



Statement of Policy and Procedures for Antisocial Behaviour.

Updated March 2022.

## CONTENTS

	<b>Part one- Policy</b>	<b>Page Number</b>
1	Introduction	3
2	Statement of Intent	4
3	Definition of Antisocial Behaviour	4
4	Community Safety Team- remit and approach	5
5	Hate Crime, Incidents and Harassment	5
6	Racial Harassment	6
7	Safeguarding	6
8	Tools available to combat Antisocial Behaviour	6
9	Criminal Behaviour Order	9
10	Supporting Victims and Witnesses	10
11	Prevention and Early Intervention	11
12	Rehabilitation of perpetrators and support for vulnerable groups	11
13	Dealing with Antisocial Behaviour in the Private Rented Sector	12
14	Selective Landlord Licencing	13
15	Multi-Agency Partnerships	13
16	Human Rights Act	14
17	Data Protection/GDPR	14
18	Publicity	15
19	Confidentiality	16
20	Staff Training	16
21	Protection of staff	16

	<b>Part two- Procedure</b>	<b>Page Number</b>
22	Purpose of Procedure	17
23	Scope	17
24	Service Standards	17
25	Antisocial Behaviour Process	18-21
26	Victim and Witness Support	21
27	Case Closure	21
28	Working Procedure	22
29	Review	23

	<b>Part Three- Appendices:</b>
1	Relevant Legislation
2	ASB Pathway
3	Community Trigger procedure
4	Trigger flowchart

## Part one - Policy

### 1. Introduction

This document sets out Middlesbrough Council's approach to the issues of neighbour nuisance and antisocial behaviour. It should be seen in the context of a range of other preventative measures and initiatives, mainly arising from the Crime and Disorder Act 1998, and the Antisocial Behaviour, Crime and Policing Act 2014.

It focuses on how we deal with incidents of antisocial behaviour, the support offered to victims and landlords, prevention, intervention, and the enforcement mechanisms currently available.

Graffiti, rowdy behaviour, vandalism and threatening or noisy neighbours can seriously diminish the quality of life for individuals or whole communities. The Home Office estimates that antisocial behaviour costs public services across England and Wales £3.4 billion each year.

Antisocial behaviour legislation has given local authorities and partner agencies a raft of powers, ranging from Civil Injunctions to Public Space Protection Orders and Closure Orders enabling agencies to effectively tackle antisocial behaviour. A fundamental part of this approach has been to ensure local agencies do more to respond to community concerns, for example, the introduction of Neighbourhood Policing. Increased joint working and the use of tools and powers, coupled with effective publicity, are giving communities and agencies in Middlesbrough the confidence to take a zero tolerance approach to antisocial behaviour.

This policy also supports the Middlesbrough Community Safety Partnership strategic priorities;



## **2. Statement of Intent**

Middlesbrough Council believes that all residents, visitors and businesses are entitled to live and trade peacefully, without harassment or fear. It is the aim of this policy to reduce nuisance, antisocial behaviour and disorder, giving all residents of Middlesbrough the right to quiet enjoyment of their homes and to also enhance the vitality of Middlesbrough as a commercial centre.

Middlesbrough Council is also committed to work with partners to:

- create safe and sustainable communities by actively tackling all forms of antisocial behaviour
- have a procedure that reflects policy guidelines, which has clear lines of responsibility, is easy to follow and accessible for staff
- ensure residents are given proper guidance on their rights to live in a peaceful environment, and the options available should they fall victim to antisocial behaviour
- encourage residents to report incidents of antisocial behaviour
- work with and support residents, other agencies and the Police to address problems of criminal and antisocial behaviour
- investigate all complaints of nuisance and antisocial behaviour, take prompt and firm action, using the powers available ranging from enforcement, through to preventative and rehabilitation measures
- share information with the Police and other relevant agencies, regarding criminal and antisocial behaviour operating within GDPR guidelines
- fully support local residents and witnesses who fall victim to antisocial behaviour
- acknowledge all complaints within 3 working days. However, serious incidents involving threats and/or violence, or Hate based harassment must also be reported to Police to ensure an appropriate timely response.

## **3. Definition of Antisocial behaviour**

The Crime and Disorder Act 1998 defines it as acting in a way that causes, or is likely to cause, harassment, alarm or distress to a person not of the same household as the perpetrator. There may be a fine line between antisocial behaviour and disputes between neighbours over relatively minor inconveniences. Antisocial behaviour is persistent behaviour and can include:

- intimidation through threats of, or actual violence
- harassment, including hate incidents
- verbal abuse/foul language
- abusive behaviour aimed at causing distress or fear in certain people, for example elderly or vulnerable residents
- noise
- littering/rubbish dumping/fly tipping
- drug dealing & prostitution
- vandalism, property damage and graffiti
- alcohol and drug misuse
- intimidating gatherings of people in public areas
- aggressive begging

- motorbike nuisance
- abandoned vehicles
- stray dogs

#### **4. Community Safety Team Remit and Approach**

The team work to make neighbourhoods safer and stronger by utilising a range of statutory and non-statutory measures to resolve antisocial behaviour, reduce crime, and the fear of crime. Officers work closely with the victims, perpetrators and their families to address unacceptable behaviour and ensure that parents take responsibility for the behaviour of their children.

The community safety teams cover the whole of Middlesbrough in conjunction with the neighbourhood policing areas. Neighbourhood Safety Wardens and Neighbourhood Safety Officers are patch based consisting of several wards each across the town. Officers deal with all reports of nuisance and antisocial behaviour.

The teams gather and receive intelligence and evidence from a variety of sources, i.e. resident diary sheets, Ward Members, Police AS13 data and Neighbourhood Safety Warden incident reports. As front line officers they will quickly identify emerging trends, hotspot locations and perpetrators responsible. As a result, the team play a crucial role in the Active Intelligence Mapping (AIM) process where officers are often identified as “problem owners” due to their co-ordinated multi-agency approach when tackling the issues.

The team work on a tenure-blind basis, dealing with private rented and housing association tenants, as well as owner-occupiers. They also work in close partnership with the Thirteen Group Housing Enforcement Team. The Council generally take the lead on all “gang nuisance” cases across the town.

Our antisocial behaviour process includes warning letters, interviewing the perpetrators and parents of those under 18 years, jointly with the Police, signing them up to Acceptable Behaviour Contracts, and working closely with officers from other agencies, making referrals wherever possible i.e. YOS, Early Help, Drug and Alcohol services and Social Care.

Whilst enforcement action such as fines are used to change behaviours we also have other enforcement action to deal with the most persistent and serious cases, (Civil Injunctions, Criminal Behaviour Orders, Closure Orders and Evictions), however this is seen as the last resort, as officers work with perpetrators to access support services when required and also encourage perpetrators to become involved in diversionary activities. In addition the team work closely with Community Payback to ensure offenders carry out reparation work in the identified hotspot locations.

#### **5. Hate Crime, Incidents and Harassment**

Any crime or incident where the perpetrator is motivated by hostility or demonstrates hostility towards the victim’s race, religion, sexual orientation, disability or transgender identity is deemed a Hate Crime or Incident.

The victim of a hate crime or incident does not have to be a member of a minority group or someone who is generally considered to be a “vulnerable person”. The Council will apply the same procedure used for Hate harassment where reports of this nature are received.

## **6. Racial Harassment**

Racial harassment is verbal or physical aggression towards individuals or groups because of their colour, race, ethnic or national origin, and includes attacks on property as well as people. Examples of racial incidents are:

- assault and physical violence
- verbal racist abuse ranging from jokes to offensive remarks and comments
- racist graffiti in any form
- objects being thrown at people or their property
- offensive mail
- racist literature
- intimidation on grounds of race or colour

Middlesbrough Council believes that all residents regardless of race, nationality or ethnic origins have the right to be, and feel safe at home and in public areas. The Council is therefore committed to combatting racial harassment and to pursuing a zero tolerance approach. We are also committed to working together using a multi-agency approach to ensure that racial incidents are reported to the Police and monitored through the Hate Crime group.

## **7. Safeguarding**

The Community Safety Team receives regular training in order to raise their awareness of safeguarding and child protection issues.

Officers will endeavour to safeguard the welfare of children and young people by protecting them from neglect, physical, sexual and emotional harm whilst using our services. All suspicions and allegations of abuse will be reported to Children’s Services as appropriate.

Any concerns around the safeguarding of vulnerable adults will be discussed with the Safeguarding Vulnerable Adults team, Middlesbrough Council.

## **8. Tools Available to combat ASB**

Antisocial behaviour causes harm to individuals and the community and must be stopped as soon as possible, when the minimum harm has been caused.

The goal of any action is to:

- protect victims, witnesses, and the community
- enable the perpetrator to understand the consequences of their behaviour
- ensure the perpetrator changes their behaviour.

Measures that can be used by the Community Safety Team and other agencies include:

- warning letters, joint interviews (with parents and perpetrators), contracts and agreements
- fixed Penalty Notices and penalty notices for disorder
- parenting Orders, Noise Abatement Notices, Civil Injunctions, CPN's, Public Space Protection Orders (PSPO) and Criminal Behaviour Orders for offenders with criminal behaviour linked to antisocial behaviour
- closure Orders
- assisting landlords with possession proceedings against a tenant.

Action may be initiated by a number of agencies including the Police, the Council, registered social landlords, private landlords and housing trusts.

### **Acceptable behaviour contracts (ABCs)**

ABCs are non-legally binding written contracts between one or more local agency and someone who has behaved antisocially. The contract outlines what that person should or should not do. They are often used with children but can equally be used for adults, when a warning has been unsuccessful.

### **Criminal Behaviour Orders (CBOs)**

The Criminal Behaviour Order (CBO) is available on conviction for any criminal offence in any criminal court where antisocial behaviour has also been caused. The order is aimed at tackling the most serious and persistent offenders where their behaviour has brought them before a criminal court.

### **Civil Injunction**

The injunction under Part 1 of the Antisocial Behaviour, Crime and Policing Act 2014 is a civil power which can be applied for to deal with antisocial individuals. The injunction can offer fast and effective protection for victims and communities and set a clear standard of behaviour for perpetrators, stopping the person's behaviour from escalating. Although the injunction is a civil power, it is still a formal sanction and many professionals will want to consider informal approaches before resorting to court action, especially in the case of under 18s.

### **Closure Order for Antisocial Behaviour**

The Closure Order power is a fast, flexible power that can be used to protect victims and communities by quickly closing premises that are causing nuisance or disorder. The power comes in two stages: the Closure Notice and the Closure Order which are intrinsically linked. The closure notice can be used by the Council or the Police out of court. Following the issuing of a Closure Notice, an application must be made to the magistrates' court within 48 hours for a Closure Order, unless the Closure Notice has been cancelled.

### **Public Space Protection Orders**

Public Space Protection Orders (PSPOs) 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. Failure to comply with a PSPO condition is an offence, and for this a Fixed Penalty Notice (FPN) may be issued. PSPOs can be enforced by Police Officers, Police Community Support Officers or any Officer designated by the Local Authority for example; Street Wardens. If you breach a PSPO, you could receive the following penalties:

- A £25 fine on the spot, known as a Fixed Penalty Notice

- A fine of up to £1,000 if the charge goes to court

The PSPO is designed to ensure the law-abiding majority can use and enjoy public spaces, safe from antisocial behaviour.

### **Police Accreditation**

The Neighbourhood Safety Wardens have been granted delegated powers from the Chief Constable as part of the Police Accreditation Scheme. This will give wardens additional powers that they can utilise anywhere in Middlesbrough. These powers include:

- Power to issue penalty notices for disorder
- Power to issue fixed penalty notices for cycling on a footpath
- Power to issue fixed penalty notices for graffiti and fly-posting
- Power to require giving of name and address
- Power to deal with begging
- Power to require name and address for anti-social behaviour
- Power to require persons aged under 18 to surrender alcohol
- Power to seize tobacco from a person aged under 16
- Power to stop cycles

### **Dispersal of groups**

The dispersal power is a flexible power which the Police can use in a range of situations to disperse antisocial individuals and provide immediate short-term respite to a local community. The power is preventative as it allows an officer to deal instantly with someone's behaviour and nip the problem in the bud before it escalates. In areas where there are regular problems, the Police should work with the Council to find sustainable long-term solutions. In all instances, the impact on the local community should be considered before using the dispersal power.

### **Community Protection Notice**

The Community Protection Notice (CPN) is intended to deal with particular, ongoing problems or nuisances which negatively affect the community's quality of life by targeting those responsible. A CPN can be issued against any person aged 16 or over or a body, including a business. Where a body is issued with a CPN, it should be issued to the most appropriate person. In the case of a small business, it could be the shop owner, whereas in the case of a major supermarket it could be the store manager. The issuing officer will have to be able to prove that the person issued with the CPN can be reasonably expected to control or affect the behaviour. Failure to comply with a CPN is an offence, and for this a Fixed Penalty Notice (FPN) may be issued. Depending on the behaviour in question, the issuing officer could decide that an FPN would be the most appropriate sanction. The FPN can be issued by a Police Officer, PCSO, Council Officer or, if designated, a social landlord. In making the decision to issue an FPN, the officer should be mindful that if issued, payment of the FPN would discharge any liability to conviction for the offence.

An FPN should not be more than £100 and can specify two amounts, for instance, a lower payment if settled early, say within 14 days. In order to allow the individual time to pay the FPN, no other associated proceedings can be taken until at least 14 days after the issue.

### **Noise Abatement Notices**

A Noise Abatement Notice requires the abatement of noise nuisance, or prohibits or restricts its occurrence or recurrence. They can also require a person to carry out works, and/or take other steps to stop the noise nuisance. The Council can also undertake the works to prevent further nuisance if the recipient of the notice fails to do so, e.g. seizing the noise making equipment. A notice must be served if the local authority is satisfied that a nuisance is likely to exist, occur or reoccur.

### **Parenting Contracts**

Parenting contracts are voluntary agreements made between local agencies and a parent or parents. They set out what parents will do to address the antisocial behaviour of a child or children for whom they are responsible. Contracts may contain an agreement to attend a parenting programme, or to ensure that a child attends school regularly. They are often made between schools or local education authorities with the parent(s) of a child who has truanted or been excluded from school.

### **Parenting Programmes**

A parenting programme teaches parents techniques to improve their child's behaviour. They can be used at the first sign of problems, for example when a warning about a child's behaviour is first given. The programmes focus on teaching parents skills to remedy the causes of problem behaviour by building a relationship with the child, use of praise and incentives and establishing consistent boundaries, with 'time out' for infringements. They are delivered by a range of organisations including the NHS, schools, children's centres and Youth Offending Teams.

### **Penalty notices for disorder**

Penalty notices for disorder (PNDs) are one-off fines which can be issued on the spot for a range of low-level disorder offences such as throwing fireworks, being drunk and disorderly and causing harassment. They can be issued by the Police, Police Community Support Officers and accredited Wardens to anyone over 16 years old, and attract penalties of £50 or £80 depending on the offence.

## **9. Criminal Behaviour Order (CBO) Consultation**

This section describes the arrangements agreed between Middlesbrough Council and Cleveland Police in relation to Criminal Behaviour Orders. It also facilitates the involvement of other agencies and services thought to have relevant knowledge of individuals. The services with the relevant knowledge within the local authority include the Neighbourhood Safety Team (NST), Youth Offending Service (YOS), Adult or Children's Safeguarding and Early Help services may be asked to contribute on an, "as and when" basis. The arrangements are designed to assist relevant agencies in the proper and effective exercise of their power to apply for an Order and establish an agreed consultative process.

The Criminal Behaviour Order was established in the Antisocial Behaviour, Crime & Policing Act 2014. This Act places a statutory responsibility for reducing crime and disorder on the Police and Local Authority. Criminal Behaviour Orders (CBOs) are one of the tools which can be used for that purpose.

The lead agency (Local Authority or Police) seeking the Order will need to establish the extent of the problem. It is a requirement of the consultation process that evidence is produced to the effect that all reasonable means of resolving the situation have been tried.

Where an order would cross the boundaries of an adjacent local authority or Police area, consultation should take place between all parties concerned. The area that initiates the process will take the lead.

If the individual is under the age of 18 years, a consultation with the Youth Offending Service should always take place, with a specific request that they contact the key agencies involved with young people in the area and work towards resolving the antisocial behaviour with the individual.

The reason for consultation with other agencies as above is to obtain the background history of individuals and families in order that an informed decision can be made as to the type of action that is appropriate. For example, does the defendant have a medical condition, which may contribute to their behaviour, or has the family suffered a crisis, which may explain the behaviour.

## **10. Supporting victims and witnesses**

Antisocial Behaviour is a blight on our communities and can devastate the lives of those it affects. In extreme cases people have lost their jobs and have been forced to move from their homes. Whilst these are serious examples of the damaging impact of Antisocial Behaviour, for the vast majority of people their health and the well-being of their families are adversely affected by their experiences.

The Neighbourhood Safety Team is committed to supporting victims of antisocial behaviour. We ensure all complaints are investigated promptly and it is imperative that residents are kept informed of any actions taken throughout the process.

Effective witness support is about setting up systems and adopting approaches that seek to improve success rates in tackling cases of antisocial behaviour, whilst boosting the morale and confidence of the witness, the agencies involved and the wider community. In doing so, the safety and well-being of victims and witnesses must come first.

The approach we adopt to reassure residents is that we must continue to keep residents fully informed of actions being taken. Our witnesses are of paramount importance and are contacted on a regular basis.

To ensure the provision of support to complainants and witnesses throughout all stages of the process from initial complaint, to court, remedy, and beyond, our processes include:

- a referral to Victim Care and Advice Service (VCAS) for a bespoke package of care
- agree an action plan of support with the most vulnerable clients
- being clear about how incidents of antisocial behaviour can be reported, assistance with and collection of diary sheets (if required)
- making reporting channels as simple as possible
- discussing and planning every stage of any legal action with witnesses
- providing details of an emergency out of hours contact
- informing relevant officers, (Street Wardens, CCTV, Police, etc.) so that they can also monitor the areas
- provision of support at court

- detailed explanation of hearsay evidence, ensuring anonymity

Middlesbrough also has a Community Trigger procedure, which gives victims the legal right to request a case review of how relevant bodies and responsible authorities have dealt with their reports of antisocial behaviour. This procedure can be found in Appendix 3.

## **11. Prevention and early intervention**

Family problems, poor educational attainment, unemployment and alcohol/drug misuse can all contribute to antisocial behaviour.

The most successful interventions are those that engage the individual in changing their own behaviour. By ensuring individuals understand the impact of their behaviour in the community and offering the necessary support for them to stop, it is possible to achieve long-term change.

In Middlesbrough, any legal actions are used as a last resort. Individuals are offered the opportunity to change their behaviour at a very early stage when initial complaints are received. Officers quickly identify those other agencies who may be involved and ensure referrals are made. Whilst we want to try and engage the individuals in addressing their problems, we are in no doubt that communities cannot be expected to suffer nuisance, disorder, damage and harassment month after month.

Although lots of positive work is done with individuals and their parents, it is made clear by the Council that protection of communities must come first. Perpetrators of ASB are made fully aware, at an early stage that legal action may be sought, should their behaviour continue.

Prevention and early intervention are an essential part of Middlesbrough's approach to tackling ASB. We are involved in many initiatives that focus on these subjects including:

- referrals to other agencies; YOS, Stronger Families Service, Housing support services and Drug and Alcohol Services etc.
- the use of mediation when dealing with neighbour disputes and community issues
- seeking further educational and employment opportunities via Stronger Families Service
- reparation – established strong links with Probation and YOS to ensure ASB perpetrators, who are subject to Community Orders, are tasked to those areas where they have been responsible for causing harassment, alarm or distress. The point of this exercise is twofold; for the individual to gain an understanding of the damage caused to the local community and secondly for residents to witness first-hand the individual giving something back to their estate

## **12. Rehabilitation of perpetrators and support for vulnerable groups**

Whilst considering the most effective options for the protection of tenants and the wider community, Middlesbrough Council is also aware of the positive impact that support has on perpetrators. The provision of support is particularly relevant when considering issues of ASB that are a consequence directly or indirectly of:

- drug use
- alcohol use
- mental health
- a disability

It is important to note that the majority of people who fall within these vulnerable groups are not always perpetrators of antisocial behaviour. They themselves may also be victims of antisocial behaviour. Residents whose antisocial conduct is a consequence of one or more of the issues listed above may sometimes require support. Adopting effective interventions by specialist agencies can help ensure that key professionals are involved at the earliest possible stage to prevent or manage issues as they arise. Specialist agencies include; Public Health, CGL, Mental Health Services, Social Care and Mind.

### **13. Dealing with Antisocial Behaviour in the private rented sector**

Middlesbrough Council recognises the specific and complex issues of antisocial behaviour within the private rented sector. Within the Public Protection Team sits the tenancy referencing scheme which was established to prevent the polarisation of unreferenced, often unmanaged “problem” tenants moving around the sector.

Tenancy Relations Officers work alongside Neighbourhood Safety Officers to provide a range of services within the private rented sector. The main aim is to tackle antisocial behaviour and environmental crime by private rented tenants and to encourage private landlords to adopt good management practices.

The referencing service enables landlords to find suitable tenants for their properties and for applicants to access affordable private rented accommodation. It also provides an access point for those living in predominately privately owned areas who may experience nuisance or antisocial behaviour.

The service aims to promote and maintain social cohesion, sustainability and community safety via a range of preventative, support, enforcement and resettlement measures.

Broad strands of the service comprise of:

- reference checking potential tenants via the Tenancy Referencing Service
- pre tenancy counselling and tenancy sign up service, enabling effective action against antisocial tenants
- post tenancy visits for at risk new tenants within the private rented sector
- maintaining a register of private rented properties available to rent and assisting landlords with identifying suitable tenants
- tackling initial neighbour nuisance and antisocial behaviour caused by private rented tenants
- taking appropriate legal action against antisocial individuals
- provision of training, legal advice and support to private landlords in dealing with antisocial tenants

The Local Authority does not have eviction powers in a private rented property. Only the landlord or letting agent acting on behalf of the landlord can instigate legal proceedings for repossession of the property. The Community Safety Team can only use breach of the tenancy agreement as a tool to address private tenant's behaviour by working in partnership with private landlords.

#### **14. Selective Licensing of Private rented Properties**

Within areas of Middlesbrough the Council will consider using selective landlord licensing, to help improve social and economic conditions of the area.

Within the designated areas privately rented properties will need a licence to operate. The owner of the rented property will need to make an application to the Council. As part of the application process, proposed licence holders and managers will be required to prove that they are "fit and proper persons" and that they have satisfactory management arrangements in place, including those for dealing with antisocial behaviour.

When deciding whether a landlord and/or managing agent is "fit and proper" the Council will look at whether they have:

- discriminated illegally against anyone
- breached laws that relate to renting property
- committed any serious criminal offences (fraud, violence, drugs or sexual offences)

The licence will be valid for 5 years. Failing to apply for a licence could lead to prosecution and an unlimited fine. If prosecuted, this would lead to the licence holder no longer being classed as 'fit and proper'.

#### **15. Multi-agency partnership working**

Multi-agency partnership working involves the Community Safety Team working with residents and local agencies such as Registered Social Landlords, Cleveland Police, Middlesbrough Community Safety Partnership, Public Health, Early Help, Cleveland Fire Brigade, Neighbourhood Wardens, Education, Youth Offending Service, National Probation Service, Social Care and voluntary sector organisations.

By working in Partnership we aim to provide a comprehensive package of support and enforcement to reduce antisocial behaviour in Middlesbrough.

The Middlesbrough Community Safety Partnership is also managed by the Community Safety Team, this ensures strong statutory links between partners, working to reduce crime and antisocial behaviour at a strategic level.

The approach that partners will take to ensure a coordinated multi-agency approach is implemented is called Active Intelligence Mapping (AIM)

AIM is a multi-agency process that looks at emerging trends/ data from a wide range of sources. The analysis identifies clusters of problematic areas in terms of crime, ASB, fly tipping and deliberate fires.

Services then utilise this data to deploy and/or co-ordinate resources within geographical areas of Middlesbrough addressing the problems identified.

Operationally, the individual agencies analyse the accumulated statistical information in a collaborative way and agree a course of action, which tackles the issues identified. The process has a second stage, which is fundamental to validating the value of the AIM process. This is the monitoring of actions. Consequently, each subsequent meeting of the partnership addresses the actions deployed and the effects of such against the previous figures and any emerging trends.

The strength of the Active Intelligence Mapping process is not the process itself but the commitment and accountability. Essentially, collaborative deployment of resources is a fundamental contributor to the reduction of crime.

## **16. Human Rights Act**

There are three articles of the Human Rights Act that are applicable to this policy;

**Article 6** – The right to a fair and public hearing within a reasonable time

Any proceedings brought, as a result of this policy, will be heard in public court and be subject to review through the appeals process.

**Article 8** – The right to respect for private and family life, home and correspondence

The collection and use of information concerning an individual will be controlled by the Data Protection Act and by agreed data sharing protocols. Any interference with an individual's rights will be in accordance with the law and in the interests of the wider community. Action taken will be proportionate to the aim to be achieved, the question of proportionality being determined by the court.

**Article 14** – The prohibition of discrimination in the enjoyment of the convention rights

Any action taken or procedures employed will be in accordance with the Council's Corporate Equal Opportunities strategy.

## **17. General Data Protection Regulations (GDPR)**

Tackling antisocial behaviour depends upon robust information exchange between all agencies (both statutory and non-statutory) involved. Whilst Middlesbrough Council is mindful of our responsibilities under the Data Protection Acts 1998; 2018 they are not seen as barriers to sharing necessary information. Under section 17 of the Crime and Disorder Act 1998 with 'authorities duty to consider crime and disorder implications' information is shared between lead agencies to prevent and detect crime and disorder and is used for these purposes only.

Middlesbrough Council is signed up to the Middlesbrough Community Safety Partnership Information Sharing Protocol which details how when and why to share information.

## **18. Publicity**

It is often argued that the media “sensationalise” crime and antisocial behaviour. While this is a discussion topic in itself it is certainly true that the media can have a significant impact on the way people feel about crime.

The fear of crime far outweighs the likelihood of becoming a victim. Therefore, it is vital that the public receive a balanced view of what is happening and what is being done to counter crime and antisocial behaviour in Middlesbrough.

Each individual case should be judged on its merits as to whether or not to publicise the details of any enforcement action including FPN, court action, individual subject to a Criminal Behaviour Order or Civil Injunction. There should be a correlation between the purpose of publicity and the necessity test: that is, what is the least interference with privacy that is possible in order to promote the purpose identified. The Community Safety Team should ensure that the decision to publicise is recorded.

The decision-making process should aim to consider and record several key factors including:

- the need for publicity
- consideration of the human rights of the public
- consideration of the human rights of the perpetrator
- what the publicity should look like and whether it is proportionate to the aims of the publicity

The decision making process should be considered at an early stage, as to avoid any delay in publicity following the issuing of an FPN or court Action.

The approach we adopt to reassure residents, is that we must continue to keep residents fully informed of actions being taken. Officers publicise all legal actions (where appropriate) and where individual orders are granted, a full leaflet or letter drop will be carried out to the affected area by the Neighbourhood Wardens. The leaflet or letter explains the terms of the Order and may include a photograph of the perpetrator, the street where they live, and appropriate contact officer details (in case of breach). This method is not about naming and shaming individuals, it purely sends an appropriate message to residents showing that we have acted upon information supplied to us and by doing so it assists residents in reporting breaches of such orders.

The leaflets or letters also send a strong message to perpetrators about the firm stance we are taking on tackling antisocial behaviour.

An offence dealt with via a fixed penalty notice may be publicised following payment of the fine.

## **19. Confidentiality**

Complainants are normally concerned that their complaint could lead to reprisals from the perpetrator and may only provide information to the Council on the basis that it is confidential.

It is paramount that officers do not disclose the identity of complainants in any circumstance. All complaints used as part of any legal proceedings will be used as hearsay evidence, to fully protect the witness unless otherwise explicitly directed by the complainant.

Information relating to complainants and perpetrators may be shared with other agencies for the purpose of preventing antisocial behaviour or crime. The implications on confidentiality of information can be found in the information sharing protocol.

## **20. Staff Training**

It is imperative that staff, are confident and efficient at dealing with complaints of antisocial behaviour. To do this they need to have a firm knowledge of problems associated with antisocial behaviour, the law and what can and cannot be done to tackle a complaint. This will be achieved by:

- regular attendance on training courses, seminars or conferences on antisocial behaviour
- regular attendance on courses on subjects associated with antisocial behaviour, e.g. racial harassment, other forms of harassment, Domestic Violence, mediation, support for victims, and support for vulnerable people
- monthly discussions with line manager regarding open cases (one to ones and appraisals)
- being informed about changes to policy and procedure and provided with any necessary training
- ensuring that new staff become familiar with the Council's current policies and procedures and are given guidance by a senior member of staff

## **21. Protection of Staff**

Unfortunately employees of Middlesbrough Council, may from time to time be threatened, abused or harmed in the course of their normal duties or when specifically tackling antisocial behaviour.

As detailed in the Statement of Intent, all staff will be fully protected in any such event, which may include the Council taking legal action against perpetrators involved in this type of behaviour.

## **PART TWO- PROCEDURES**

### **22. Purpose of Procedure**

The purpose of this procedure is to outline Middlesbrough Council's approach to tackling antisocial behaviour.

The procedure details the process, actions and tools which Middlesbrough Council's Community Safety Team will use in tackling antisocial behaviour.

### **23. Scope**

This procedure covers all incidents of antisocial behaviour as defined in the:

- Antisocial Behaviour Act 2003
- Antisocial Behaviour, Crime and Policing Act 2014.
- Road Traffic Act 1988.
- Police Reform Act 2002.
- Confiscation of Alcohol (Young Persons) Act 1997.
- Crime and Disorder Act 1998.
- Highway Act 1835.
- Criminal Justice and Police Act 2001.
- Criminal Justice Act 1967
- Licensing Act 1872.
- Theft Act 1968.
- Criminal Damage Act 1971.
- Environmental Protection Act 1990.

### **24. Service Standards**

On reporting antisocial behaviour to the Community Safety Team, residents will be allocated a dedicated case worker who will make initial contact within 3 working days. Initial complaints can be made in any of the following ways:

- calling the general number on 01642 726001
- e-mail [asbunit@middlesbrough.gov.uk](mailto:asbunit@middlesbrough.gov.uk)
- in writing to the relevant Neighbourhood Safety Officer
- In person to a Neighbourhood Safety Warden
- in person at an arranged meeting
- e-mail to the relevant Neighbourhood Safety Officer
- via the Council's website

Where necessary arrangements will be made to visit the complainant either at home or at a mutually convenient venue in order to take full comprehensive details of the complaint.

The officer supporting the resident will discuss the complaint and agree a support plan for dealing with the complaint.

The resident will be regularly kept up to date with all actions take on the case.

Support will be offered to all victims and witnesses until the case is closed and afterwards if necessary. On closing a case, the resident will receive a letter confirming that the case has been closed and the reasons why.

## **25. Antisocial Behaviour Process**

All cases of reported antisocial behaviour will be assessed initially and if residents are Thirteen Group tenants and they are complaining about another Thirteen Group tenant then they will be advised to contact their local Thirteen Group housing office in the first instance.

All other complainants will be issued with contact details of the Neighbourhood Safety Officer who will provide them diary sheets. Residents will be encouraged to keep a log of all incidents surrounding the complaint.

The Neighbourhood Safety Officer will investigate further and take appropriate actions against the perpetrators in order to remedy the situation.

There are a number of remedies available to Middlesbrough Council in order to tackle issues of antisocial behaviour. Middlesbrough Councils processes are based around the available legislation. Further details of which are available in Appendix 1.

### **Process used to tackle ASB**

Perpetrator pathway (See Appendix 2 for further details)

In order to address complaints, an antisocial behaviour process is in place to advise all perpetrators of the reason why particular actions are being taken. Once evidence of ASB is received a perpetrator record is created on Flare, and the first warning letter is sent.

#### **Stage 1- First warning**

The evidence could be in the form of Police AS13, Neighbourhood Warden reports or reports from local residents. The first warning advises that the behaviour has come to the attention of agencies and that the warning should be taken seriously as a continuation of the ASB can lead to escalation of enforcement action.

#### **Stage 2- Second warning**

If further evidence of ASB is received, a second warning letter is sent out and the perpetrator is advised that if the behaviour does not improve then it will lead to an Acceptable Behaviour Contract (ABC). In relation to young people, details of youth provision in the area is also provided at this stage.

#### **Stage 3- Acceptable Behaviour Contract (ABC)**

Where ASB continues despite warnings being issued, the perpetrator will be invited to a joint interview where they will be asked to sign an ABC. The contract will contain a set of conditions, where clear boundaries are set so the perpetrator knows exactly what behaviour is acceptable within the community. The interview is led by the Neighbourhood Safety Officer along with a Neighbourhood

Police Officer. The ABC is part of a support package and where the perpetrator is under the age of 18 then interventions should be offered through referrals to appropriate agencies i.e. Stronger Families. At this point parents may also be asked to sign a Parenting Contract. ABCs run for a 6 month period and are reviewed at the 3 month stage. A copy of the ABC is provided to the Youth Offending Service, Stronger Families and Neighbourhood Police Officer.

For those perpetrators over 18 and living in private rented property, a tenancy breach interview will also be conducted if felt to be necessary, advising the tenant that being involved in incidents of ASB represents a breach of tenancy conditions. Those tenants who need extra support will be referred to the necessary services.

#### **Stage 4- Final warning**

For those perpetrators who continue to be involved in incidents of ASB and where the ABC has been breached numerous times then a final warning is issued. A meeting will be held and the perpetrator will be advised that the next stage of action would be a Criminal Behaviour Order, Civil Injunction or Closure Order. For those perpetrators who are over 18 and living in private rented property then the landlord will also be involved with the final warning and where necessary, may serve a notice of possession.

#### **Stage 5- Civil Injunction**

The injunction will be applied for with powers of arrest attached by the local authority to prohibit the perpetrator from causing nuisance, harassment, alarm and distress to others.

The injunction under Part 1 of the Antisocial Behaviour, Crime and Policing Act 2014 is a civil power which can be applied for to deal with antisocial individuals. The injunction can offer fast and effective protection for victims and communities and set a clear standard of behaviour for perpetrators, stopping the person's behaviour from escalating. Although the injunction is a civil power, it is still a formal sanction and many professionals will want to consider informal approaches before resorting to court action, especially in the case of under 18s.

#### **Non legal actions**

**Warnings**- warning letters are issued to those people who have allegedly been involved in incidents of antisocial behaviour. The warning letters advise of the incidents which have been reported along with a copy of the antisocial behaviour process and where they are within the process. Details of support services available in the area are also enclosed within the warning letter.

**Acceptable Behaviour Contracts (ABCs)** - are non-legally binding written contracts between one or more local agency and someone who has behaved antisocially, outlining what that person should or should not do. They are often used with children and young people, but can equally be used for adults, when a warning has been unsuccessful in addressing a problem.

**Tenancy Breach Interview** - is a formal warning issued to the tenant or person residing or visiting the house who is guilty of conduct causing or likely to cause a nuisance or annoyance, using the house or allowing it to be used for immoral or illegal purposes, or for an arrestable offence committed in or in

the locality of the dwelling house. The tenant agrees to an action plan to remedy the breach. The action plan will set out what the tenant must stop doing to prevent further action being taken against the tenancy; it may also include an agreement for referral to support agencies.

**Parenting Contracts**- are voluntary agreements made between local agencies and a parent or parents. They set out what parents will do to address the antisocial behaviour of a child or children for whom they are responsible. A contract may contain an agreement to attend a parenting programme, or to ensure that a child attends school regularly. They are often made between schools or local education authorities with the parent(s) of a child who has truanted or been excluded from school.

**Mediation**- mediation is a way of voluntarily resolving disputes about perceived antisocial behaviour between neighbours, particularly when the underlying conflict arises from a difference of lifestyles rather than malicious intent.

**Dispersal of groups**- Dispersal powers are used in public spaces (such as shopping arcades or parks) where groups gather and intimidate and harass the public. Once an area has been designated a dispersal area then Police can direct groups of two or more people to leave if they are causing a nuisance, or if they don't live in the area. They may be excluded from the area for up to 24 hours.

**Fixed Penalty Notices**- Fixed Penalty Notices (FPNs) are one-off fines issued for antisocial behaviour designed to help Police and local authorities tackle low level nuisance such as litter, fly-tipping and noise. They can be issued by local authority officers and in a limited capacity by Police Community Support Officers (PCSOs). FPNs can be issued to anyone over 10 years old. Local authorities can set fine levels locally. More serious offences such as truancy and noise nuisance attract larger fines.

### **Legal actions**

To pursue a legal action, the Community Safety Team needs to satisfy a court that the complaints that have been made did actually happen and are serious enough to justify the order being sought.

### **Criminal Behaviour Orders (CBOs)**

The Criminal Behaviour Order (CBO) is available on conviction for any criminal offence in any criminal court. The order is aimed at tackling the most serious and persistent offenders where their behaviour has brought them before a criminal court.

### **Civil Injunction**

The injunction under Part 1 of the Antisocial Behaviour, Crime and Policing Act 2014 is a civil power which can be applied for to deal with antisocial individuals. The injunction can offer fast and effective protection for victims and communities and set a clear standard of behaviour for perpetrators, stopping the person's behaviour from escalating. Although the injunction is a civil power, it is still a formal sanction and many professionals will want to consider informal approaches before resorting to court action, especially in the case of under 18s.

### **Closure Order for Antisocial Behaviour**

The closure power is a fast, flexible power that can be used to protect victims and communities by quickly closing premises that are causing nuisance or disorder. The power comes in two stages, the

Closure Notice and the Closure Order which are intrinsically linked. The Closure Notice can be used by the Council or the Police out of court. Following the issuing of a Closure Notice, an application must be made to the magistrates' court for a Closure Order, unless the Closure Notice has been cancelled.

### **Eviction**

Eviction is the last resort to address a breach of the tenancy agreement. If the Officer has exhausted all other means to address the antisocial behaviour and criminality of the tenant, member of the tenant's household or visitors to the property, and if they continue to cause alarm and distress to others living within the vicinity, then eviction may be deemed necessary and proportionate. When it is clear that a tenant has broken a condition of their tenancy agreement by causing unreasonable nuisance or annoyance, the landlord may have grounds to seek possession. The Community Safety Team will support the landlord through the legal process.

## **26. Victim and Witness Support**

The Community Safety Team understands that cases of antisocial behaviour can cause delicate situations as the victims and witnesses often live very close to the person causing it and people are concerned about the possible repercussions. However, nobody should have to live with antisocial behaviour, so it is vitally important that it is reported and dealt with in the most appropriate way.

The key factors which need to be constantly assessed are;-

- Is the victim / witness indicating that the ASB is affecting themselves or their family?
- Are there any additional factors that need to be considered or further explored (disability, mental health issues)?
- What element of harm is being caused by the ASB?
- Are the incidents increasing?
- If known, does the perpetrator have a history of intimidation?

This combination of factors provides a much clearer picture of risk on which to base any action, as well as providing a case management audit trail.

The most important outcome of the assessment is that it must lead to action, namely an investigation, protection and/or support for the victim/witness and action against the perpetrator. If no further action is taken, the reasons for this need to be clear and justified.

## **27. Case Closure**

All cases will reviewed regularly and at some point a decision will be made whether a case is to be closed.

A case would be closed for the following reasons:

- one-off incident and no further reports after 4 weeks.
- no evidence of antisocial behaviour
- case resolved due to low level intervention

- case resolved due to high level intervention
- perpetrator moved from the area
- case referred to another agency as lead practitioner

## **28. Working Procedure**

### **How complaints will be received**

**(1) Telephone, written and e-mail complaints-** Details of the complaint will be formally recorded, acknowledged and assigned to the Neighbourhood Safety Officer for the relevant area. Dependant on the complaint a referral to another agency or service area may be made and information regarding the service will be provided. In certain cases it will be recommended that a report is also made to agencies such as the Police.

**(2) Reports made in person-** Complaints can be made in person by visiting the Neighbourhood Safety Officer at one of the community hubs where an officer will make time to take details of the complaint and pass to the relevant officer to investigate further.

**(3) Anonymous reports-** wherever possible anonymous complaints will be investigated. However actions will be restricted, as it is not possible to report progress or provide feedback to the complainant.

### **Process once complaint received**

1. The officer receiving the complaint checks Flare to see if there are any previous complaints logged. Make contact via telephone or email and take full details of issues which are affecting them.
2. During the conversation explain to the complainant the importance of obtaining evidence and details of how it has affected them.
3. Advise them that they will need to keep a log of all incidents, which will be used for evidence. If residents are not happy/unable to complete diary sheets themselves advise them that assistance can be provided in order to complete them but stress the importance of reporting every incident, in order to build up a clear picture of what is occurring.
4. Provide the complainant with contact details for Neighbourhood Policing Team and Neighbourhood Wardens and explain the circumstances in which they should contact them.
5. Agree how regularly contact will be made.

### **Process for investigating complaints**

1. In order to build up a picture of the situation, it is important to gather evidence from different sources
2. Along with the evidence from the complainant, they may well mention other residents who have witnessed the antisocial behaviour, take details and contact them. If other residents are witnessing the same antisocial behaviour then request diary sheets are kept and advise to contact police and/or street wardens if necessary. Carry out a letter drop in the immediate area to establish if other residents are being affected. In cases of low level ASB such a letter

can often result in the problem being resolved because the perpetrator is made aware of the complaints.

3. Contact other agencies to find out if they have witnessed/received reports about the antisocial behaviour:

- Police
- Neighbourhood Safety Wardens
- Environmental Protection staff
- Fire Brigade

If other agencies confirm they have information, obtain details of the incidents enabling a perpetrator record to be created detailing incidents from all sources. An official request for ongoing information can be made to Cleveland Police (Community Safety Team), this will ensure the flow of information is consistent and all incidents involving the Police are captured.

If victims are not satisfied with the service provided to them, they are within their rights to activate a 'Community Trigger'. Full details of this can be found in Appendix 4 and 5.

## **29. Review**

This statement of Policy and Procedures will be a working document and will be reviewed and updated every two years or as and when new legislation is introduced.

*Appendix 1*

**Relevant Legislation**

**Human Rights Act 1998**

**Civil Evidence Act 1995**

**Protection from Harassment Act 1997**

**Antisocial Behaviour Act 2003**

**Antisocial Behaviour, Crime and Policing Act 2014.**

**Road Traffic Act 1988.**

**Police Reform Act 2002.**

**Confiscation of Alcohol (Young Persons) Act 1997.**

**Crime and Disorder Act 1998.**

**Highway Act 1835.**

**Criminal Justice and Police Act 2001.**

**Criminal Justice Act 1967**

**Licensing Act 1872.**

**Theft Act 1968.**

**Criminal Damage Act 1971.**

**Environmental Protection Act 1990.**

## Appendix 2

### MIDDLESBROUGH'S ANTISOCIAL BEHAVIOUR PROCESS EXPLAINED

<p><b>STAGE 5- Legal Action</b></p> <p><b>CBO</b> <b>(Criminal Behaviour Order)</b></p> <p><b>OR</b></p> <p><b>CI</b> <b>(Civil Injunction)</b></p>	<p>CBOs and CIs are court orders, made for up to 3 years and have conditions which can seriously restrict you (your child), having an impact on your (your child's) future such as finding employment and housing.</p> <p>If you (your child) breaks the conditions of the CBO it is a criminal offence and you (your child) may receive a custodial sentence, which could also impact on any current housing tenancy.</p> <p>If you (your child) breaches the CI a warrant of arrest can be issued, for which you (your child) may receive a custodial sentence, which could also impact on any current housing tenancy.</p> <p>You (your child) will be monitored, which could include home checks, to ensure you (your child) is complying.</p> <p>You (your child's) name/photo could be publicised in the community and possibly the press.</p>
<p><b>STAGE 4</b></p> <p><b>Final Warning /</b></p> <p><b>Pre Legal Action Meeting</b></p>	<p>A consultation meeting is held with Community Safety Team, Police, Youth Offending Service and any other agency involved with you (your child)</p> <p>You (your child's) positive and negative behaviour is discussed, including if you (your child) have complied with the ABC and how well you (your child) have co-operated with support plans.</p> <p>A decision is made at this meeting as to whether you (your child) should move onto stage 5 – an application for a Criminal Behaviour Order (CBO) or Civil Injunction (CI). At the meeting other support services for you (your child) may be discussed.</p> <p><b>Once behaviour has escalated to this point it is very difficult to avoid legal action.</b></p>
<p><b>STAGE 3</b></p> <p><b>Acceptable Behaviour Contract (ABC)</b></p>	<p>An ABC is a contract with a set of conditions, which are put in place to set clear boundaries for you (your child) so that you or they know exactly what behaviour is acceptable within the community.</p> <p>You (your child) will be invited to attend an ABC meeting to discuss your (your child's) behaviour and be issued the ABC.</p> <p>The ABC is part of a support package for you (your child) however by not following the rules of the ABC or refusing to sign the agreement, we can use this as evidence to apply for a legal order. As part of the support package you (your child) will be allocated a worker from a relevant agency to support you (your child) with adhering to the ABC.</p>
<p><b>STAGE 2</b></p> <p><b>Second Warning Letter</b></p>	<p>Despite a previous warning your (your child's) behaviour has continued and/or escalated and if it does not improve it will lead to an Acceptable Behaviour Contract (ABC).</p> <p>You will receive information from relevant agencies with details of positive activities and/or support in your area.</p>

## STAGE 1

### First Warning Letter

This is a first warning and means that you (your child's) behaviour has come to the attention of agencies who deal with antisocial behaviour. You should take this warning seriously as a continuation of antisocial behaviour can lead to escalation of enforcement action detailed above.

A referral will be made to the relevant agencies at this point in an attempt to engage you (your child) in positive activities.

# MIDDLESBROUGH COUNCIL COMMUNITY TRIGGER PROCEDURE



**Single Point of Contact:**

Jane Hill – Strategic Community Safety Manager  
Stronger Communities  
Middlesbrough Council  
Tel: 01642 728112. E-mail: [Jane\\_hill@middlesbrough.gov.uk](mailto:Jane_hill@middlesbrough.gov.uk)

<b>No.</b>	<b>Item</b>
1.	Introduction
2.	Purpose
3.	Relevant Bodies and Responsible Authorities
4.	Definitions
5.	Threshold
6.	Qualifying Complaints
7.	Activating the Community Trigger
8.	Case Review Process
9.	Appeal Process
10.	Accountability
11.	Information Governance and Agency Responsibility
12.	Communication and Publicity
13.	Procedure Review
	<b><u>Appendix</u></b>
1	Community Trigger Agency Information Request Form
2	Community Trigger Flowchart & Timescales

## **1. Introduction**

On 13<sup>th</sup> March 2014 the Anti-social Behaviour, Crime and Policing Act 2014 received Royal Assent. On 20<sup>th</sup> October 2014, the response to complaints about anti-social behaviour (commonly referred to as the Community Trigger) provisions of this Act under Sections 104 and 105 commenced.

This procedure sets out how relevant bodies and responsible authorities in the Middlesbrough Local Authority Area will carry out their duties regarding the Community Trigger under the Anti-social Behaviour, Crime and Policing Act 2014.

## **2. Purpose**

To give victims the legal right to request a case review of how relevant bodies and responsible authorities have dealt with their reports of anti-social behaviour.

## **3. Relevant Bodies and Responsible Authorities**

3.1 The relevant bodies and responsible authorities under the Community Trigger in Middlesbrough are:

- Middlesbrough Council
- Cleveland Police
- South Tees Clinical Commissioning Group

3.2 The co-opted housing association members are:

- Thirteen Housing
- Accent Foundation Ltd
- Endeavour Housing Association
- Guinness Trust
- Home Group Ltd
- Three Rivers Housing Association

## **4. Definitions**

### **4.1 Anti-social Behaviour**

For the purpose of the Community Trigger this is defined as; “behaviour causing harassment, alarm or distress to a member, or members of the public.”

When deciding whether this definition is met, agencies should consider the cumulative effect of the incidents and consider the harm or potential harm caused to the victim, rather than rigidly deciding whether each incident reached the level of harassment, alarm or distress.

Behaviour which falls below the level of harassment, alarm or distress, may not meet this definition, but when assessed on the grounds of potential harm to the victim, the impact of the behaviour may be such that this definition is met.

The harm, or the potential for harm to be caused to the victim, is an important consideration in determining whether the definition is met because those who are vulnerable are likely to be less resilient to anti-social behaviour. People can be vulnerable for a number of reasons, and vulnerability or resilience can vary over time depending on personal circumstances and the nature of the anti-social behaviour.

Even though housing related anti-social behaviour has a lower test of nuisance or annoyance, because of the victims inability to separate themselves from the anti-social behaviour the harm experienced is highly likely, depending upon the circumstances, to result in harassment, alarm or distress for the purposes of the Community Trigger.

## **5. Threshold**

Middlesbrough's Community Trigger threshold is defined as;

- (a) An individual, business or community group has made **three** or more reports regarding the **same** problem in the past six months to Middlesbrough Council, Cleveland Police, or their Landlord (if a Housing Association operating in Middlesbrough), or
- (b) More than one individual, business or community group has made **five** or more reports about the **same** problem in the past six months to Middlesbrough Council, Cleveland Police, or their Landlord (if a Housing Association operating in Middlesbrough).

## **6. Qualifying Complaints**

### **6.1 Incident Reporting Criteria**

- (a) Incidents will only be considered under the threshold where they have been reported within one month of the date of the incident occurrence to Middlesbrough Council, Cleveland Police, South Tees Clinical Commissioning Group, or their Landlord (if a Housing Association operating in Middlesbrough).
- (b) Applications to use the Community Trigger will only be considered where they have been made within six months of the date of all the reports of anti-social behaviour being considered under the threshold.
- (c) Incidents which have been reported anonymously will not be considered under the threshold.
- (d) Incidents will not be considered under the threshold where the time between the incidents being reported, and the request for activation of the Community Trigger, has not allowed the investigation agency(s) in receipt of the reports, time to have investigated the reports under the operating days/times and timescale(s) of their investigation procedures.

For example; an individual reports an incident of anti-social behaviour on a Friday evening, on the following Saturday and Sunday, to the Council's Out of Hours contact number, followed by their request to activate the Community Trigger on the Monday morning. As the Council's Anti-social Behaviour Officers finish work at 4.30pm on the Friday and return to work at 9.00am on the Monday this has not

allowed Officers time to investigate and action the anti-social behaviour reports before a request to activate the Community Trigger has been made.

- (e) Hate crimes and/or incidents will not be considered under the Community Trigger as they have their own process.

## 6.2 Responsible Area

Incidents will only be considered under the threshold where they have involved persons living, visiting, working or engaging in lawful activity within the Borough of Middlesbrough.

## 6.3 Referrals to Complaint Procedures

Any request for a case review under the Community Trigger process which meets the definition of a complaint will be refused with a referral made instead into the appropriate agency(s) complaint process.

Complaint Definition - "A complaint is an expression of dissatisfaction, however made, about the standard of service, action or lack of action by an agency, its staff, or contractors or agents providing services on behalf of the agency that requires a response".

## **7. Activating the Community Trigger**

- 7.1 Any individual (of any age), business or community group (or a person acting on their behalf with their consent) who has been the victim of anti-social behaviour may request that the Community Trigger is activated.

- 7.2 All requests to activate the Community Trigger in Middlesbrough must be made by telephone, e-mail or letter to:

Neighbourhood Safety Team  
Grove Hill Hub, Bishopton Road, Grove Hill, Middlesbrough, TS4 2RP  
Tel: 01642 728367  
E-mail: [asbunit@middlesbrough.gov.uk](mailto:asbunit@middlesbrough.gov.uk)

- 7.3 Middlesbrough's Single Point of Contact for the Community Trigger is:  
Jane Hill – Strategic Community Safety Manager

- 7.3 No anonymous requests to activate the Community Trigger will be accepted.

- 7.4 Middlesbrough's Community Safety Team will acknowledge in writing the receipt of all requests to activate the Community Trigger. This should occur within 3 working days. This acknowledgement letter should contain timescales of when the applicant can expect a formal response to their trigger request.

- 7.5 Middlesbrough's Community Safety Team will send all relevant bodies and responsible authorities a Community Trigger Information Request Form. This should occur within 5 working days of all trigger requests being received. (see Appendix B)

- 7.6 These bodies and authorities will provide Middlesbrough Council with any information they hold on any involvement they have with the requester or the threshold incidents. This should occur within five working days of the information

request. (Subject to the provisions of the Data Protection Act 1998, and Part 1 of the Regulation of Investigatory Powers Act 2000.)

- 7.7 Middlesbrough's Legal Services will review the case to determine whether the threshold has been met. The applicant will be informed in writing within 10 working days of receipt of their request and the Single Point of Contact will be informed.

## **8. Case Review Process**

- 8.1 Middlesbrough's Community Safety Team will arrange a Community Trigger Case Review Panel Meeting to discuss all requests received to activate the Community Trigger. This meeting should occur within 10 working days of the receipt of the trigger application request.
- 8.2 The Community Trigger Case Review Panel Meeting may consist of a nominated senior representative from the following organisations:
- Middlesbrough Community Safety Team  
(representing Middlesbrough Council)
  - Cleveland Police
  - Tees Valley Clinical Commissioning Group
  - Thirteen Group  
(representing all Housing Associations operating in Middlesbrough)
  - South Tees Youth Offending Service  
(were the perpetrators involved in the incidents are under the age of 18 years)
- 8.3 A Community Trigger Case Review Panel meeting will only occur where a minimum of three panel members are present.
- 8.4 Members of the Case Review Panel meeting will be responsible for voting in a Chair for the Case Review Panel meeting.
- 8.5 This review may include (but is not limited to) whether or not:
- Acknowledgement of the anti-social behaviour reports has been made according to the acknowledgement procedures of an investigating agency in receipt of the report,
  - A Risk Assessment Matrix (RAM) been completed to determine the vulnerability of the victim by an investigating agency, (where used by the investigating agency)
  - Service delivery by an investigating agency has taken into account the vulnerability of the victim
  - Service delivery has been appropriate or effective due to a lack of information sharing / problem solving / joint working by an investigating agency,
  - Service delivery has been appropriate or effective due to a failure by an investigatory agency to follow its investigation procedures,

- Service delivery by an investigating agency has been able to reduce the vulnerability of the victim to a satisfactory level,
- Service delivery by an investigating agency has been able to reduce the problem to a level where in the professional opinion of the investigating officer the behaviour reported is no longer a cause for concern.

8.6 When a requester is considered to be vulnerable, the meeting should review what practical and emotional support has been offered to them and whether any additional support is necessary or appropriate.

8.7 As a result of the case review the panel members may make recommendations to agencies. These recommendations may take the form of an action plan to resolve the reported behaviour.

8.8 The Anti-social Behaviour, Crime and Policing Act places a duty on a person who carries out public functions to have regard to any recommendations made by the Case Review Panel.

8.9 This means that they are not obliged to carry out the recommendations, but that they should acknowledge them and may be challenged if they choose not to carry them out without good reason.

8.10 Middlesbrough's Community Trigger Single Point of Contact Officer will contact the applicant to discuss the outcome of the Case Review Panel meeting. This contact should occur within five working days of the meeting.

8.11 This discussion will include:

- the outcome(s) (if any) from the case review panel meeting, any recommendation(s) that were made by the case review panel, and the applicants comments on any recommendations / draft action plan that may have been developed by the case review panel.

The applicant will also be informed of the appeal process for the case review meeting outcomes, recommendations or action plan.

## **9. Appeal Process**

9.1 All applicants (or a person acting on their behalf with their consent) have the right to request an appeal of:

- The outcome(s) from the case review panel meeting, any recommendation(s) or action plan that may have been developed by the case review panel.

9.2 All requests for an appeal must be made by the applicant within ten working days of being informed of the outcome(s) of the case review meeting.

9.3 If an applicant is appealing more than ten working days after being informed of the outcome(s) of the case review meeting they must explain why their appeal has been delayed. The time limit to make an appeal may be extended if there are good reasons for the delay.

9.4 All requests for an appeal must be made in writing and clearly state the reasons (with any supporting information/evidence) for the appeal to:

**Geoff Field (Director of Environment & Community Services)**  
**Chair of Middlesbrough Community Safety Partnership**  
**c/o Democratic Services**  
**Town Hall**  
**Middlesbrough**  
**TS1 9FX**

9.5 Appeals may be made on the following basis. That the case review panel:

- Used information that is incorrect, or has been taken out of context to determine a trigger application,
- Not considered all relevant information about an applicant's (or their households) circumstances or vulnerability, or the circumstances/details of the incidents of anti-social behaviour reported, or the actions of relevant bodies and responsible authorities regarding these reports when conducting the case review,
- Failed to follow its published procedures when determining a trigger application.

9.6 No anonymous appeals will be accepted.

9.7 The Community Safety Partnership will acknowledge in writing the receipt of all appeals. This should occur within two working days. This acknowledgement letter should contain a date when the applicant can expect a formal response to their appeal request.

9.8 The Community Safety Partnership will arrange a Community Trigger Appeal Panel Meeting to discuss all appeal requests received. This meeting should occur within fifteen working days of the receipt of the appeal request.

9.9 The Community Trigger Appeal Panel Meeting will consist of the Chair of Middlesbrough's Community Safety Partnership and the Head of Service for Stronger Communities.

9.10 The Community Safety Partnership should then write to the Community Trigger applicant with the outcome of their appeal within five working days of the appeal meeting.

9.11 Where an applicant continues to dispute the outcome of their Community Trigger Appeal, they retain the right to submit a formal complaint to the appropriate authorities under their respective formal complaint policies.

9.12 Applicants also retain the right to submit a formal complaint to the appropriate authorities' independent regulators. (Local Government Ombudsman,

Independent Police Complaints Commission, Health Service Ombudsman, Housing Ombudsman).

## **10. Accountability**

10.1 Middlesbrough Community Safety Team will be responsible for administrating the Community Trigger.

10.2 This to include:

- Development of the Community Trigger process,
- Consultation regarding the Community Trigger process with partners,
- Development of publicity and training packages,
- Responding to Trigger application requests with partners and maintaining records regarding these,
- Arranging for any Case Review and Appeal Panel meetings,
- Maintaining and circulating any information, documents, minutes, recommendations, or action plans etc. required for the Community Trigger process.
- Ensuring referrals are made to appropriate agencies for all hate crime incidents

10.3 The Community Trigger Case Review and Appeal Panels will be accountable to the Community Safety Partnership.

10.4 Middlesbrough's Community Trigger Single Point of Contact will be responsible for producing regular updates to the Community Safety Partnership about the use of the Community Trigger in Middlesbrough.

10.5 Information will include;

- implementation, and any review of the community trigger process
- numbers / details of requests for activation of the community trigger
- requests for appeals over refusal to activate the community trigger
- requests for appeals over the outcome of community trigger case reviews
- any recommendations made by community trigger case reviews

## **11. Information Governance and Agency Responsibility**

11.1 All information regarding Community Trigger applications will be shared under the terms of the Community Safety Partnership's (CSP) Information Sharing Framework and will be classified as confidential.

11.2 All Middlesbrough CSP members will be responsible for co-operating with, and participating in, the Community Trigger process and the Case Review and Appeal Panel meetings as requested.

11.3 All Middlesbrough CSP members will be responsible for providing Middlesbrough Community Safety Team and the Case Review and Appeal Panels with any information required to deal with Community Trigger application requests, and to conduct Community Trigger Case Review or Appeal Panel meetings.

- 11.4 All Middlesbrough CSP members will be responsible for responding to any recommendation(s) and/or action plan(s) produced by the Case Review and Appeal Panel meetings.
- 11.5 The relevant bodies and responsible authorities in Middlesbrough may request any person to disclose information for the purpose of a Community Trigger review.
- 11.6 If the request is made to a person who exercises public functions and they possess the information they must disclose it. The only exception to that is where to share information would be either:
- In contravention of any of the provisions of the Data Protection Act 1998, OR
  - Prohibited by Part 1 (Communication Interception) of the Regulation of Investigatory Powers Act 2000.
- 11.7 Other than these two exceptions, disclosing information for the Community Trigger does not breach any obligation of confidence or any other restriction on the disclosure of information.
- 11.8 Housing providers undertake several functions, including some that are public in nature and some that are not. (Homes and Communities Agency's Regulatory Framework, Neighbourhood and Community Standard). If a request is made in relation to their functions that are considered to be public in nature, the information sharing duty applies. This is the case for housing providers who are co-opted into the group of relevant bodies as well as those who are not.

## **12. Communication and Publicity**

- 12.1 Middlesbrough's Community Safety Team will be responsible for co-ordinating all publicity regarding the Community Trigger on behalf of Middlesbrough's Community Safety Partnership.

## **13. Procedure Review**

- 13.1 The Community Trigger process and this policy should be reviewed on an annual basis.

# 1. Community Trigger Agency Information Request Form



## MIDDLESBROUGH COMMUNITY TRIGGER INFORMATION REQUEST FORM

Middlesbrough Community Safety Partnership has received an application from the below listed individual, business or community group requesting a case review (commonly referred to as the Community Trigger) of how relevant bodies have dealt with their reports of anti-social behaviour. Their review application has been made under Sections 104 and 105 of the Anti-social Behaviour, Crime and Policing Act 2014.

It is due to this that the Partnership has convened a Case Review Panel meeting to review what action has previously been taken by agencies in response to the requesters reports and to consider whether any recommendations for further action are appropriate.

Your organisation has been identified as either a relevant body (Section 105 [1] [a] [b] [c] [d]) or a local provider of social housing operating in the Middlesbrough area (Section 105 [1] [a] [b]) under the Community Trigger legislation.

Please complete and return this form to Middlesbrough's Community Safety Team with any information you may hold regarding any involvement your organisation may have had over the last six months, in any reports of anti-social behaviour involving the requester.

Please note that Section 7 (3) of the Anti-social Behaviour, Crime and Policing Act 2014 requires you to provide this information as an organisation that exercises public functions.

### Please return this form to:

#### Middlesbrough Community Safety Team

Middlesbrough Council, Neighbourhood Safety Team  
Grove Hill Hub, Bishopton Road, Grove Hill, Middlesbrough TS4 2RP

Tel: 01642 728112. E-mail: [Jane\\_hill@middlesbrough.gov.uk](mailto:Jane_hill@middlesbrough.gov.uk)

### Details of Person Requesting a Community Trigger Case Review

Name: \_\_\_\_\_ D.O.B: \_\_\_\_\_

Address: \_\_\_\_\_

Status: Individual / Business / Community Group

### Information Requested

Details of any information held by your organisation regarding any reports of anti-social behaviour which involve the above named requester.

Date period to consider: \_\_\_\_\_

For example: Number of reports received. Summary details of reports received including dates, times, occurring location, and details of any alleged offenders identified. Information regarding whether any responding / investigating officers, and from what teams, were assigned to deal with these reports. Details of any assessments, referrals, advice, support, treatment, meetings, mediation, restorative conferences, verbal or written warnings, legal action, or warning flags / markers which occurred in response to the reports. Details of any action taken in response to the reports. Details of why no action was taken in response to the reports. (if applicable)

Please provide this information no later than: \_\_\_\_\_

### Information Details

(please continue on a separate sheet if necessary)

Appendix 2  
Trigger Flowchart



