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# **Northumbria OPCC ASB Case Review Implementation Policy**



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# 1. Overview

This policy is intended to be used in conjunction with 'The Northumbria ASB Strategic Board – ASB Case Review Procedure' and as a point of reference that the Northumbria Office of the Police and Crime Commissioner (OPCC) will use in deciding whether an Anti-Social Behaviour (ASB) Case Review (CR) application meets the threshold for local agencies to hold an ASB CR panel.

Relevant Bodies (partner agencies) in Northumbria have signed up to a single regionwide ASB CR procedure, however, each has their own ASB Policy, providing a structure for how they will manage reports of ASB and which behaviours they consider fall into the category of ASB. They may also have separate policies covering how they will deal with other behaviours closely linked to ASB such as Domestic Abuse (DA) and Hate.

In developing this OPCC Policy document the available ASB policies of all the Relevant Bodies in Northumbria, as well as their different nuances have been considered, drawing on the similarities and, as far as possible, consolidating them in this OPCC policy. It outlines the behaviours that the Northumbria OPCC determines meets the definition of 'anti-social behaviour' for the purpose of the ASB CR process.

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<sup>1</sup> [ASB Case Review Procedure - April 2024](#)

<sup>2</sup> The 'relevant bodies' in any area are those organisations who are statutorily responsible for carrying out the duties under the ASB Case Review procedure, who must have an ASB Case Review procedure in place and who must undertake a case review when a person asks for one and the local threshold is met. The Relevant Bodies in this instance are the relevant Local Authority, Northumbria Police and a Registered Social Landlord.

<sup>3</sup> Housing providers will have specific housing related or housing management functions which limit/determine their responses.

## 2. ASB, Crime and Policing Act 2014 and the ASB Case Review<sup>4</sup>

The ASB CR is legislated for under the ASB, Crime and Policing Act 2014 (the Act). The Home Office released ‘Statutory guidance for frontline professionals’ (revised March 2023) in respect of the Act.

### Statutory Guidance

In relation to the ASB CR, the statutory guidance defines ASB as;

“Behaviour causing harassment, alarm or distress to a member or members of the public.”

It also acknowledges that housing related ASB has a lower test of ‘nuisance and annoyance’ and due to the victims’ inability to remove or separate themselves from the behaviour, the level of harm may well result in causing ‘harassment, alarm or distress’ for the purpose of the ASB Case Review.

The Statutory Guidance also encourages agencies to consider applicants’ vulnerabilities when deciding whether the threshold is met. It states:

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

Statutory Guidance and regulators have clarified that an ASB case can include multiple complex factors such as domestic abuse and hate; in such cases an outcome of an ASB CR may be a referral to a more subject specific pathway, for example Domestic Abuse, Stalking and Harassment, Hate. This should not prevent a victim of ASB requesting a case review and accessing support if available.

### Locally accepted definitions

In Northumberland, Tyne and Wear, the threshold to activate an ASB Case Review is:

- An application for an ASB Case Review is received, and
- At least three qualifying complaints have been made about ASB in the past 6 months.

In Northumberland, Tyne and Wear, the ASB CR covers behaviour causing or likely to cause nuisance, annoyance, harassment, alarm or distress to any member of the public or which may have a detrimental effect on someone’s quality of life.

In some instances, the OPCC may contact local relevant bodies and agencies to make a collective decision on whether or not the threshold is met based on local insights and information held and risk assessments conducted at a local level.

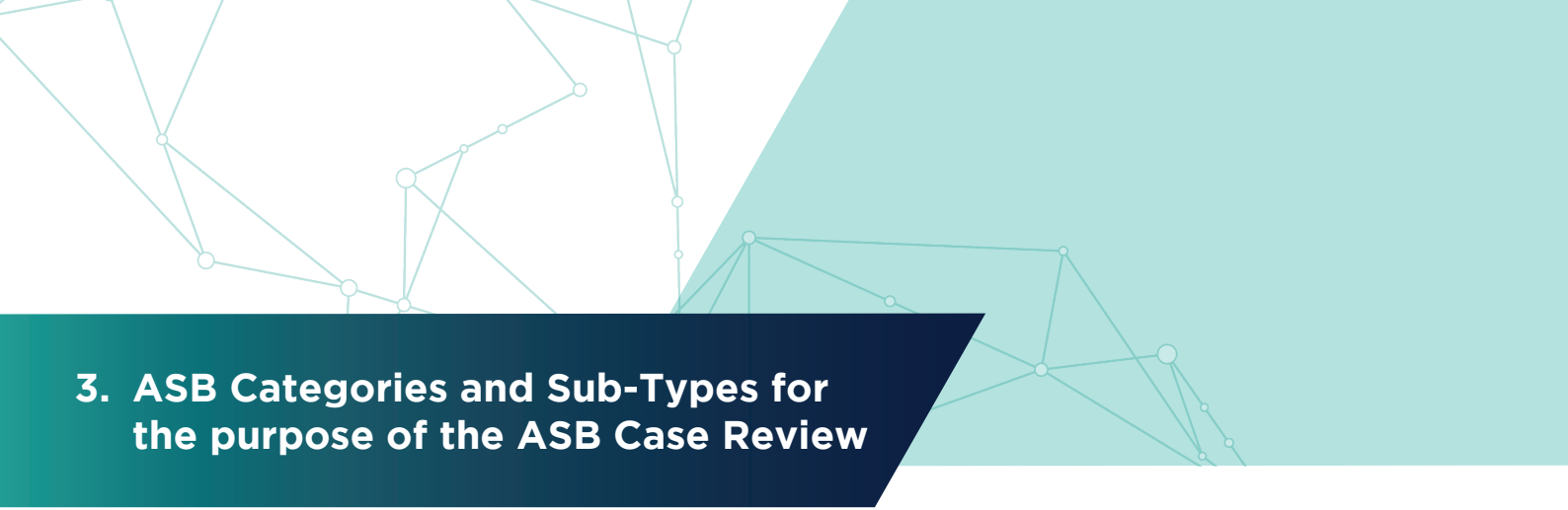
## 2. ASB, Crime and Policing Act 2014 and the ASB Case Review<sup>4</sup>

Where a consensus on threshold cannot be reached, the local ASB CR Lead for that area will decide, following consultation with their local relevant bodies and according to their local ASB Policies. They will notify the applicant in writing, providing a copy and rationale for their decision to the OPCC so it can be filed for appeal/audit purposes.

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<sup>4</sup> [https://assets.publishing.service.gov.uk/media/6422a19b60a35e00120cae63/2023\\_Update\\_ASB\\_Statutory\\_Guidance\\_-\\_FINAL\\_1\\_.pdf](https://assets.publishing.service.gov.uk/media/6422a19b60a35e00120cae63/2023_Update_ASB_Statutory_Guidance_-_FINAL_1_.pdf)

<sup>5</sup> Housing Ombudsman, Local Government Ombudsman, HMICFRS



### 3. ASB Categories and Sub-Types for the purpose of the ASB Case Review

#### ASB Categories

Nationally ASB is generalised into three categories:

1. **Personal ASB** – when a person or group of people are specifically targeted. This may include physical or verbal abuse.
2. **Nuisance ASB (or Community ASB)** – when a person causes trouble which impacts the community or people in general such as persistent loud parties or drunken behaviour.
3. **Environmental ASB** – when a person's actions impact the wider environment by fly-tipping or littering, for example. These behaviours contribute to the appearance of an area and the broken windows effect in our communities.

#### ASB sub-types

More specifically, examples of behaviours (also known as ASB Sub-types) that are considered to be anti-social may include:

- Harassment
- Unreasonable and excessive noise

A full list of behaviours that are considered to be anti-social for the purpose of the ASB Case Review can be found at Appendix 1.

It is recognised within this policy that some sub-types of ASB may only be actioned by Registered Housing Providers where it falls within the locality of the tenancy. This can be referred to as impacting the 'housing management function'.



## 4. Hate Related Incidents

Northumbria OPCC acknowledge that the relevant bodies and partner agencies may have a separate policy for Hate Crime and Non-Crime Hate Incidents and how they will investigate, support and take action in such cases.

It is recognised that there is a close link between ASB and hate related incidents and in some cases, incidents of hate crime or non-crime hate incidents may be mis-recorded as ASB. Where this appears to have occurred, we will endeavour to record the incidents correctly.

For the purpose of the ASB CR, incidents reported to the relevant bodies where it is believed an applicant is being targeted due to a protected characteristic (either by the applicant or any of the agencies involved) will be classed as a 'qualifying incident' under the ASB CR Procedure.



## 5. Behaviours not considered to be ASB

Some behaviours are not classified as ASB, for example:

- Everyday living/household noise
- Civil disputes involving parking, fencing, shared driveway and boundary disputes where there is no other associated ASB

A full list of such behaviours not classified as ASB for the purpose of the ASB Case Review can be found at Appendix 1.

In addition to the list at Appendix 1, incidents which have been reported but have not been recorded as ASB in line with the relevant bodies' ASB Policy may not be classed as ASB for the purpose of the ASB CR.

Not all issues reported by residents will meet the definition of ASB. Matters such as animal welfare, waste disposal, and certain types of neighbourhood disputes may still warrant investigation and action, but should be directed to the most appropriate department or service. In these instances, reports may not be investigated under an agencies ASB Policy, but may be investigated via a different pathway. They may also still qualify for an ASB CR, in these cases the OPCC will liaise with the local relevant bodies in making the threshold decision.


Similarly, where relevant bodies have initially dealt with reports as ASB in line with their ASB policy, but investigations have concluded that the behaviour is not considered anti-social in nature and the case has been closed or referred to a different department, may also not meet the threshold for the ASB CR. This may include reports of noise nuisance which can be demonstrated by noise monitoring equipment to be everyday living noise.





## 6. Dispute Resolution

Where a decision has been made that an ASB CR application does not meet the threshold, applicants have a route to appeal this to their local Community Safety Partnership. Details of how to submit an appeal can be found in 'The Northumbria ASB Strategic Board – ASB Case Review Procedure'. Details on how to appeal will also be included in the 'Threshold Not Met' letter that will be sent to an applicant in such instances.



## Appendix 1 – definition of behaviours which may or may not be classed as ASB

### ASB sub-types

The below list of behaviours (also known as ASB Sub-types) would be considered anti-social for the purpose of the ASB Case Review

- Violence, threats of violence or intimidation
- Harassment (this can be from a neighbour, a stranger or a current or previous intimate partner and can also include instances of Violence Against Women and Girls (VAWG))
- Verbal or written abuse (including via social media) and threatening behaviour
- Hate crime and non-crime hate incidents
- Domestic abuse
- Vandalism, graffiti and criminal damage, including threats to damage property
- Unreasonable and excessive noise, such as loud music and persistent parties, shouting, screaming, loud television noise, persistent alarms
- Criminal activities, where this causes harassment, alarm and distress to another
- Using, cultivating or dealing drugs
- Drunk, rowdy behaviour or alcohol abuse
- Misuse of fireworks
- Vehicle nuisance such as the reckless use of motor vehicles, mini motorbikes, E-bikes and E-scooters or excessive vehicle repairs at an address
- Environmental issues including but not limited to dog fouling, litter, fly-tipping, fly-posting, abandoned cars, intentional damage to trees, untidy gardens and smoke from bonfires
- Animal nuisance such as excessive dog barking or allowing dogs to stray
- Malicious and vexatious complaints – where they are used to deliberately harass another and where this is causing harassment, alarm and distress.
- Using or allowing a property to be used for illegal or immoral activity such as handling/storing drugs or stolen goods, exploitation, prostitution and cuckooing
- Threats to members of staff/agency employees



## Appendix 1 – definition of behaviours which may or may not be classed as ASB

### Behaviours not considered ASB

Some behaviours are not classified as ASB. These include (but are not limited to):

- Mowing the lawn at reasonable times of the day
- Everyday living/household noise, such as using a vacuum cleaner or washing machine at reasonable times of the day
- DIY noises or moving furniture at reasonable times of the day
- Impact noises such as footsteps, chair scrapes, going up and down stairs, doors closing and dropped items
- Children or young people playing inside or outside of the home, congregating or playing ball games (where there is no other associated ASB)
- Babies crying
- Occasional dog barking
- Cooking odours
- One-off parties, celebrations or BBQs
- Reports relating to people staring, where there is no other associated ASB
- Not being able to park outside your own home
- Civil disputes involving parking, fencing, shared driveway and boundary disputes where there is no other associated ASB
- Use of personal CCTV (where there is no other associated ASB)