our services in tackling and responding to such incidents. Each day housing organisations confront the realities of such behaviour and are at the forefront of developing successful initiatives to deal with such issues.

The Gateshead Housing Company (TGHC) recognises that tackling anti-social behaviour is essential to providing customer focused services.

It is not merely about taking immediate, effective action against perpetrators, it is very much a matter of protecting victims and witnesses, and taking action, which will enhance quality of life for existing and future generations. The investigation of these issues must be sensitive to differing lifestyles and cultures of a wide variety of people, whilst recognising the rights of all to live peacefully with quiet enjoyment of their homes and neighbourhoods.

Our role in managing tenancies with powers to take enforcement and social control against those causing problems places us at the heart of delivering safer communities.

We believe that to be successful in the provision of customer focused anti-social behaviour services we must work effectively in partnership. Our service delivery approach is truly holistic. We are focused on maintaining strong partnerships and communication with other agencies in order that issues are not considered in isolation.

Consultation Process

The review has been subject to consultation with our officers, tenants and leaseholders, Gateshead Council and other partner agencies via a number of methods including:

- ASB service improvement group
- Partnership meetings
- Feedback from satisfaction surveys and complaints
- Employee focus groups

We will review training needs to ensure best practice, continuous service improvement to enable employees to effectively and consistently deal with anti-social behaviour and enforce tenancy conditions.

Vision

“To provide quality homes and customer focused services in Gateshead”

Mission Statement

“To be successful in the provision of quality homes and customer focused services we must work effectively in partnership and invest in our employees”

Context

Successive Government's have made anti-social behaviour a top priority for our communities. The Anti-Social Behaviour Act 2003, Housing Act 2004 and Anti-Social Behaviour, Crime and Policing Act 2014 created new powers to tackle anti-social behaviour. Section 12 of The ASB Act 2003 also placed a duty on Local Authorities, Registered Social Landlords and Housing Action Trusts to produce and publish their policies and procedures in relation to tackling anti-social behaviour.

TGHC has made a firm commitment to delivering an effective ASB service through becoming a signatory of the Respect ASB Charter for Housing during 2011. The Charter set out 7 core commitments

- Demonstrating leadership and strategic commitment
- Providing an accessible and accountable service.
- Taking swift action to protect communities.
- Adopting a supportive approach to working with victims and witnesses.
- Encouraging individual and community responsibility.
- Having a clear focus on prevention and early intervention.
- Ensuring a value for money approach is embedded in the service

These commitments are incorporated throughout our approach to tackling ASB and the Charter framework will help us to continually seek ways to improve our anti social behavior services. We will also use the above listed commitments to self-assess our performance in relation to the commitment and identifying areas where we need to make improvement. Further information on the Respect Charter can be found at:-

<http://www.cih.org/RespectCharter>

We will ensure we comply with all appropriate legislation and regulations and will make use of all powers made available to us, for example:-

- Anti-Social Behaviour, Crime and Policing Act 2014
- Criminal Justice and Immigration Act 2008
- Housing and Regeneration Act 2008
- Anti-Social Behaviour Act 2003
- Crime and Disorder Act 1998
- Data Protection Act 1998

- Local Government Act 1972
- Human Rights Act 1998
- Care Act 2014
- Equality Act 2010
- Regulation of Investigatory Powers Act 2000
- Protection of Freedoms Act 2012.
- Environmental Protection Act 1990
- Housing Act 1985 (as amended)
- Housing Act 1996 (as amended)
- Homelessness Act 2002

We will also ensure that our policy and procedure complies with the Gateshead Council's strategic objectives and contributes to the wider aims of the Safer Gateshead and the Gateshead Strategic Partnership for the promotion of community cohesion.

Definition of Anti-Social Behaviour

There is no single agreed definition of Anti-Social Behaviour, which consists of many elements that are described in more detail within this document. Several definitions have been produced within legislation during recent years which The Gateshead Housing Company believes are sufficiently broad ranging to capture the wide meanings and variation of ASB:

- The Crime and Disorder Act 1998 defines anti-social behaviour as:

“Behaviour that caused or is likely to cause harassment, alarm or distress to one or more persons not of the same household as the perpetrator”

- The Anti-Social Behaviour Act 2003 defines Anti-Social Behaviour as:

“Conduct capable of causing nuisance or annoyance to any person and which directly or indirectly relates to or affects the housing management function of a relevant landlord”

- ASB Police and Crime Act 2014

“Conduct capable of causing housing related nuisance or annoyance to any person”

Examples of anti-social behaviour could include, but are not limited to:

- noise
- youth disorder
- litter
- graffiti
- vandalism
- fireworks
- poor condition of property/gardens
- vehicle disputes
- animal nuisance
- neighbour disputes
- harassment
- hate crime
- domestic abuse
- drugs misuse/dealing
- criminal activity

ASB Service Standards/ Local Offer

Our anti-social behaviour standards have been developed with the involvement of our customers. These standards ensure that we are clear about the levels of service we provide. Scrutiny and monitoring of the service standards will be undertaken via quarterly reports to the Customers and Communities Committee; ASB Service Improvement Group (SIG), local tenants and residents meetings and through our newspapers and website.

➤ Our Commitment to Customers

- We will begin investigating and acknowledge your complaint within 24 hours for high priority cases (for example racial harassment, domestic abuse, physical assaults) and five working days for other cases (for example neighbour disputes).
- We will provide you with a case reference number, and advise you of the name of the investigating officer.
- We will agree what actions will be taken and how we will feedback to you.
- We will talk to you before closing your case and we will follow this up in writing.

ASB Case Priorities:

When reports of anti-social behaviour or nuisance have been made to us we will tell customers how quickly we will begin our investigations:

➤ Routine Cases

These will be initially investigated by Estate Officers and responded to within five working days. Even in routine cases where there has been a minor breach of the tenancy agreement, we will encourage the complainant to talk to the neighbour, if appropriate. If it is felt that the complainant cannot talk to his/her neighbour about the problem then we will investigate on their behalf. There may be less formal solutions to the problem e.g. Mediation in order to resolve the problem.

Examples of routine cases could be:

- unauthorised alterations to the property
- poor condition of property/garden
- noise
- youth disorder
- fireworks
- vehicle disputes
- animal nuisance
- neighbour disputes
- litter
- parking in an inconsiderate manner.
- overgrown trees/bushes
- running a business

- other criminal activity

Routine Cases may also be directly referred to the Neighbourhood Relations Team if it is established that there is significant risk of harm to customer's wellbeing. **See Customer Assessment Tool**

➤ **High Priority cases**

We will respond to **High Priority** cases within 24 hours. These cases will be where there is a direct bearing on the immediate well being of a person(s), and will usually involve actual or threatened violence to tenant(s) and/or there is imminent risk to life or property. Such cases will be referred to the Neighbourhood Relations Team for investigation and action, which may include the following:

1. The priority will always be the safety of the complainant. Where appropriate and in exceptional circumstances a permanent move may be authorised. Such action must comply with the Council's **Lettings Policy** and criteria for **Direct Lets** (management approved housing requests).
2. In some cases it will be appropriate to install security measures following liaison with the Police or other agencies for instance, Safer Families.
3. Legal action will be considered at an earlier stage in the procedure if evidence is available. In some very serious cases we can apply for an Injunction (**see enforcement**).
4. If criminal behaviour is reported we will aim to talk to directly affected customers about the problems. Where appropriate we will carry out checks with the Police to allow us to consider what action could be taken.
5. The case officer will inform the complainant of local groups or agencies who can offer additional emotional or practical support, some examples of these agencies include, Victim Support and Safer Families.

Examples of high priority cases could be:

- threatening behaviour or violent conduct
- threats to employees or Contractors
- hate crime
- domestic abuse
- safeguarding
- assaults
- arson
- drug and alcohol abuse
- serious criminal offences

Obligations of Tenants

We expect our tenants to adhere to the terms of their tenancy agreement and we will enforce the terms if they are breached. This includes responsibility for the tenants own conduct, others residing with them (including children) and visitors to the property. **The Tenancy Agreement** clearly sets out the tenant's rights and responsibilities in relation to their behaviour and conduct towards individuals and the community.

The Gateshead Housing Company has reviewed the sign up procedure for new Tenants to ensure that this process is comprehensive and customer focused. The conditions of tenancy are clearly explained during the initial interview and new tenants are made aware of their responsibilities for keeping to the terms of their Tenancy.

If tenancy conditions are breached we will warn tenants about this. If tenants continue to breach their tenancy agreement, or there are very serious incidents reported we will take legal action to enforce the tenancy terms, which may result in eviction from their home (**see Enforcement**).

Right to Buy purchasers/leaseholders

If Right to Buy purchasers and Leaseholder residents cause nuisance to their neighbours, we may look to take action under the terms of the covenants (the transfer deed which the tenant signs on completion of the purchase contain covenants restricting certain actions and behaviour). We may also take action such as injunctions if their behaviour affects our housing management. Where Leaseholders or owner occupiers are affected by ASB caused by council tenants we will seek to offer appropriate tailored support as part of our ASB investigation. Ultimately a breach of covenant could result in forfeiture of the lease.

As right to buy applications can be submitted at any time following after an ASB has case been opened and investigation is ongoing, an information sharing procedure has been agreed with the Council's RTB team. This ensures that relevant checks are undertaken at various stages of the application process so that proportionate actions can be considered in relation to ASB complaints e.g. suspending the right to buy application (**see Enforcement**).

Our Approach to Neighbour Problems

The Gateshead Housing Company aims to resolve problems swiftly and in a robust manner without recourse to legal action wherever possible. We do this by working in partnership and using performance & estate management tools with a wide range of partner agencies.

We will also seek to identify vulnerability and reduce the risk of harm to all customers at the earliest point of contact through undertaking a question based assessment we have developed known as the **Customer Assessment Tool**.

We support the view that tenants have a right to enjoy their own lifestyles, provided this does not unreasonably affect or impact upon the lives of other people living around them.

Conciliation rather than confrontation will always be the preferred approach because there is a much better chance of establishing good relationships if neighbours understand each other's points of view and disputes can be settled without recourse through the Courts.

We also publicise our results in the local press, our website and newsletters to customers (**see publicity**) as well as sharing our performance results with customers within our ASB Service Improvement Group and on TGHC's website.

➤ **Our Commitment to the Complainant**

- We will deal with the complaint as quickly as possible.
- We will give advice to the complainant on our policies and procedures.
- We will agree with the complainant what actions can be taken to resolve the case (Action Plan) and the likely timescales involved. Action Plans will be reviewed with the complainant and updated on a regular basis.
- We may ask the complainant to record incidents in a diary. We will explain how this should be done and for how long and we will also offer feedback to all customers who submit diary sheets. Where customers are unable to complete diary sheets we will offer reasonable adjustments (see **digital voice recorders**).
- We will respect confidentiality and will not disclose the complainant's identity unless we have agreement to do so.
- We will offer private interview rooms, different locations and out of hours appointments to discuss the complainant's case and offer same sex interviews if appropriate.
- We will keep the complainant regularly informed of progress and actions taken to resolve the case.
- We will identify and signpost appropriate support to help customers personal circumstances
- We may work with other agencies to resolve the problems e.g. Youth Offending Team, Police or Social Services.
- We will advise the complainant of other support that may be available.
- We will use the **customer assessment tool** to help us identify repeat victims and where there is a risk of harm to customers reporting ASB. Repeat victims, vulnerable customers and witnesses will then be provided with tailored support including security measures to reduce the risk of harm.

It may be that it is not possible for some victims/witnesses to attend court to give evidence and where this happens we will use other methods of evidence e.g. professional witnesses or noise recording equipment where appropriate. We will

discuss this with the complainant during the course of investigation of their case and support the complainant before, during and after the legal process.

Customers may be asked to complete a satisfaction survey when the case is closed for feedback on the service provided. In addition monthly reviews of all ASB cases are undertaken to ensure a quality and consistent approach to case management. These processes assist us in proactively responding to customer concerns or dissatisfaction and will also allow us to improve and develop our procedures and practices where necessary.

Support for Complainants, Victims and Witnesses

The Gateshead Housing Company will actively support victims, complainants and witnesses of anti-social behaviour by dealing with issues quickly (**see Customer Assessment Tool**) and keeping them regularly informed of developments of their case. We will do this by visit, telephone, text message, e-mail or letter.

Victim Support are a key partner in Gateshead and this service offers practical and emotional support for any victims of crime who have been referred into the **Multi Agency Safeguarding Hub (MASH)**. We will also work closely and liaise appropriately with the **Victims First** service and Northumbria Police to support vulnerable victims of crime.

Our Investigating officers will discuss matters regularly with customers and keep them informed about actions that are being taken to resolve their case (**See Action Plans**).

We will provide them with contact names and numbers of relevant officers and agencies. If appropriate we will also provide them with emergency out of hours contacts.

We will provide interpreting services or other reasonable adjustments as appropriate to individual customer's needs.

We are aware that some people will feel uncomfortable about giving evidence in court. If this happens we will try to use other methods of evidence gathering where possible, such as professional witnesses e.g. NRO's or Police Officers and the use of noise recording equipment (**see noise recording**).

If you are willing to give evidence in court we will support victims before, during and after this process. We can arrange for them to visit the court prior to the case hearing so they can familiarise themselves with the court setting and court procedures. If necessary we can arrange transport to and from court. We will continue to offer support to them even when the case has been dealt with in court.

If victims are required to give evidence in Court we will liaise with Witness Support and ensure that arrangements are made to make them feel as comfortable as possible. This could include using separate rooms and entrances to the court. When giving evidence screens can be fitted within courtrooms to ensure they do not have to see the perpetrator.

➤ **Action Plans**

When we open an ASB case we will agree with customers how we intend to investigate their complaints and confirm these actions within an **action plan letter**. This will include; agreeing a convenient method for the customer to report incidents to us e.g. **incident diary sheets, website reporting, digital voice recorder**. Further we will confirm the frequency of feedback we will provide to customers and how we will do this e.g. telephone, e-mail, letter, text message. Action Plans will be reviewed with customers on a regular basis during our investigation.

➤ **Customer Assessment Tool**

Following consultation with customers and employees we have developed a tool to assist officers in asking specific questions to help identify vulnerable customers.

The tool will be initially used by investigating officers when customers first report ASB problems and throughout the investigation of their complaint, including when we discuss case closure. We aim to ensure that by asking the right questions officers can assess the impact of the problems or identify where customers have been repeat victims at the earliest point of contact.

Where customer's responses indicate a **high risk** of harm their cases will then be investigated by a Neighbourhood Relations Officer. In these cases if we obtain the customer's consent their case will be raised for discussion with partner agencies at the next scheduled **Tasking & Co-Ordination meeting**.

We believe the tool significantly enhances our victim centred approach and represents a change in emphasis within our ASB case management to more effectively consider the effects of ASB upon our customer's health and wellbeing.

Performance management and trend data in relation to vulnerable victims is shared with partner agencies.

➤ **Repeat victims and witnesses**

We recognise that in some circumstances customers may become, or be at risk of becoming, a **repeat victim of anti-social behaviour** due to being personally targeted or due to vulnerability.

The Gateshead Housing Company defines a repeat victim as;

'Repeat victimisation occurs when the same person suffers more than one incident of personally targeted anti-social behaviour in a 12 month period'.

In cases which fit the repeat victim definition, customer complaints will be given priority and will be investigated immediately by the Neighbourhood Relations Team from the outset. Officers will review all previous case notes to ensure that the customer is given appropriate support and advice as soon as they report further problems. In some instances this will lead to the case being

escalated and could lead to legal action being taken earlier than would normally happen due to the inclusion of relevant previous evidence.

Some examples of a Repeat Victim could include;

- Where a customer is being personally victimised or harassed by an individual on a repeated basis
- Where a customer suffers noise nuisance on regular basis which is personally targeted towards them by a neighbour
- Where a customer is a victim of crime which is personally targeted towards them
- Where a customer is being specifically targeted due to them being vulnerable
- Where a customer is being personally targeted by youths

We will discuss all cases of repeat victims with partner agencies and if required make appropriate referrals for support measures to seek to minimise the risk of harm.

➤ **Anonymous Complaints**

Many customers may feel too frightened to provide their identity when reporting incidents to us.

Although we will encourage customers to provide their details, we will respect any requests to remain anonymous and a complaint received anonymously will not be ignored. As such officers will listen to customers concerns and provide tailored advice including signposting to or contacting other services to help resolve the problems.

Complaints made anonymously may limit our ability to progress in a swift manner through not being able to speak the perpetrators about their behaviour.

However if an anonymous complaint can be substantiated easily (e.g. overgrown garden or car repairs) we will approach the tenant directly having been able to witness the nuisance ourselves.

If the allegations can't be easily substantiated (e.g. criminal activity), we will record the complaint on the ASB database and refer to other agencies that may be able to assist with the investigation if appropriate.

In certain circumstances we acknowledge it will be inappropriate to discuss anonymous allegations with other neighbours. This could lead to misunderstandings and problems for the person being complained about – particularly if the allegations were untrue or malicious. Even if no action is taken we will record the complaint on the ASB database in case any more complaints are received and these can later be relied upon if required.

Arrangements can be made with anonymous customers so that investigating officers can provide feedback this can include agreeing a specific date, time and frequency for a customer to call the investigating officer back on.

➤ **Out of Hours Service**

It is acknowledged that anti-social behaviour will happen outside of normal working hours. A Neighbourhood Relations Officer is therefore available until 7pm on weekdays which allows incidents to be reported and statements taken at times which are more convenient for witnesses. Visits can also be arranged to be conducted out of hours by officers to witness incidents of anti-social behaviour at first hand. Noise recording and surveillance equipment can also be installed outside of office hours as measures to try and gather evidence (**see noise recording for further details**).

Customers are also encouraged to report ASB incidents via text message or online through The Gateshead Housing Company's website www.gatesheadhousing.co.uk

Out of hours work may also include pro-actively contacting victims of anti-social behaviour on a regular basis e.g. telephone, call, home visit to provide support, give feedback or investigate whether incidents are on-going. The Gateshead Housing Company will also work with its partners for instance Community Safety, Private Sector Housing Team and Area Based Youth teams to develop proactive out of hours services and initiatives. This could be in relation to anti-social behaviour e.g. noise nuisance, youth disorder, motorcycle nuisance or where there are specific concerns from residents.

Operations or investigations required outside of office hours will be approved by Neighbourhood Relations Managers who will ensure that risk assessments have been completed in line with **TGHC's Health & Safety Policies**.

Prevention of anti-social behaviour

Preventative methods are an essential part of our approach in reducing incidents of anti-social behaviour in our communities. Investigating officers are encouraged to bring about positive change using various interventions and a holistic approach, without having to instigate legal action where possible.

➤ **Vetting Prospective Tenants**

TGHC wants to create sustainable communities and provide homes and estates where people choose to live. Gateshead Council's Lettings Policy further supports this objective, allowing applicants to be excluded from the housing register if they have a past history of criminal or anti-social behaviour.

To achieve this checks are made with the police and other agencies i.e. previous landlords. All cases are considered on an individual basis and any decision to exclude is based on evidence of previous unacceptable behaviour.

In cases where there is insufficient detail e.g. gaps in housing history, pending or previous criminal convictions; to make a decision, applications will then be **suspended** and informed as to the reasons why.

The test which will be applied to decide whether a person will be excluded is to determine if the previous behaviour was so serious that if they had been a tenant of the Council if this would have resulted in a full possession order. However if applicants have been assessed as priority homeless this duty will mean they must be accepted on to the housing register and considered for rehousing. In these cases we will make an informed decision on the most suitable areas and property type for rehousing applicants. Furthermore TGHC will work with partners to ensure support is

provided to new tenants to help sustain tenancies and minimise the risk of anti-social behaviour to existing residents (**see support for perpetrators and single gateway**). Any applicant whose status is demoted or excluded from the housing register can request a review of the decision made.

➤ **Sensitive Lettings**

For properties that become vacant where the previous occupants have caused 'serious or continued ASB' we will utilise '**sensitive lets**' available under **Gateshead Council's Lettings Policy**. This recognises that ASB can have a significant impact on the local community and where possible efforts must be made to prevent resident's quality of life from again being affected by further acts of anti-social behaviour.

Sensitive Lets involve undertaking additional vetting checks in relation to new applicants for properties where legal action was previously taken against the last tenant. The aim is to reduce the risk of the same customers being affected by anti-social behaviour again. However it is acknowledged that despite the additional scrutiny we undertake, we cannot fully guarantee that future problems will not occur.

All decisions for sensitive lets will be agreed by the Neighbourhood Relations Manager and Lettings Manager.

➤ **Introductory and Starter Tenants**

We operate **Introductory** or **Starter Tenancies** for people being re-housed from the waiting list, which are a form of probationary tenancy for a period of twelve months and are not **secure** or **assured** tenancies at this point. If there are no breaches of the Tenancy Agreement during this first year, then the tenancy will convert to a secure or assured tenancy. Introductory Tenancies and Starter Tenancies are formally monitored and specific checks are carried out at various intervals during the first year. If the introductory tenancy or starter tenancy is breached, provided that we have sufficient evidence and good reason we can take legal action to end the tenancy or extend the tenancy by a further 6 months in cases of anti social behaviour (**see enforcement**).

➤ **Assured Shorthold Tenancy**

TGHC manages a small number of properties as **assured shorthold** or **starter tenancies**. These are a specific type of tenancy that allows the landlord to exercise a right of repossession through the Courts after 6 months should the tenant's behaviour have been unacceptable. To end the tenancy a notice must be served two months previously and if the correct procedure has been followed the court has to grant automatic possession and evict the tenant. If no action is taken during the first 12 months tenants will become **Assured Tenants** (see below).

➤ **Assured Tenants**

Assured Tenancies will be offered to any tenant who held a secure tenancy prior to **Keelman Homes** becoming their landlord; Or on cessation of a 12 month period as an assured shorthold or starter tenancy for properties which we manage on behalf of other housing providers

Assured tenancies provide security of tenure similar to that of secure tenancies but **the grounds for possession are different**. There are grounds for possession against an assured tenant where:

The tenant or their visitors have:

- a) been found guilty of conduct causing, or likely to cause, a nuisance or annoyance to neighbours.
- b) been convicted of – i) using the residence, or allowing it to be used for immoral or illegal purposes,
- ii) an arrestable offence committed in, or in the locality of, the residence.

In order to end the tenancy a Notice must be served on the tenant and a possession order granted by the County Court. In considering whether it is reasonable to make an order for possession, the Judge consider all relevant factors and take into account the interests of the landlord and the neighbours if there are allegations that the neighbours quality of life is being impacted upon by the tenant. The Anti-Social Behaviour Act 2003 obliges the court to consider particularly the effect, and likely continuing effect, which the nuisance, or annoyance, or its repetition, has on all others apart from the tenant, such as neighbours and the landlord.

A tenant with an assured tenancy can have their tenancy substituted for a **demoted tenancy (see enforcement)** on the grounds of anti-social behaviour the resulting tenancy then becomes an **assured shorthold** tenancy.

Publicity

TGHC is keen to ensure that it seen as a landlord which takes robust action when problems are reported to us. Publicity can assist us and the agencies we work with to reassure tenants and the wider community that action is being taken to tackle anti-social behaviour. Publicity also acts as a deterrent to others from engaging in unacceptable forms of behaviour.

We will emphasise the seriousness and potential consequences of anti-social behaviour through publicising articles in our newsletters, local newspapers and periodicals etc. We will also publicise our performance in this area and our successes, where effective actions have been taken as a method of giving feedback to our tenants.

In specific cases where **Criminal Behaviour Orders** (CBO's) or **Injunctions** are obtained permission will be sought from the **ASB Panel** to publicise such orders. This recognises that where orders are made to protect the community, failure to publicise in a proportionate manner could make the order ineffective. If the community is unaware of the terms of the order, breaches will go unreported and enforcement action cannot be taken. Publicity may include; leafleting of areas in appropriate cases or within local media including press, TV and radio.

We have developed a procedure for publicising successful actions which seeks to allow us to fully mitigate any risk of harm to individuals, communities and to protect TGHC and our partners. Any decision to use publicity will identify the least interference with privacy that is possible in order to achieve the objectives of TGHC and Safer Gateshead. Decisions made relating to the disclosure of information will always be necessary and proportionate to achieving the desired aim(s).

Non Legal Remedies

➤ **Formal Warnings**

Written warnings can be issued to tenants or perpetrators from other tenures where there is evidence they have acted anti-socially. Where warnings are issued to council tenants they will be made aware of the specific clauses/s of the Tenancy Agreement which their behaviour has breached. Letters will be held on file and may be relied upon as evidence at a later date should further action be required. Where appropriate Formal Warnings may be hand delivered to perpetrators in conjunction with other agencies e.g. Police **see Joint Visits**

➤ **Joint Visits**

TGHC work closely with a range of other agencies to address anti-social behaviour, we recognise that a visible response often creates more confidence for witnesses and communities who are able to see agencies working together. Visits to perpetrators are undertaken with Police in line with the multi-agency **Graded Response** as an early intervention approach. Pro-active visits will also be undertaken with other agencies who may be involved with customers or their families to provide a joined up tailored service. **See Support for Complainants, Victims & Witnesses & Equality & Diversity**

➤ **Mediation**

Where appropriate officers will consider making referrals to independent mediation providers for customers who are in dispute

The mediation process will normally be facilitated by independent mediators and has been found to be successful in dealing with a wide variety of neighbour disputes. It helps people in dispute find permanent and acceptable solutions to what has been in effect a shared problem.

Mediation can be used where there are more than two parties involved (e.g. several neighbours) and can offer an impartial third party intervention that can help resolve disputes such as: noise, harassment, boundary issues, children's behaviour, rubbish, gardens, pets, verbal abuse, car parking and invasion of privacy. The mediator will discuss the issues raised with individuals and then try and bring all parties together in a neutral venue to work through the issues that have been raised. The use of independent mediators may be seen as a positive factor by those in dispute as officers from an independent organisation can be seen as impartial and without conflicting vested interests.

Additional benefits of mediation are that it can markedly reduce the amount of time officers spend on neighbour disputes.

However a very important factor is that in order to make the mediation process work parties must be willing to work together in order to resolve the conflict. If there is no personal commitment, the problem is likely to resurface at some point in the future. Mediation can change people's behaviour and create workable agreements as part of a quick and short term intervention, which can prevent the requirement and cost of legal action.

➤ **Acceptable Behaviour Agreements**

TGHC, in partnership with other agencies such as Northumbria Police, actively use Acceptable Behaviour Agreements (ABA) to tackle anti-social behaviour. An ABA is an individual written agreement with a person over 10 years of age to stop carrying out certain acts, which could be construed as anti-social behaviour. Where appropriate ABA's should include positive actions that relevant agencies will carry out to support the individual to tackle their behaviour e.g. attending education programmes around drug and alcohol misuse or attending positive diversionary activities. The agreement is an opportunity to intervene early and stop the bad behaviour. It is also an opportunity to warn the individual about the potential consequences should the behaviour continue. The agreement is not legally binding but it can be used in court if further legal action is necessary. An ABA usually lasts for 6 months although it can be renewed or extended where required.

➤ **Parenting Agreements**

The quality of parenting a child receives has a critical affect on a child's behaviour and their chances in later life. Factors such as poor parenting, lack of supervision, family conflicts and a poor relationship between parents and their children can all increase the chances of a child behaving anti-socially later in life. Through addressing poor parenting at the earliest opportunity we can tackle one of the key causes of anti-social behaviour.

Where appropriate TGHC and partners will use Parenting Agreements to help parents manage their children's behaviour better; leading to both reductions in bad behaviour and improved family relationships. Agreements can be used in conjunction with **ABA's** and the terms of such will be devised by NRO's in liaison with relevant agencies which will be approved by the multi-agency **ASB Panel**.

The Agreement will contain a statement by the parent/s agreeing to comply with the requirements for the period specified and provide the necessary support to the parent to comply with the requirements

A **Parenting Order** would be sought in those cases where engagement with a parent is deemed essential for the improvement in the behaviour of a young person and a parent has not been willing to engage voluntarily or through a Parenting Agreement. Starting **Parenting Order** proceedings will only be started if all other options have been exhausted.

➤ **Education/Rehabilitation and support for vulnerable groups**

The Gateshead Housing Company in partnership with Gateshead Council, external agencies and the voluntary sector, is committed to supporting change in behavioural patterns and reducing anti-social behaviour. Our objective is always to help build a better understanding of generational and cultural differences between local people and promote a greater awareness and sensitivity towards different lifestyles. We will work with and involve young people in developing solutions to address anti-social behaviour, whilst also working together to address inaccurate perceptions and tolerance to perceived anti-social behaviour.

We have adopted a **Graded Response** to dealing with anti-social behaviour and where appropriate will look to the contribution referrals to support agencies and other diversionary activities can offer to reduce incidents of anti-social behaviour, particularly with young people. Examples of other agencies that we may work with include; family intervention team, mediation providers, area based youth services, drug and alcohol services, youth offending teams and probation service.

It is acknowledged that frontline investigating officers are best placed to identify emerging support or vulnerability issues (**see safeguarding children and safeguarding adults**). In considering the most effective options for the protection of tenants and the wider community from anti-social behaviour, TGHC will consider the positive impact that support and referrals to other agencies may have on perpetrators. The provision of support will be relevant when considering issues of anti-social behaviour that are a direct or indirect consequence of factors such as drug, alcohol and substance addiction, mental health and disability.

Safeguarding

Safeguarding Policies have been developed by The Housing Company to effectively identify areas of concern that affect the welfare and wellbeing of our customers. Also to improve effective co-ordination and partnership working and promote the gathering, recording and sharing of information with appropriate partners.

➤ **Child Protection Issues**

The relationship we have with our customers often means we directly observe situations that impact on the wellbeing and welfare of not only children but customers themselves. Examples of this could include;

- The wellbeing and/or safety of a child is a concern
- Poor condition of a property or gardens
- Domestic abuse
- Chaotic lifestyles
- Children at home/on estate during school time
- Drug & alcohol abuse
- Mental health
- Domestic abuse
- Victim of bullying harassment/hate crime

Our safeguarding policy will ensure that any officer or representative of the Housing Company immediately reports any identified concerns.

The Company's Policy directly links and compliments the Gateshead inter agency child protection procedures and supports the work of the Local Safeguarding Children's Board (LSCB).

➤ **Safeguarding Adults**

As a housing provider we work in close contact with residents and their families on a daily basis. This involves informal and formal involvement and engagement activities across communities. Through this high level of contact with customers it is often our employees or contractors that may observe or have concerns that an adult is potentially at risk.

The essence of safeguarding is to protect the rights of an adult to live in safety and to be free from abuse and neglect. The Care Act 2014 states that Local Authorities should not limit their view of what constitutes abuse and neglect, but that exploitation is a common theme in the following list of types of abuse or neglect includes: physical; domestic violence; sexual; psychological; financial or material; modern slavery; discriminatory; organisational; neglect or acts of omission and self-neglect.

We have developed our own procedures and access to training for all employees and contractors which is linked to **Gateshead Safeguarding Adults from Abuse – Multi Agency Policy and Procedures**. This aims to promote the following safeguarding aims:-

- To stop abuse or neglect wherever possible;
- Preventing harm and to reduce the risk of abuse or neglect to adults with care and support needs;
- Safeguarding adults in a way that supports them in making choices and having control about how they want to live by promoting an approach that concentrates on improving life for the adults concerned;
- Raising public awareness so that communities as a whole, as well as professionals, can contribute by preventing, identifying and responding to abuse and neglect;
- Providing information and support that is accessible and helps people to understand the nature of abuse, how to stay safe and how to raise a concern regarding the safety or well-being of an adult; and
- To address the causes of any abuse or neglect

Each and every case will present its own complexities and challenges but crucially, the wishes of the adult at the centre of the process must be determined and considered when deciding how to tackle any issues of abuse or neglect.

Where vulnerability and/or the risk of harm are suspected employees are encouraged to ensure that safeguarding concerns are raised. It is always essential to consider whether the Adult is capable of giving informed consent before proceeding with any Safeguarding Enquiries. If, after discussion with the Adult who has mental capacity, they refuse any intervention, their wishes will be respected unless:

- there is a public interest, for example, not acting may put other adults or children at risk
- there is a duty of care to intervene, for example, a crime has been or may be committed.

Procedures have been put in place so that all concerns will be assessed by a manager from the **Neighbourhood Relations** or **Older Persons team** who must then approve the concern to be passed to safeguarding teams

➤ **Multi-Agency Safeguarding Hub (MASH)**

The Gateshead MASH is located within the Safer Communities service and has been established to co-locate a range of partner agencies with responsibility for safeguarding vulnerable persons in one office environment. This includes representatives from; Safeguarding Adults; Mental capacity and Deprivation of Liberty Safeguards; Independent Domestic Violence Advisors: Community Safety (including hate crime, ASB and substance misuse); Emergency Planning and Resilience. The Hub also has representatives from other agencies seconded in; Police, Victim Support and Community Rehabilitation Company (CRC).

TGHC will nominate potential referrals and attend conference meetings as required to share information, devise interventions and provide feedback to partners on vulnerable customers.

Support for Perpetrators

The Gateshead Housing Company will support perpetrators of anti-social behaviour in addressing and changing their behaviour. Our emphasis is on the education and rehabilitation of perpetrators, using enforcement tools as a last resort, or in serious cases, and adopting a graded response to tackling anti-social behaviour. This support may be offered directly from officers within TGHC, or through other agencies such as Youth Offending Teams, Tenancy Support services and Social Services etc.

Supporting perpetrators can often have a positive impact on both the individual and the wider community, and helps to prevent displacement of the anti-social behaviour.

➤ **Single Gateway supported tenancy scheme**

This scheme within Housing services at Gateshead Council works with service users who have been excluded from the housing register. It offers an opportunity to access social housing but with a tailored package of support to enable them to maintain the tenancy offered to them. Those service users who have been involved in offending or anti social behaviour in the past are Police vetted and issues around risk are considered when offering housing. This includes the MAPPA process and the Gateshead housing company and Single Gateway scheme are heavily involved in this to consider issues around community safety.

The Single gateway scheme is made up of services that deal with ex offenders, service users who have been anti social in the past, service users who have never had their own tenancy or those who need a package of ongoing support. They include Probation service, Leaving care team, Turning point, Norcare Ltd, Byker Bridge and

the Youth Offending team. The Gateshead Housing Company is essential to this partnership and a working protocol has been agreed between the Gateshead housing company and Gateshead Council.

➤ **Integrated Offender Management**

Integrated Offender Management (IOM) is an overarching framework that allows local partner agencies to come together to ensure that the offenders whose crimes cause most damage and harm locally are managed in a co-ordinated way.

A multi-agency case management system for the IOM cohort has been developed. Operational meetings are co-ordinated by the Northumbria Community Rehabilitation Company who supervise offenders and manage their risk. The meetings seek to ensure a focused and targeted approach with clear expectations for all agencies and a lead professional identified for each offender.

In addition to attendance of operational meetings we will contribute to relevant discussions that occur when IOM cohort are referred into the **Tasking & Co-Ordination** and **Safer Neighbourhood Group** process.

Success will be judged in terms of reduction of risk to the public and will look different for different cohort members; for some it may be an abstinence from offending, for others a reduction in the frequency of offending or successfully engaging with partners to address their criminogenic needs.

➤ **Multi Agency Public Protection Arrangements (MAPPA)**

TGHC are a key partner in the MAPPA process which is a key system through which agencies work together to protect the public from the most dangerous offenders. It brings together criminal justice agencies and other public, private and voluntary sector organisations in an established framework to share information, pool resources, and ensure collective responsibility in managing violent and sexual offenders as effectively as possible.

Through involvement with MAPPA meetings this may lead to decisions being made on rehousing offenders and TGHC acknowledge that having a stable home reduces the likelihood of re offending. Further there is also evidence that ex offenders who have settled accommodation after leaving prison can benefit in other areas of their rehabilitation.

➤ **Identifying Perpetrator Support Needs and Reducing Risks**

We will also work with perpetrators of ASB and customers who are identified as being at risk of causing ASB to seek to challenge, change and modify their behaviour.

As such where it is identified that additional support will help to moderate perpetrators behaviour then appropriate referrals will be to other agencies **see Drugs, Alcohol Misuse** which will seek to resolve the problems and provide a longer term sustainable solution.

Hate Crime

➤ Definition

The most commonly used definition of Hate Crime is that agreed by the Association of Chief Police Officers and the Crown Prosecution Service which states;

“Hate crimes and incidents are taken to mean any crime or incident where the perpetrators hostility or prejudice against an identifiable group of people is a factor in determining who is victimised.”

A Hate Incident becomes a Hate Crime when it constitutes a criminal offence, however, all incidents will be recorded and investigated in line with our procedures.

Hate Crime can cover a range of actions, including; verbal abuse or insults, threatening behaviour, deliberate ‘outing’ or threat of ‘outing’, offensive graffiti, criminal damage, physical attacks or threat of attack, abusive or obscene telephone calls, groups hanging around to intimidate, offensive leaflets and posters, abusive gestures, dumping of rubbish outside of homes or through letterboxes.

Offensive graffiti based upon race, gender, sexuality religion or disability will be removed within 24 hours of being reported.

Service users or members of the public can report hate crime or harassment incidents to any of The Gateshead Housing Company’s reporting centres. Victims, witnesses or third party complaints will be treated in the strictest confidence. Subsequent action will only be taken with the consent of customers who will be kept up to date at every stage once an incident is reported.

Consultation on measures to effectively tackle hate crime incidents and promote reporting is undertaken with customers at our service involvement groups including the Gateshead Rainbow Forum and Disabled Persons and BME Housing Forums.

We will offer additional repairs and security measures to victims of hate crime to ensure they feel safe to remain within their own home.

Training and awareness raising with employees, contractors and other stakeholders is regularly reviewed with partner agencies and delivered in response to any community tensions or trends in reported behaviour.

Any employees who are subjected to hate crime will be fully supported and consulted on any action taken against the perpetrator (**see Hate Crime Policy**).

We will also work closely with partner agencies to eliminate the risk of individuals becoming involved in extremist behaviour or terrorism. This involves promptly identifying and reporting any signs, posters or literature being displayed or promoted within communities. As well as highlighting to relevant agencies persons, particularly those who are vulnerable, with the objective of preventing radicalization.

➤ **ARCH System**

In order to more effectively support victims of hate crime and hate incidents The Safer Gateshead Partnership use a hate crime reporting system known as **ARCH**. This is a secure web based system which allows reports to be made by the victim or by third parties at a reporting centre based in the community. It allows all relevant information to be recorded and forwarded to appropriate agencies e.g. The Housing Company, Police, Community Safety and Education.

Through partnership working and the use of a shared database a more consistent approach can be taken towards the recording and tackling of Hate Crime. In addition the database allows actions to be taken against perpetrators and help to tackle the causes of hate crime and harassment.

➤ **Hate Crime and Tension Monitoring Group**

The Hate Crime and Tension Monitoring group work to prevent all forms of Hate Crime through taking timely, effective and consistent action to tackle incidents at the earliest possible opportunity, and also to identify any emerging trends or community tensions.

Hate Crime and Tension Monitoring Group meetings address all recorded Hate Incidents within Gateshead. Partners including Northumbria Police, Gateshead Council and Victim Support can share information and intelligence, plan and implement joint operations and share best practice. The emphasis is on ensuring appropriate actions are taken, that support is provided to victims and their families and to tackle incidents at the earliest opportunity.

All partners recognise their duty of promoting the borough as one where everyone, regardless of race, gender or gender identity, sexual orientation, religion or disability is treated with dignity and respect.

Domestic Abuse

TGHC are committed to tackling the complex issues of domestic abuse, in partnership with the council and other agencies

The cross government definition of domestic abuse is:-

“Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass but is not limited to the following types of abuse” Home Office, 2013

- **Physical** – Aggressive behaviour usually resulting in physical injury.
- **Emotional** – Behaviour that causes the Victim to feel worthless and uncared for.
- **Psychological** – Mistreatment with the intent to cause mental or emotional harm.
- **Financial** – Withholding or controlling all finances.

- **Sexual** – Where a person is forced to participate in unwanted, unsafe or degrading sexual activity.

Controlling behaviour is: a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

Coercive behaviour is: an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.”

This definition, which is not a legal definition, includes so called 'honour' based violence, female genital mutilation (FGM) and forced marriage, and is clear that victims are not confined to one gender or ethnic group.”

Domestic Abuse is a serious breach of our Tenancy Agreement which clearly states:-

“You, anyone living with you or visiting your home must not threaten violence, domestic violence or be violent towards anyone living in or visiting your home. This includes employees of the council, The Gateshead Housing Company or their partners/agents or councillors.”

Domestic Abuse occurs at similar rates across all sections of society, and is not limited by social class, race, religion, age, sexuality or mental/physical ability.

We will treat these issues sensitively and will offer same sex interviews, where appropriate, when dealing with such complaints. We will adopt a victim centred approach and accept as accurate what we are told by the victim, unless there is information to the contrary. We will treat domestic violence cases with priority, confidentiality and compassion.

We will not take any action against a perpetrator of domestic violence unless we have the victim's permission to do so. If a perpetrator of domestic violence is a sole or joint tenant of a property and is prepared to assign the tenancy of that property into the sole name of the victim then we will offer a **direct let** to the perpetrator (**see Gateshead Council Lettings Policy**), this will allow the victim to remain in his/her own home, maintaining their support networks and reducing the risks of further abuse.

We will offer additional repairs and security measures to victims of Domestic Abuse to ensure they feel safe to remain within their own home; to prevent homelessness and avoid victims having to pay the financial cost of repair caused by perpetrators actions.

We will take such incidents seriously and take enforcement action where appropriate, taking into account the risk of harm to victims.

➤ **Domestic Abuse Training**

We are committed to ensuring that all Gateshead Housing Company staff have a basic understanding of the issues a victim of domestic abuse experiences. Domestic Abuse Awareness training courses are delivered on an annual basis for all staff. As a result of this training staff are now more aware of the hidden signs of domestic abuse and are better equipped to identify concerns and to appropriately refer these for investigation and/or support

We are also committed to working in partnership with Gateshead Council and partner agencies to deliver this training in a multi-agency arena. Further two Neighbourhood Relations Officers are trained facilitators to deliver Domestic Abuse Awareness Training.

➤ **Domestic Abuse Risk Assessment**

Investigating officer will complete a risk assessment with all customers who disclose domestic abuse using the. Following the **Safe Lives DASH** (Domestic Abuse, Stalking and Honour Based Violence) risk assessment.

Victims who are assessed as high risk will automatically be referred to **MARAC** and the IDVA service for support. Victims who are assessed as standard or low risk can be referred to partner agencies for help and support.

A referral to Children and Families, Referral and Assessment Team will be submitted if any child protection concerns are identified.

➤ **Multi Agency Risk Assessment Conference (MARAC)**

The Safer Gateshead Partnership recognises that the risk management and problems experienced by victims of Domestic Violence cannot be dealt with by any one agency.

Officers from the Neighbourhood Relations Team therefore attend fortnightly MARAC meetings with partner agencies including the Police's Protecting Vulnerable People Unit, Safer Families, Gateshead Council, Primary Care Teams, Health Visitors and Probation. MARAC's are recognised nationally as best practice for addressing cases of domestic abuse that are categorised as high risk.

In a single meeting a MARAC combines up to date risk information with a comprehensive assessment of a victim(s) needs and links those directly to the provision of appropriate services for those involved in a domestic abuse case whether it be a victim, a child/children or perpetrator(s). The MARAC aims to share information to increase the safety, health and well-being of victims and their children and to:-

- Determine whether the perpetrator poses a significant risk to any particular individual or to the general community, and/or
- Reduce repeat victimisation and
- Improve support for staff involved in very high risk domestic abuse cases.

Domestic and Sexual abuse Violence Champions

Domestic & Sexual Abuse is one of the top priorities for Northumbria Police & Crime Commissioner, Vera Baird as outlined in the Police & Crime Plan 2013 -18

A strategy for employers – ‘Domestic and Sexual Abuse and the Workplace’ is an identified priority, which recognises that anyone affected should be able to find confidential support at work and be helped to safety.

Ten employees have received training to allow them to act as Domestic and Sexual Abuse Violence Champions within TGHC. Further managers have undertaken bespoke briefings on how to identify issues which could indicate an employee is a victim of domestic abuse. A Domestic Abuse employee policy has also been developed to support victims and highlight that employees could be subject to disciplinary proceedings if they are a perpetrator of domestic abuse.

Families Gateshead

During December 2011 the Government announced [the Troubled Families Programme](#), which is committed to turning around the lives of 120,000 families nationally. In Gateshead the programme is known as **Families Gateshead**. TGHC are represented at the project board and we have also attended a number of partnership best practice events held locally and regionally.

The approach Gateshead has adopted follows the principles of the Common Assessment Framework (CAF), Team around the Family (TAF) and Lead Practitioner (LP) model. Cases are managed through delivering holistic family interventions, predominantly managed through the Family Intervention Team, Children’s Social Work Services and Youth Offending Team services.

Where families who reside in council tenancies are accepted for support, we have developed an information sharing agreement. This involves robust checks being undertaken on family members to identify any housing related issues and ensure a holistic approach towards tackling identified issues concerning the family

Reducing Supply

➤ **Drugs**

Drug related activities such as intent to supply and storage of illegal substances are a serious breach of the tenancy agreement. Where drug supply is proven and substantiated it is TGHC’s policy to commence legal proceedings to ultimately evict the tenant from their home (**see mandatory eviction**)

For lesser drug related offences or where these relate to a household member investigating officers should consider making referrals to support agencies or signposting customers to commissioned services e.g. **Platform** or **Evolve**.

➤ **Alcohol Misuse**

Analysis of our ASB cases confirms that one in five incidents could be attributed to some form of alcohol misuse. There is also a clear link between alcohol misuse and crime with the annual cost of alcohol related crime in North East England estimated at £424-567 million. The cost alone to the North East’s NHS is £224 .8million with alcohol specific hospital admissions 60% higher than the national average. Where it is recognised that alcohol is a contributing factor for

perpetrators or victims or affecting health and wellbeing then relevant referrals will be made to agencies for intervention.

➤ **Community Alcohol Partnership**

To tackle alcohol misuse and problems on our estates, we work with partner agencies led by the Council's Safer Communities team on Community Alcohol Partnerships (CAP's).

CAPS's bring together local retailers & licensees, trading standards, police, health services, education providers and other local stakeholders to tackle the problem of underage drinking and associated anti-social behaviour within a particular neighborhood.

Specific issues which are addressed:

- Underage alcohol sales
- Proxy sales of alcohol
- Proof of age schemes
- Underage drinking
- Alcohol related ASB linked to young people
- Alcohol related littering
- Public Perceptions of under age drinking
- Alcohol Education Programmes

Each CAP includes some educational aspects. These might include partnering with local schools to deliver age appropriate alcohol education, teacher training support and parental advice and guidance.

CAPs focus on both the supply and the demand side of underage drinking and treat retailers & licensees as part of the solution and not part of the problem. The enforcement activity is informed by all stakeholders, who share information and co-ordinate their response.

In addition CAP's promote the use of [Challenge 25](#) and [PASS](#) and also supports independent retailers/licensees with training including on conflict resolution, identifying fake ID and how to make a challenge. A CAP scheme will ensure that all messages and literature are co-ordinated across the CAP area, targeting specific groups where appropriate. Progress on each neighborhood CAP is monitored and evaluated by the Safer Neighborhood Group's (SNG).

Partnership Working

We recognise that dealing effectively with breaches of tenancy and anti-social behaviour cannot be done in isolation. There are valuable contributions that can be made by various professions, external agencies and the community itself in terms of resources, experience, expertise and influence, which they can bring to bear on the issue.

TGHC will work with other agencies such as community safety, police, Probation service, Youth Offending Team, registered housing providers, private landlords and other agencies to effectively tackle anti-social behaviour. These agencies come together under the Safer Gateshead Partnership

➤ **Community Trigger**

Victims and communities can request a review of their case where they feel persistent anti-social behaviour has not been addressed.

To request a review under the Community Trigger the following criteria must be met:

- Three or more complaints from an individual about the same problem, over a six month period, where no action has been taken by relevant agencies and/or
- Five different individuals complaining about the same problem , over a six month period

Safer Gateshead have determined that for the purposes of the community trigger 'no action' will constitute where:

- the victim did not receive an initial acknowledgement
- there has been no subsequent contact made with the victim following the ASB complaint
- the ASB concerns/issues identified by the victim were not followed up or addressed
- the outcomes and/or closure of the case has not been reported to the victim

Requests for a review

Once the Community Trigger has been activated a multi-agency panel will be convened with all relevant services and partner agencies to review the case. Where the panel agrees that either no action or a lack of sufficient action has been taken to resolve the issues, relevant actions to address the issues will be identified. These will include carrying out a risk assessment to ensure that appropriate protection and support is provided to any victims involved in the case.

➤ Data Protection and Information Exchange

The implementation of the Crime and Disorder Act 1998 created a statutory partnership between the police and local authorities. Under Sec 115(2) (da) of the Act the Housing Company as a social landlord can exchange information where disclosure is relevant to the purpose of any provision of the Crime and Disorder Act for instance ASBO applications. The Housing Company are also entitled to receive disclosure of information about the anti-social behaviour caused by their tenants or within their estates from the Police. This information includes:-

- Details of cautions or convictions
- Drug warrants executed
- Police call out logs

TGHC are located within Northumbria Police area command and are signatories of an information sharing protocol; **The Northumbria Safer Estates Agreement**. The agreement is between Northumbria Police, Local Authorities and Registered Social Landlords within Northumbria and is an information exchange protocol. The purpose of this protocol is to facilitate the exchange of data/information to work together to develop and implement a strategy and tactics for tackling the problems of crime, harassment and anti-social behaviour.

The Housing Company recognise that effective information sharing will help minimise problems and allow appropriate actions to be taken. However the sharing of Data will fully comply with the terms of the Data Protection Act 1988 through ensuring data is only kept for as long as necessary, that its accurate, relevant and not excessive.

TGHC will consider all requests to release data including video images or noise recordings however there may be a charge applied for these items.

Personal Data

There is an exemption in Section 29 of the Data Protection Act with regard to the processing of **personal data** *'for the purpose of prevention or detection of crime'*. This means that personal data can be processed with a view to compliance with a statutory function, where the data has been obtained for the purposes of prevention or detection of crime. This will be the case when considering publicising an Order for anti-social behaviour (**see publicity**).

Disclosures to elected members

A local authority does not generally have to get the consent of an individual to disclose their personal information to an elected member, as long as:-

- the elected member represents the ward in which the individual lives;
- the elected member makes it clear that they are representing the individual in any request for their personal information to the local authority; and
- information is necessary to respond to the individual's complaint.

Where personal information is particularly sensitive, we will seek an individual's signed consent. However, there may be circumstances where the individual

would reasonably expect their sensitive information to be disclosed to respond to their complaint. The basis for this processing is in the Data Protection (Processing of Sensitive Personal Data) (Elected Representatives) Order 2002 No. 2905.

When providing personal information to any elected members, we will make clear that it is provided only to help the individual and must not be used for any other purpose.

➤ **Confidentiality**

A good understanding of issues relating to confidentiality is essential for officers to gain the trust and respect of tenants. We will explain to both complainants and perpetrators how information about the case is recorded and who will have access to it. Both the complainant and the alleged perpetrator should also understand that information confidential to a tenant would not be shared with another party without permission. We will only therefore disclose information to perpetrators, legal representatives, or third parties once we have the consent of the complainant to do so.

We will seek permission from a tenant before making a referral to another agency. However an exception to this will be cases where officers have a legal obligation (e.g. a **Child Protection** issue, or where failure to make a referral could put an individual(s) at serious risk).

If a complainant does not wish to be identified to the alleged perpetrator, it is important that they understand this may limit the action, which can be taken.

➤ **Cross Tenure**

One of the main features of anti-social behavior is its indiscriminate nature. People from all tenure types, whether they are Council tenants, leaseholders, owner occupiers or tenants of other social registered landlords, private landlords may equally be the perpetrators or victims of anti-social behaviour.

Consequently, to deal with anti-social behaviour effectively, a cross tenure approach is needed. The Gateshead Housing Company therefore supports this approach through our involvement in strategic and multi-agency partnerships and by information sharing.

In cases where the perpetrator is a council tenant but the victim is not (for example an owner-occupier or private tenant), the Gateshead Housing Company will still investigate as necessary and take appropriate action.

The same level of support and quality of customer service will be provided to the victim. CAT processes and other support should still be offered to the victim even though they are not a Council tenant.

If there is a private landlord or registered provider we will contact them and make them aware of the issues complained about. It is the landlord's responsibility to investigate the allegations and take appropriate action to stop the behaviour. However, we will remain involved and liaise between all parties

until matters are fully resolved, ensuring our customer is fully supported throughout.

Where the victim is a council tenant but the perpetrator is a private tenant or owner-occupier, then our role and powers would be limited. However, we will in these circumstances liaise with other agencies such as the council's Private Sector Housing Team, Community Safety, Planning Enforcement and Registered Providers who may be able to take appropriate action. This could include enforcement of RTB covenants, Section 215 Town & Country Planning Act 1990 or Injunctive measures (**see 'Injunctions'**).

➤ **Neighbourhood Tasking Groups**

Multi-agency Tasking & Co-Ordination Groups exist within all neighbourhoods. The purpose of these meetings is to focus on short-term multi agency working to deal with neighbourhood problems ranging from basic tenancy issues to anti-social behaviour.

Fortnightly meetings are held with core membership from Northumbria Police, Gateshead Housing Company and Gateshead Council. Other agencies e.g. Registered Providers are represented at the meetings where appropriate.

Tasking & Co-Ordination Groups can consider and tackle the effect of ASB within our estates. Therefore to ensure early intervention and to prevent problems escalating Estate Officers are required to attend and make positive contributions by discussing current issues as they arise.

➤ **Safer Neighbourhood Groups**

The Gateshead Housing Company working with Gateshead Council has adopted a problem-solving model to tackling anti-social behaviour. Local multi-agency meetings take place on a bi-monthly basis for each of the five neighbourhood management areas within Gateshead. These meetings take place to address specific problems within local communities such as those which have been unable to be resolved in a timely manner or that require more a co-ordinated and focused response from partner agencies

The Groups have responsibility for devising **community safety action plans** that seek to translate the strategic priorities of the Safer Gateshead Partnership to a neighbourhood level. The action plans are developed to cover a 12 month period and will be drawn from information within the **strategic assessment** and wider partners. This ensures that all problems identified are intelligence driven.

➤ **Street Action Enforcement**

We work closely with different council services to tackle those issues which are termed as 'place-based, environmental anti-social behaviour'. This would apply to specific situations where the victim is the area as opposed to an individual and includes:

- fly tipping
- domestic/commercial waste enforcement
- litter
- abandoned cars
- graffiti
- dog fouling

- physical damage to the environment
- nuisance parking
- tethered Horses

To help gather evidence council officers can undertake operational activity such as targeted patrols of estates; surveillance of hot spot areas and passing of intelligence in the form of incident reports to Estate Officers and the Neighbourhood Relations Team.

Litter affects the environment and aesthetic appearance of our estates. The Gateshead Housing Company is committed to improving resident's quality of life through tackling environmental ASB and regaining a sense of pride within areas (**see Environmental ASB**).

Council officers can issue Fixed Penalty Notices under Section 87 of the Environmental Protection Act 1990 (EPA) which makes it a criminal offence to; drop, throw, deposit and leave litter. The Police or Local Authority can prosecute an offender within the Magistrates Court. Further Sec 88 of the EPA gives Local authorities the power to issue fixed penalty notices (FPN) for leaving litter and dog fouling. Within Gateshead, FPN's are issued by Street Action Enforcement officers to persons over the age of 16. When youths under that age are caught littering they are usually warned and a formal letter is written to their parents. Persistent offenders may be considered for further action but, because of Government guidance, it is rarely appropriate for youths under 16 to be prosecuted.

Where appropriate we will work with officers from the **Street Action Enforcement team** and **Environmental Health** department to issue **Community Protection Notices (CPN)** to address more serious or persistent environmental problems (see Legal Actions).

➤ **Youth Offending Team (YOT)**

This team is a key partner in the Safer Gateshead Partnership and includes representatives from Social Services, Education, Probation, Northumbria Police and the Health Services. The Team intervene at an early stage in young persons offending career, offering structured programmes or support with aim of preventing re-offending and working closely with the NRO's and Estate Officers.

➤ **Youth Crime Education Programme (YCEP)**

The aim of the Youth Crime Education Programme is to encourage young people aged 8 – 17 years at risk of anti-social behaviour and/or offending who live in Gateshead, to address their areas of risk as identified through the assessment process. It also aims to engage these young people in activities to help build their confidence, self-esteem and social skills. Such work, when undertaken successfully, has a positive impact upon the families of these children and young people, potential victims of negative behaviours and the communities in which these children and young people live.

YCEP will offer voluntary support to young people aged 8 – 17 years and their families whom are not already engaged in a statutory multi-agency response e.g. YOT. When Estate Officers and NRO's identify young persons who are at risk of anti-social

behaviour and/or offending they are encouraged to make referrals to the service at the earliest opportunity.

YCEP will offer positive interventions to tackle factors which put a young person at risk of anti-social behaviour and/or offending. This will be achieved through local integrated youth services that aim to:-

- Ensure young people understand how their behaviour impacts upon themselves.
- Enable young people and their families to make positive changes with appropriate support
- Reinforce the responsibilities of parents and carers
- Identify and evaluated areas most significant to risk

A key aim of the service is to improve outcomes for young people enabling them to progress and make a positive contribution to the wider community.

➤ **Youth Services**

Where areas of youth disorder are identified the Housing Company will work with our partners to request that detached youth workers can be deployed to specific locations such as estates, open plan areas or outside community facilities.

Through the deployment of youth workers it is hoped to engage with young persons, identify any underlying issues and signpost young people to appropriate events and intervention i.e. youth clubs and supervised activities..

Outreach youth workers can help areas from becoming hotspots, prevent vandalism or criminal damage and help to reduce the fear of crime for our customers.

➤ **Education Non Attendance Panels**

The Non- Attendance Panel is the Council's formal structure to meet with families and young people to discuss non-attendance and poor attendance at school. A Neighbourhood Relations Officer is a member of a multi-agency panel to work in partnership with Education, and to offer support for the young person and their family. Appropriate information shared within this meeting contributes to informed decisions being made in terms of the young person, and their wider family circumstance, which may not always be known to the Education Welfare service.

It is highlighted through the Youth Justice Board that children who are not in education are at greater risk of offending and committing anti-social behaviour. By working closely with the young person and Education Welfare we aim to address truancy at the earliest opportunity and reduce levels of ASB and crime on our estates. This work links directly to the **Graded Response**.

Environmental ASB

Environmental anti-social behaviour is behaviour that deliberately or through carelessness degrades the local environment, such as

- Overgrown gardens
- Abandoned vehicles
- Dog Fouling
- Fly-tipping
- Graffiti
- Littering
- Vandalism
- Criminal damage

Problems such as litter and fly-tipping affects the environment and aesthetic appearance of our estates. Environmental anti-social behaviour can further give communities the appearance of decline and when environmental anti-social behaviour is allowed to take over, other forms of anti-social behaviour can seem more acceptable.

TGHC are committed to improving resident's quality of life through tackling environmental ASB and promoting a sense of pride within areas.

We therefore work closely with our partners including Local Environmental Services **Street Action Enforcement Team** to ensure our estates are environmentally well maintained. Where this does not occur evidence will be gathered and appropriate action taken against perpetrators.

➤ Gardens

TGHC expects all tenants who are able to do so to keep their gardens in a neat and tidy condition. This also applies to private tenants who reside on our estates (**see cross tenure**). Where untidy gardens are identified officers will follow our **untidy garden procedure**. As part of this procedure officers will attempt to gain personal contact to establish the reasons why the garden area is not being maintained. If there are no apparent reasons e.g. disability or mental health why the garden is not being kept neat and tidy then legal action may be taken to enforce maintenance of garden areas or removal of rubbish (**see legal actions**).

➤ Empty homes

When properties become empty on our estates TGHC recognise these could be at risk of vandalism or criminal damage e.g. broken windows or attempts to break in to steal internal fittings. This can cause concern for existing residents and spoil a street or communal block's aesthetic appearance.

TGHC have therefore devised a **security matrix** to identify low, medium or high risk properties. This matrix allows security packages to be fitted to empty

homes that includes; trap alarms, net curtains, polymer screens and if applicable sitex shutters fitted to doors and windows.

➤ **Tackling Drug Paraphernalia & Sharps**

TGHC are committed to improving the safety of residents on our estates by ensuring that items of drug paraphernalia and sharps e.g. syringes found on estates are reported and removed as a priority.

In addition to this TGHC work in partnership with Gateshead Council & Northumbria Police to tackle these issues by collating and sharing intelligence in relation to areas identified as hot spots for drug use. This information is shared at regular partnership meetings including Tasking & Co-ordination & Reducing Supply meetings, where agencies look at different strategies to tackle this type of anti-social behaviour (**see drugs**)

Our approach to addressing **Environmental ASB** is further supported through:-

➤ **Estate Tours**

Each neighbourhood housing area has dedicated Estate Officers who act as the 'eyes and ears' on our estates. All estates including high rise blocks and sheltered accommodation therefore have estate tours with customers, including grading of estates on a quarterly basis. Regular estate tours and grading allows residents to work with their Estate Officer to highlight and address any estate or environmental issues, and importantly to monitor progress. Individual feedback is provided to customers who attend tours within two weeks and general feedback on actions and improvements is provided through our quarterly newspaper to customers.

➤ **Property Inspections**

Where it is observed that external areas i.e. gardens and shared or communal entrances are not being maintained our garden procedure encourages officers to seek to conduct inspections of customers' homes. This is to ensure internal conditions are being satisfactorily maintained and do not pose any risks in relation to; damage, illegal alterations or poor living conditions. We have further developed procedures with partner agencies in relation to hoarding cases whereby we will establish any underlying causes for the problems and where appropriate take a twin track approach of support and enforcement to resolve the issues and reduce the risk of harm. AS Hoarding can also be considered as a form of self-neglect under the Care Act 2014 this may also result in us making a **safeguarding referral** which leads to intervention and tailored support from agencies (**see safeguarding adults**).

➤ **Arson Prevention**

A Fire Response protocol has been developed which following the identification by the Fire Service of non accidental fire requires TGHC and partner agencies to meet at the earliest opportunity. Meetings seek to ensure that information is shared effectively and appropriately to allow an efficient multi-agency response to non-accidental fires. Further aims are to:-

- Support the identification and communication of arson trends
- Place incidents in the wider neighbourhood context
- Clarify information sharing responsibilities
- Raise awareness of Fire Investigation processes
- Improve inter-agency working
- Reduce the number of fires caused deliberately

In addition TGHC have adopted procedures to protect our customers from the risk of arson or home fires through providing fire safety information during pre tenancy interviews and making referrals to Tyne & Wear Fire Service (TWFS) for home safety checks for new and vulnerable tenants.

➤ **Sustainable Communities Fund & Community Payback**

Officers are encouraged to identify innovative schemes with members of local community which will seek to resolve and promote solutions to local problems. This could include; addressing security issues and tackling anti-social behaviour to individual properties, open spaces or communal areas of flats. Bids are then submitted for relevant funding which will only be approved by relevant managers if proposed works represent value for money and have the support for relevant stakeholders within the community.

Elements of individual projects can also be used to support various national agendas such as Keep Britain Tidy and National Tree Week campaigns, but can also be linked to the Community Payback programme if appropriate. This initiative looks to use offenders who have been asked to repay the community for their offending behaviour by carrying out un-paid community work within the Gateshead area.

Evidence

As part of any possession proceedings, we have to satisfy the court that the grounds for possession are **proven** to the **required standard of proof**, i.e. on the **balance of probabilities**. This will be done through oral evidence given at the hearing by witnesses. Proceedings therefore require detail and thorough collation of information and evidence.

The quality of evidence needs to be determined in regard to its relevance to the matters in issue, its admissibility, the weight the evidence shall be given in proceedings, and how these factors are presented within the actual proceedings. Therefore in taking possession action we will work in close co-operation with the council's legal representatives.

Evidence can be identified in the area detailed below, and further underlines the close scrutiny and attention to detail required by our case officers:

- **Documentary evidence** – for example photographs, plans, videos or tape recordings, criminal convictions, case notes, housing or other departmental records and documentation, notes made by witnesses.
- **Testimony** – witnesses are an essential part of the legal process providing factual or opinion evidence e.g. police officers acting as professional witnesses. Evidence may be presented in court following submission of witness statements and witnesses may be subject to cross examination by the claimant and defence legal representatives.
- **Hearsay Evidence** – evidence which is given by one person on behalf of another and will consist of information obtained from another source. For example, information given by a victim to their investigating officer as to what he or she saw at an alleged incident, rather than this person providing a first-hand account.
- **Community Impact Statement** – this statement describes to the Court the anti-social behaviour problems within an area and what it is like to live and work within the area. The purpose is to give the Court an indication of the impact of the behaviour and make the Courts aware of the effect on immediate victims and the community as a whole. Statements can be provided as stand-alone or as a professional witness statement.

The quality of evidence can be influenced by the nature of the witness' testimony and whether or not a witness can testify to matters within their direct knowledge.

Issues of the admissibility of hearsay evidence in relation to the oral testimony of a witness, statements and records will again form part of the qualitative assessment required as part of the case preparation process.

Hearsay evidence is admissible in all civil proceedings, however not telling the court the name of the person on whose behalf evidence is being presented makes it more difficult for the judge to evaluate it. If a witness is too frightened to give evidence, the court will be advised of this and given additional evidence showing the reason for such fear. This will greatly improve the value and weight of the hearsay evidence being provided.

➤ Incident Diary Sheets

In order to effectively investigate ASB complaints investigating officers need to have accurate, detailed information about what incidents have happened.

We will therefore ask customers to complete incident diary sheets, Officers should explain how to complete the diary sheets and provide the customer with an explanatory sheet. It is important that incident diary sheets contain as much information as possible and when completing diary sheets Customers should be encouraged to:-

- Try to identify people involved on each occasion. If you don't know the name of people but can describe them or know their nickname, put that down.
- Say what actually happened. For example including swear words or abusive comments in full if these were witnessed. This gives a better understanding of what happened and can be powerful evidence at court.
- It is important to include how the incident may make the customer feel and how the incident has impacted on their normal life – for example if they felt scared, depressed or has stopped their children playing out in the street.
- Provide names and addresses of any other witnesses if they were present.

Officers should agree timescales with customers for the return of diary sheets e.g. weekly, fortnightly etc. If necessary, arrangements should be made to collect diary sheets from customers. This detail should be recorded within an Action Plan on the ASB Database and regularly reviewed with the customer.

It is the investigating officer's responsibility to read and fully evaluate the content of diary sheets at the earliest convenience. This should be undertaken within a maximum of 5 working days. This will allow decisions to be made on the recorded complainants as to whether there is sufficient evidence to take action against the perpetrator.

➤ Digital Voice Recorders

Investigating Officers will offer complainants digital voice recorders as an alternative method to completing written incident diary sheets. The voice recorders will particularly assist persons with medical issues for example arthritis and/or poor eyesight or where there are literacy issues.

Officers will show customers how to use the voice recorders and issue an explanatory leaflet. Furthermore agreement will be made with the customer on the frequency (weekly, fortnightly) that recordings will be returned.

➤ **Surveillance**

The Gateshead Housing Company will use both covert and overt forms of surveillance to provide evidence to substantiate complaints. Surveillance includes the use of professional witnesses e.g. Police and CCTV cameras

Protocols have been developed with Gateshead Council in relation to the use of a rapid deployable CCTV camera. Monitoring of such cameras is carried out in accordance with **The Gateshead Housing Company Code of Practice for CCTV**.

It is acknowledged that the operation of CCTV systems and covert surveillance by professional witnesses may be considered to infringe on the privacy of individuals. As such CCTV and covert surveillance will only be used as a proportional response to identified problems and be used for the purpose of detecting crime and /or disorder.

Covert surveillance operation requests will need to be authorised by a nominated officer within Gateshead Council to ensure that they are compliant with the requirements of Regulatory Investigatory Powers Act 2000 (RIPA) as amended by the Protection of Freedoms Act 2012.

➤ **Noise Recording**

Noise related complaints are the highest reported category of ASB which TGHC investigate.

When dealing with initial complaints of noise nuisance officers will attempt to evidence complaints through either 'sit ins' at complainants properties or the use of professional witnesses (**see surveillance**) for instance local Police, TGHC officers or other partner agencies who may be requested to undertake additional patrols.

When commencing our investigation into noise complaints we will inform perpetrators that we may use several different methods including the use of recording equipment for the purposes of obtaining evidence.

The use of recording equipment will be considered on a case by case basis and usually be when investigating officers have been unable to substantiate the noise levels and where complaints continue to be received. This equipment monitors and records noise levels and will be installed within complainant's homes for a maximum period of 7 days. Advice and guidance will be given to customers on how to record incidents.

The test for 'noise nuisance' is objective and will therefore be determined by the opinion of officers who witness noise levels or listen to recorded evidence. Offers of informal approaches may also be taken to resolve noise complaints such as mediation (**see mediation**) which can be an effective tool to settle neighbour disputes. Where nuisance does not stop, legal action may be taken against perpetrators who are breaching their tenancy agreements). This can include possession proceedings or taking out injunctions (**see enforcement**). Certain cases may result in TGHC instructing Gateshead Council's Environmental Health section to seek **Noise Abatement Notices**. These Notices are available under the Environmental Protection Act 1990 and Noise Act 1996 and will set out limits on the level of noise or restrictions on the times when noise can be made. Failure to comply with the terms of the notice can

result in substantial fines, confiscation of equipment or **eviction. (See Mandatory Possession).**

Enforcement

There is a range of enforcement methods available to us to tackle anti-social behaviour when other remedies have failed or the case is so serious that enforcement action is appropriate to stop the behaviour and to protect victims and witnesses.

Choosing the right course of action must reflect the urgency and severity of the behaviour, the needs of the victim and the circumstances of the individual perpetrator. TGHC acknowledge that achieving the balance between prevention, early intervention, support and enforcement is key to producing long term sustainable solutions.

➤ Legal Services

Legal support and advice is provided to The Gateshead Housing Company by Gateshead Council's Legal Services in accordance with a Service Level Agreement (SLA). This provides accountability and allows training needs to be identified and bespoke training delivered. Where necessary potential and current witnesses can also be spoken to by legal representatives to offer clear advice and information regarding their cases, legal processes or proceedings.

The Gateshead Housing Company acknowledges that a close working relationship is essential for the effective management and progression of anti-social behaviour cases. Where any form of legal action is required the Neighbourhood Relations Team will consult Legal Services for advice at the earliest opportunity.

Legal Actions

Legal actions include possession proceedings, demotion of tenancy orders, extension to introductory tenancies, applications for injunctions and anti-social behaviour orders (ASBOs). As part of the **Safer Gateshead Partnership** TGHC will take a **Graded Response** to tackle ASB issues at the earliest opportunity using:

➤ Notice of Seeking Possession/Possession Proceedings (secure tenants and assured tenants)

Notice of Seeking Possession (NOSP), Demoted tenancy notices/Extension of Introductory Tenancies is a legal warning and can be the first step in the process to take possession of the tenancy. It informs the tenant how they have breached their tenancy and gives an indication of what they should do to put things right. The NOSP will last for 12 months and if no action is taken within that time then a further NOSP will need to be served. The Neighbourhood Relations Team will draft the NOSP in readiness for legal staff to finalise which is then served on a tenant due to anti-social behaviour.

The length of time to elapse between the serving of the NOSP and the earliest date for the start of court proceedings is at least 28 days. The court is not allowed to make an order for possession in the case of secure tenants unless Ground 2 of Schedule 2 to the Housing Act 1985 (as amended by the Housing Act 1996) is proved and the Court is satisfied that it is reasonable to make the Order as sought. The grounds relied upon must be specified in the NOSP otherwise the court cannot make an order for possession.

The type of order sought will depend on the circumstances of the case. In cases of serious nuisance, an application for an immediate Possession Order will be justified. Alternatively an Order for Postponed Possession upon appropriate terms and conditions may be sufficient. The Court also has discretion to adjourn proceedings generally for a period, which may give the Defendant an opportunity to rectify or improve the situation but unless the behaviour has improved the Council can apply to have the case restored when a hearing date will be fixed.

➤ **Mandatory Possession**

Section 94 of the Anti-Social Behaviour, Crime and Policing Act 2014 has introduced a new **absolute ground for possession** which is effective against **secure** and **assured tenancies**.

Where the ground is used the court will have to grant an order for eviction, if any of the five conditions have been satisfied (see below listed) and where relevant review procedures have been followed :-

1. The tenant, a member of the tenant's household or a person visiting the property has been convicted of a serious offence (defined in new Schedule 2A to the 1985 Act as inserted by subsection (2) of section 94 and Schedule 3 to the Act). This contains reference to where the offence is committed; or
2. The tenant a member of the tenant's household or a person visiting the property has been found by the court to have breached an injunction to prevent nuisance and annoyance obtained under section 1 of the 2014 Act (there is reference to where the breach occurred) or
3. The tenant a member of the tenant's household or a person visiting the property has been convicted for breach of a criminal behaviour order obtained under section 30 of the 2014 Act (there is reference to where the breach occurred); or
4. The tenant's property has been closed under a **Closure Order** obtained under section 80 of the 2014 Act and the total period of closure was more than 48 hours; or
5. The tenant, a member of the tenants household or a person visiting the property has been convicted of a breach of a notice or order to abate a statutory nuisance arising from noise in relation to the tenant's property under the Environmental Protection Act

Applications for mandatory possession will only be made when agreed by a Neighbourhood Relations Manager and where this is deemed necessary and proportionate to the behaviour which has occurred.

➤ **Discretionary Grounds for eviction**

Section 98 of the Anti-Social behaviour, Crime and Policing Act inserted new provisions into the 1985 and 1988 Housing Acts which allows a landlord to seek possession of a **secure** or **assured tenants** property where the tenant (or a person

living in or visiting their home) is guilty of conduct likely to cause nuisance or annoyance to the landlord, or someone employed in relation to the landlords housing management functions, where the conduct relates to or affects those housing management functions. There is no requirement for this conduct to have taken place within the locality of the tenant's home.

Section 99 introduces a further amendment whereby a landlord can seek possession of a **secure** or an **assured tenancy** when the tenant or anyone living with them has been convicted of an offence committed at the scene of a **riot** anywhere in the UK. This ground can only be used for any offences committed after 13 May 2014.

➤ **Notice of Termination – Introductory & Starter Tenants**

Introductory tenants are probationary tenants for a period of one year and are not secure tenancies. If there are no breaches of tenancy during the first year, then the introductory tenancy will convert to a secure tenancy. During the period of the introductory tenancy we are able to start proceedings without reliance on the grounds contained in the Housing Act 1985 as amended by The Housing Act 1996, although we must state the reasons for serving an Introductory Tenancy Notice and the tenant has the right to a Review. Provided that there is sufficient evidence and the reasons are highlighted properly in the Notice and the Review process has been correctly carried out then the County Court must grant an order for termination of the tenancy if proceedings have been issued. Although there are no formal grounds for possession such as those highlighted in Schedule 2 of the 1985 Act as amended to be proved, evidence will have to be presented to prove the particular alleged breach of the tenancy agreement for the panel of members to consider at any Review hearing.

➤ **Notice of Extension of Introductory tenancies**

The Housing Act 2004 set out the conditions under which the duration of an introductory tenancy may be increased by six months and the procedure by which the decision to do so may be reviewed. TGHC will be able to assess the suitability of an introductory tenant, including in cases of anti social behaviour, for an additional period. We must have served a Notice of Extension on the tenant at least 8 weeks before the last day of the 12 months trial period and the tenant must either have requested a Review of that decision or, if he has, the review decision confirmed TGHC has decided that the period for which the tenancy is to remain an introductory tenancy should be extended by 6 months. Again, as with Notice of Termination (see above) the Extension notice must set out reasons for the decision and of the time within which such a request for a review must be made. The tenant has 14 days from the date of service of the notice of extension to request a review of TGHC decision.

➤ **Withholding of Consent to Mutual Exchange**

Mutual exchanges occur when two tenants of social landlords swap homes by legally assigning their tenancies to each other. The Council's permission is required. The Council can refuse permission unless the Grounds set out in Schedule 3 to the Housing Act 1985 are met. Section 191 introduces a new Ground 2A into Schedule 3 of the Housing Act 1985. The Council may refuse an application if a specified type of injunction, an anti social behaviour order or a possession order or a demotion order is

pending against the tenant, the proposed assignee or a person who resides with either of them.

The ground for refusal of consent only exists for as long as an application for an order is pending or an order remaining in force. If an application is not granted or an order ceases to be in force the tenant has the right to apply for a mutual exchange on the same basis as any other secure tenant.

➤ **Suspending the Right to Buy**

Section 192 of the Housing Act 2004 enables the Council to seek an order suspending the right to buy for a specified period in respect of a tenancy on the grounds of anti social behaviour. The court may only grant such an order if it is satisfied that the tenant or a person residing in or visiting the property has engaged or threatened to engage in anti social behaviour (which includes using the premises for unlawful purposes), and that it is reasonable to make the order.

RTB applications can also be refused where proceedings are underway using the **discretionary ground for possession for riot related offences**.

➤ **Injunctions**

Part 1 of the Anti-Social Behaviour Crime and Policing Act 2014 replaced **Anti-Social Behaviour Injunctions (ASBI's)** with injunctions to prevent ASB. Local authorities and housing providers are able to apply for these injunctions for anyone who is 10 years of age and over. Applicants against persons aged 18 years or over must be made to the county court or High Court, whilst applications against persons under 18 years must be heard in the youth court. Consultation must take place with the **Youth Offending Team** if any injunction application is to be made against someone under the age of 18 years of age.

There are two tests for the Injunction which relate to types of behaviour and locality which is deemed as **housing** and **non housing related**

Housing –related

Where conduct is; *capable of causing nuisance or annoyance to a person in relation to that persons occupation or residential premises or where the conduct is capable of causing a **housing related nuisance** or annoyance to any person*. In addition to prohibiting certain behaviour, the injunctions may impose positive requirements. **Only social landlords, police or local authorities can apply for Injunctions under this provision.**

Under the housing related behavioural test Injunctions can be sought against perpetrators who are not tenants of the landlord making the application. The Injunction can also be used in situations where the perpetrator has allowed another person to engage in anti-social behaviour as opposed to actively causing the problems themselves. For example we may apply for an Injunction against a visitor causing the problem or the tenant of the property where the anti-social behaviour is occurring.

➤ Non-housing related

The Injunction can also be obtained for non-housing related behaviour allowing agencies including; the local authority, Police, NHS protect and the British Transport Police to apply for an Injunction where the anti-social behaviour has occurred in a public place, such as a town or city centre or local amenity e.g. shopping centre or park. This will be applicable where the behaviour does not affect the housing management function. However for applications to be successful they must satisfy the test that that the conduct has caused or is likely to cause; **harassment, alarm and distress** to any person

Where there are incidents of violence or the significant risk of harm, the Court may exclude a perpetrator over the age of 18 from any premises or an area specified within the terms of the injunction. This can include their home, where the Court thinks that the anti-social behaviour includes; *“the use, or threatened use, of violence against other persons, or there is a significant risk of harm”*. The word harm is defined in section 20 of the legislation as including “serious ill-treatment or abuse, whether physical or not” – which means that it could include emotional or psychological harm, such as harassment or racial abuse.

A Power of Arrest can be attached to any prohibition or requirement within the Injunction, except a positive requirement for example that the perpetrator engages with particular support or activities. A court can only grant a power of arrest if:

- the anti-social behaviour in which the respondent has engaged or threatened to engage, consists of or includes the use or threatened use of, violence against other persons or;
- there is a significant risk of harm to other persons from the respondent.

We will fully consult with partner agencies to ensure that positive requirements are tailored to address any underlying cause of anti-social behaviour. Further any application for an Injunction, will be referred to the **ASB Panel**. This will ensure all agencies have been consulted on proposed terms and can appropriately share relevant information regarding an individual’s circumstances. Where there is serious anti-social behaviour such as violence or an urgent need to seek injunctive relief we reserve the right to apply without notice to partner agencies or to the perpetrator.

Injunctions can be for a fixed or indefinite period for adult perpetrators, for those under 18 years of age the prohibitions or requirements must have a specified time limit.

The penalty for breach of an Injunction is not a criminal offence; however breach for adults is dealt with by civil contempt of court, which is punishable by up to two years in prison or by unlimited fine. For under 18’s breach proceedings are heard at the Youth Court and could result in a supervision order with supervision, curfew or activity requirement. In most serious cases where the court determines there is no other power available then a detention order may be imposed.

As the Injunction is a civil order, hearsay and professional witness evidence is admissible to allow the identities of those who are unable to give evidence due to fear or intimidation, to be protected.

➤ Demotion Order

If a tenant behaves anti-socially, or allows a member of their household or visitors to do so, we can apply to the court for a demotion order ending the tenant's existing tenancy and replacing it with a less secure demoted tenancy. This removes the tenants Right to Buy and security of tenure for at least one year.

Before applying for a Demotion Order we will give secure tenants at least four weeks written notice and two weeks written notice for assured tenants to appeal against the application to demote their tenancy.

The Anti-Social Behaviour Act 2003 requires that courts give particular consideration to the impact of anti-social behaviour on victims, witnesses and the wider community in all nuisance related housing possession cases. In addition to applying for demotion of tenancy TGHC may also apply for a civil order or injunction alongside demotion. This may be for cases where it is hoped to bring an immediate effect and protect individuals or communities from further ASB.

If at the end of a 12 month period TGHC are satisfied the tenant's conduct is acceptable and there has not been a need to serve a notice to seek possession then the demoted tenancy will revert to either a secure or assured tenancy (**see assured tenancy**).

➤ Criminal Behaviour Orders (CBO)

A Criminal Behaviour Order can be sought via a prosecution by the Criminal Prosecution Service (CPS) or in some cases the council, when an individual has been convicted of a criminal offence. The minimum term is two years and there is no maximum. Breach is a criminal offence punishable with up to 5 years imprisonment for adults. Positive requirements can also be included by the court if it is satisfied that the provisos are both suitable and enforceable.

The order represents a significant change to the repealed anti-social behaviour order on conviction in that local authorities can apply directly for the prosecution without requesting permission from the police. However social landlords other than local authorities may not apply for a CBO.

A court can make the order to a person over the age of 10 if satisfied that; ***the offender has engaged in behaviour that has caused or is likely to cause, harassment alarm or distress to any person. And that the court considers that making the order will assist in preventing the offender from engaging in such behaviour.*** The standard of proof is the criminal standard of 'beyond reasonable doubt'.

In accordance with partner agencies within the Safer Gateshead partnership, TGHC will seek to ensure that applications for CBO's are reasonable and proportionate to the behaviour occurring. This view will take into account that

that the conditions of an order should not be used to stop reasonable, trivial or benign actions that do meet the definition of anti-social behaviour

In cases where an offender is convicted of an offence but is awaiting sentencing or the CBO hearing is adjourned after sentencing then an **interim order** can be granted if the court is satisfied it is just to do so.

Orders can include both positive requirements and prohibitions which must be made expressly clear. Terms included in the Order should aim to tackle the underlying cause of the anti-social behaviour. TGHC along with our partners will fully consider that where possible any terms do not interfere with an offender's work, education or caring responsibilities. Also in the event that the defendant perpetrator has any disability, whether he or she is capable of complying with the proposed requirement or prohibitions.

Compliance with CBO's will be monitored by the **ASB Panel** and where appropriate through the use of **publicity**

Breach of the CBO is a criminal offence and the court has the power to impose serious penalties on conviction:

- On summary conviction in the magistrates court a maximum six months imprisonment
- On conviction of indictment in the Crown Court; a maximum of five years in prison; a fine or both

Hearings for those under 18 will take place in the Youth Court where the maximum sentence is a two year detention and training order.

Subject to any change in behaviours a CBO may be varied or discharged by the Court which made the original order; this action can be brought by either the defendant or prosecution. However should this be dismissed by the court neither can make a subsequent application without the consent of either the court or the other party.

Where an order is made against someone under 18 years of age, there is a requirement to conduct annual reviews. A review must take into account;

- the extent to which the offender has complied with their order
- the adequacy of any support available to help them comply with the order
- anything else relevant to the question of whether an application should be made to vary or discharge the order

Responsibility to carry out a review is held by the Police with a requirement to act in co-operation with the council, although other partners such as the Youth Offending team may be invited to take part

➤ **Community Protection Notices**

Chapter 1 of Part 4 of the Anti-Social Behaviour Crime and Policing Act 2014 introduced Community Protection Notices (CPN's). These notices are intended to

deal with particular, ongoing problems or nuisances which negatively affect the community's quality of life by targeting the person responsible. The notice will direct the individual, business or organisation responsible to stop causing the problem and it could also require the person responsible to take reasonable steps to ensure that it does not occur again.

The power to issue a notice will be available to police officers (and police community support officers (PCSOs) if designated by the chief constable), authorised persons within the local authority and staff of registered providers of social housing (if designated by the relevant local authority).

The notice must clearly state what the behaviour or action is that is having a detrimental effect on the quality of life of those in the local community. It could also include what action is required from the individual and must outline the consequences of not complying. The requirement(s) set out in the notice could include a requirement to desist from a specified action or behaviour, a requirement to make reasonable efforts to make good any outstanding issues within a specified period of time and/or a requirement to take reasonable steps to prevent future occurrence of the behaviour or problem.

Breach of any requirement in the notice, without reasonable excuse, would be a criminal offence, subject to a fixed penalty notice or prosecution. On summary conviction an individual would be liable to a fine not exceeding level 4 on the standard scale (currently set at £2,500). An organisation is liable to a fine of up to £20,000. On conviction, the magistrates' court would also have the power to order forfeiture and destruction of any item used in the commission of the offence. An alternative to prosecution would be for the relevant agency to make good any damage itself, and recover the costs of doing so from the person concerned.

Issuing a community protection notice (CPN) does not discharge the council from its duty to issue an **Abatement Notice** where the behaviour constitutes a statutory nuisance for the purposes of Part 3 of the Environmental Protection Act 1990 (**See noise recording**). A statutory nuisance is one of the matters listed in section 79(1) of that Act that, given all the surrounding circumstances, is judged to be 'prejudicial to health or a nuisance'.

➤ **Public Spaces Protection Orders (PSPO's)**

Public spaces protection orders are intended to deal with a particular nuisance or problem in a particular area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. The order could also be used to deal with likely future problems.

Only a local authority could issue the order, and before doing so, they must consult with the chief officer of police, the Police and Crime Commissioner and any representatives of the local community they consider appropriate. The test for issuing the order will be that the local authority reasonably believes that the behaviour is detrimental to the local community's quality of life, and that the impact merits restrictions being put in place. The behaviour must also be ongoing or persistent (or there must be a reasonable belief that future behaviour will be ongoing or persistent).

The order must clearly state what behaviour it is seeking to prevent, what the prohibitions or requirements are in the specified area (which the local authority reasonably believes will remedy the problem), the specified area itself and the consequences of not complying. The order must be in writing and it must be published. Reasonable signage should be put up in the areas affected. The order could last for up to three years and could be renewed before the three year time period expired.

Breach of the order without reasonable excuse would be a criminal offence, subject to a fixed penalty notice or prosecution. On summary conviction, an individual would be liable to a fine not exceeding level 3 on the standard scale (currently set at £1,000). Any person who consumes alcohol in an area where this has been prohibited could be required to hand over any containers believed to contain alcohol. Failure to comply would be a criminal offence which on summary conviction means an individual is liable to a fine not exceeding level 2 on the standard scale (currently set at £500). If alcohol is confiscated, it can also be disposed of by the person who confiscates it.

➤ **Closure of Premises associated with nuisance and disorder**

Part 4 Chapter 3 of the Anti-Social Behaviour Act merges four previously available powers (Section 161 Closure Notices; local authority temporary closure notices for noise nuisance; Crack House Closure Orders and ASB Premises Closure Orders) into a single measure whereby local authorities or the Police can apply for a Closure of Premises Associated with Nuisance or Disorder. The new power can be applied to licensed and non-licensed premises which are causing, or are likely to cause, anti-social behaviour.

Before issuing the notice, the police or local authority must consult any person or agency they consider appropriate, and must also make reasonable efforts to inform the owner, landlord, licensee and anyone who appears to be residing in the premise (section 76(6) and (7)). The police or local authority must also take into account any special considerations arising from the presence, or likely presence, of any children or vulnerable adults on the premises.

When a closure notice is issued the Police or local authority must apply to the Magistrates Court for a Closure Notice. A subsequent application must be heard within 48 hours of the closure notice being issued. The Court can make a disclosure order for a maximum period of three months, if it is satisfied that; a person has engaged in disorder, anti-social or criminal behaviour on the premises (or that such behaviour is likely if the order is not made) or the use of the premises is associated with disorder or serious nuisance to members of the public; and that the order is necessary to prevent the continuation or occurrence of such behaviour. Unlike a closure notice, a closure order can prohibit access to anyone, including the landlord, owner or habitual residents.

A person found guilty by remaining or entering the premises is liable on conviction to imprisonment not exceeding 51 weeks or a fine not exceeding 5 on the standard scale.

Consultation on Orders will occur at the ASB Panel where members will consider whether the order is proportionate and ensuring that any actions taken do not result in displacing problems to other areas. This will also ensure that all other anti-social behaviour interventions have been considered and/or applied to change behaviour also that any implications for children or vulnerable adults in the household have been carefully considered.

Protection of Employees

Unfortunately our employees in the course of their duties are occasionally threatened, abused or harmed when tackling anti-social behaviour. It is therefore important that staff do not take risks when responding to a neighbour complaint, especially when there is violence or threats of violence. The very nature of the work and emotive issues that are involved in complaints investigation coupled with the need for out of hours working on some occasions, means that staff can be vulnerable. The Gateshead Housing Company has a specific '**Accident & Violent Incident reporting System**' and staff must be fully aware of the procedures to reduce their vulnerability.

It is a breach of the Tenancy Agreement to 'threaten violence, domestic violence, or be violent towards anyone living in or visiting the home. This includes employees of the Council, The Gateshead Housing Company or their partners/agents or councillors.' The Gateshead Housing Company will not tolerate this behaviour and will take enforcement action against any tenant or residents who display this behaviour.

➤ **Warning Alerts**

TGHC operates a warning alert system in line with the Data Protection Act 1998 and the Health & Safety at Work Act 1974.

The warning alert system is used to record information about individuals whose behaviour, actions or attitudes are potentially harmful, this includes dangerous animals.

All requests to apply warning markers are assessed by Neighbourhood Relations Team Managers who will decide on whether it is appropriate to apply a warning marker. Warning Alerts will also be reviewed in line with our **Warning Alert procedure**.

➤ **Training and Support for Staff**

Responding to anti-social behaviour can be stressful, particularly when spending time with distressed or abusive tenants. In such cases officers do have the opportunity to talk through their feelings and concerns about a case before making decisions. Senior Officers are responsible for ensuring and reviewing that the necessary support systems are in place.

The Gateshead Housing Company is committed to having motivated, committed and trained staff to effectively deal with anti-social behaviour. All officers receive regular supervision meetings (appraisal and one to one) with their line manager, and training and development is a core part of this. All front line officers have also been issued with detailed 'Guide to Your Roles', which provides clear guidance on how to deal with ASB and what standards are expected.

All new employees are trained in relation to reporting ASB incidents as part of their Induction to the Housing Company. Furthermore compulsory training is provided in relation to conflict resolution. Yearly training plans are in place and training in this area of work is delivered through a variety of mechanisms, such as external practitioner seminars and courses, in-house training, sharing best practice from other

organisations etc. We will also carry out joint training with partner agencies to ensure we can deal with and respond more effectively to all aspects of ASB.

Equality and Diversity

Our employees 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 individual or group is discriminated against directly or indirectly. Further we aim to ensure that we are able to tailor our services appropriately to the different needs of our customers and that there are no barriers preventing customers from reporting incidents to us.

Hate Crime Awareness Training is also delivered to investigating officers on an annual basis to provide an understanding of the particular vulnerabilities of some customers to harassment. Harassment on racial or sexual grounds, for example, needs to be handled very differently from neighbour disputes in order that appropriate support can be put in place. The Gateshead Housing Company in partnership with Gateshead Council has in place a policy with respect to Hate Crime which incorporates harassment or crime associated with race, faith and religion, sexual orientation, disability and transgender issues.

- **Race:** Any incident which is perceived to be based on prejudice towards or hatred of a person because of their ethnic background, national origin or skin colour.
- **Religious:** Any incident, which is perceived to be based upon prejudice towards or hatred, of the religion and belief of a person(s) or place of worship.
- **Homophobic:** Any incident, which is perceived to be based upon prejudice towards or hatred of, lesbians, gay men or bisexual people
- **Transphobic:** Any incident which is perceived to be based upon prejudice or towards or hatred of transgender.
- **Disability:** Any incident which is perceived to be based upon prejudice towards or hatred of the victim because of their impairment (also people with learning difficulty and/ or mental and emotional distress).

We further recognise victims may be targeted due to association, or their perceived membership of any of the above groups.

Equality and Diversity awareness is also important in enabling officers to understand the barriers experienced by some tenants in accessing services and support (e.g. tenants with disabilities).

Through use of our customer profile data and local knowledge we will be sensitive to individual's needs and where appropriate offer services tailored to customer's needs, such as interpreting services, language line facilities, same sex interviews, sensory support services etc.

Monitoring Performance and Customer Satisfaction

We record and monitor all cases of anti-social behaviour, which are reported to us. This allows us to establish levels and types of anti-social behaviour and any trends e.g. increased reported incidents within an area or frequency of a particular type of ASB. Regular monthly meetings are held between responsible officers to review the quality of case investigation, consider the length of time the case has been open and discuss what actions should be taken to progress the case.

This system of recording and monitoring allows us to make comparisons (**see Benchmarking**) and improve on our service delivery in relation to effectively tackling such incidents. This information is reported to the Company's Board members via the Customers and Communities Committee and performance information is produced and reported to our tenants and leaseholders. We also share this information with the council and other agencies to work in partnership when tackling anti-social behaviour.

We will also measure our performance and tenants and leaseholders priorities through:

- Tenants/leaseholders surveys
- ASB case satisfaction surveys
- In Your Neighbourhood survey
- ASB Service Improvement Groups
- Focus groups
- Involvement days
- Partnership events

We will evaluate any initiatives that we introduce to tackle anti-social behaviour, with an emphasis on value for money, and embedding examples of best practice and learning within our service delivery.

Performance Indicators are used to measure our delivery, which is reported to the Company's Customer and Communities Committee. Key Priority Indicators and targets in relation to tackling nuisance and anti-social behaviour have been developed within our ASB Strategy and supporting action plan. Progress against the action plan is reported on a quarterly basis to the Customer and Communities Committee and further shared with the ASB Service Improvement Group (SIG).

➤ **Benchmarking**

The Gateshead Housing Company record ASB data on a quarterly basis for the purposes of benchmarking ASB performance against similar sized social landlords. This is recorded on the Housemark website (<http://www.housemark.co.uk>) which allows the Housing Company to compare trends with other authorities in tackling ASB in relation to volume and type of ASB, interventions used successful resolution rates and complainant's satisfaction levels. We further benchmark with other organisations to ensure we monitor the costs of managing ASB and provide value for money services.

For Further Information on Reporting ASB –please TGHC website – www.gatesheadhousing.co.uk and leaflet ‘Neighbourhood Nuisance’

Appendix One

Customer Guidance

‘Reporting Anti-Social Behaviour’

Appendix One – ASB procedures

Customer Guidance

Contacting the Gateshead Housing Company to report anti-social behaviour:

The Gateshead Housing Company will actively promote the reporting of incidents of anti-social behaviour, through our leaflets, web site, newsletters and local press.

Customers can inform TGHC about anti-social behaviour in several ways:

- during a visit to any of our offices
- at a home visit
- by letter
- by e-mail
- via The Gateshead Housing Company website
- by telephone
- via Text message
- via a third party such as a Local Councillor, MP or advocate.
- via another agency, such as social services, education welfare etc.

The complaint does not have to be in writing. When the complaint has been made we will take details from the person making the report this i.e. name, address and contact telephone numbers and details about the issue. The complainant will then be advised what timescale the complaint will start to be investigated within. (See **ASB Case Priorities** for response times).

What can I do if I am having problems with my neighbours?

Neighbour nuisance problems are common. However, most can be resolved quickly and easily, without causing undue stress or upset.

- Many problems can be prevented by talking to the other party e.g. telling a neighbour about a party or plans for DIY/home improvement works.
- The first step to resolve a dispute may be simply talking to the neighbour. Sometimes if the first they hear about a problem is from us, or the Police, it can make matters worse.
- If the complainant feels unable to talk to their neighbour, then the complaint must be reported as quickly as possible to the local housing office. This may stop it getting worse.

What will we do?

This really depends upon the severity of the situation.

- We will advise the complainant if we are able to take action to help.
- A case will be opened on the ASB Database ensuring that all documents and evidence are recorded and monitored. We may also refer to other agencies that may be able to assist in resolving the problem.
- Each case will be dealt with individually and advice is available for investigating officers from neighbourhood relations officers or relevant managers
- At first we may ask the complainant to try to resolve the matter with their neighbour themselves.
- If that fails or the complainant feels unable to approach their neighbour, we will investigate the complaint, and we may ask the complainant to provide supporting evidence.
- This may be done by giving a statement or completing diary sheets, giving details of incidents.
- If the complainant is unwilling to make a statement, the options may be limited
- We will not disclose details of the complainant to anyone without their consent.
- If we are unable to help, we will tell the complainant why, and where possible inform them of other agencies such as the Police, who may be able to help.
- Cases involving serious risk of harm may be referred to Neighbourhood Relations Team (NRT) and Northumbria Police for investigation from the outset.
- We may interview neighbours/perpetrators to try to stop the problems. If appropriate this could lead to formal actions being taken and these will be proportionate to the evidence held.
- Our investigations could involve the use of noise monitoring equipment, 'professional witnesses', CCTV, estate patrols and taking photographic evidence.
- We may consider the use of an Acceptable Behaviour Agreement (ABA). This is where an individual enters into an agreement with us not to behave in a way, which causes nuisance or annoyance to others. This is voluntary and not legally binding, but can be very effective in stopping the nuisance behaviour.
- We will work with the Council and other agencies that may be able to offer advice and support in resolving issues. This could include referrals to other support agencies or diversionary activities. Examples of this include Youth Offending Teams, Youth Crime Preventions teams, Probation service, police, supported tenancy schemes, social services etc.

- With the complainant's consent, we may also refer the case for mediation or restorative based approaches if this is appropriate.
- Taking legal action often requires a high level of supporting evidence. The complainant may also be asked to be a witness at court. We will support the complainant and guide them through this process. The possible outcomes of legal proceedings will be explained to them, but the Judge will make the final decision.
- We can also work with Gateshead Council and Northumbria Police to obtain a civil Injunction against anyone causing a nuisance or intimidation to witnesses.
- At any stage in the investigation the situation may be resolved. Once a situation has been resolved we will monitor the case for an agreed period of time to ensure that problems do not reoccur. The case should only be closed following consultation with the complainant.
- We will write to the complainant to advise them for the reasons for closing their case.
- When the case has been closed we may ask the complainant to complete a satisfaction survey, for feedback on the service. This will assist us to improve and develop our procedures and practices.

How Can you help Us?

By providing as much information as possible

By completing incident diary sheets and returning these promptly

By providing video or photographic evidence if appropriate

By being prepared to attend County Court

