

Investigation Protocol for Antisocial Behaviour (ASB) and Noise Nuisance

Introduction

This protocol gives specific information about student disciplinary cases in relation to ASB and noise nuisance.

The protocol should be read in conjunction with the [Student Disciplinary Procedure \(nonacademic\)](#) and [Student Disciplinary Policy](#). If you are involved in disciplinary proceedings of this nature, we advise you to read this protocol carefully and familiarise yourself with its contents.

The purpose of this document is:

- To outline the University's expectations around ASB and noise nuisance;
- To explain how the University responds to reports of behaviour covered under this protocol;
- To show how reports of this nature will be specifically investigated and managed by the University under its Student Disciplinary Procedure.

Key Principles

Newcastle University is committed to developing a culture that is positive, inclusive and supportive. This commitment includes playing an active role in the community and an expectation that students show consideration for those living nearby.

The University's [Student Charter](#) sets out the standards of conduct the University expects of students in order to ensure a safe, respectful and supportive environment for all members of the University community.

All Newcastle University students are responsible for their own behaviour and its impact on others. A Student household is also responsible for the behaviour of those who attend their property.

There are no designated 'student areas' within the city where excessive noise or ASB is expected or tolerated.

Any report of ASB or noise nuisance, whether on University premises or in the community, will be treated seriously and investigated in line with the [Student Disciplinary Policy](#).

See: [Sanctions](#) and [Appendix 1: Examples of misconduct and likely sanctions](#)

Scope

Anyone can make a report of ASB or noise-nuisance about a Newcastle University student or household. This includes other students, local residents, members of the public or third-party services (such as the Police or the Council).

This protocol will be used to investigate all instances of ASB and noise nuisance reported to the University. This includes, but is not limited to:

- Noise disturbances, including loud music and bass, loud voices, banging doors, footfall, taxis, shouting, screaming, disruptive house parties or gatherings;
- Waste and recycling mismanagement;
- Damage to local community or property.

If you are having a gathering or event at your property, you are responsible for the behaviour of invited guests and other non-tenants who would not otherwise be at your property if the event was not taking place.

Investigation Process

Where a report of ASB or noise nuisance is made to the University and specifies a named household, this will be investigated under the [Student Disciplinary Procedure](#).

A Disciplinary Case Officer will be appointed to investigate the case and any Newcastle University students registered at the specified address will be sent details of the report and offered the opportunity to respond to the report, either in writing or in person. It is important to note that there is never any prejudgement of cases and students are always provided with the opportunity to present their version of events before a case is concluded.

The outcome will be determined by the Academic Registrar after consideration of all the available evidence. The Academic Registrar will determine, on the balance of probabilities, whether misconduct has occurred. Where misconduct has occurred, sanctions (including fines) may be issued.

Sanctions

If you have been investigated under this procedure and misconduct has been found, or you are issued with advice and guidance regarding your future conduct, you are required to read the [University's Community Relations webpage](#), which sets out the impact and consequences of ASB and noise nuisance.

In addition:

1. Where external services are not involved

Level of misconduct determined	Indicative University sanction(s)
Low	<ul style="list-style-type: none"> - Advice and Guidance - Advice and Guidance – kept on student record - Individual discipline fine of £30
Moderate or repeated misconduct	<ul style="list-style-type: none"> - Advice and Guidance – kept on student record - Written warning - Individual disciplinary fine (£40-60)

Serious misconduct	<ul style="list-style-type: none"> - Advice and Guidance – kept on student record - Written warning - Final written warning - Individual disciplinary fine (£60-100) - Referral to Student Disciplinary Committee (for significant disturbances, repeated offences after Final Written Warning, or where there are additional aggravating factors)
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2. Where external services are involved

If the Police or Council witness a minor disturbance, and are able to establish that this is a first incident, it is possible that the matter will be concluded with verbal advice at the time. The University does not normally receive these reports, but if a complaint is received, the incident will be investigated as set out above. It is important to note that the absence of an associated resident complaint does not mean that nobody has been disturbed.

If the Police or Council determine that verbal advice would not be an appropriate resolution (either because the disturbance is more significant or because verbal advice has been given previously), they may take further action and the University will be informed of this.

Students will always be given the opportunity to respond to a disciplinary report, however, Police reports are considered to be strong evidence that ASB or noise nuisance has occurred.

External services are likely to take more severe action where:

- A significant disturbance is caused to the community;
- There are aggravating factors; or
- A household has been involved in repeated witnessed disturbances.

3. Council and Police action

The Council and the Police have their own procedures and actions for addressing ASB and noise nuisance by students.

Actions available to the Council include:

- First warning letter;
- Community Protection Notice Warning (CPNW) – a further disturbance is highly likely to result in the issue of a Community Protection Notice (CPN);
- Community Protection Notice (CPN) – a breach of this legal notice is a prosecutable offence;
- S80 Abatement Order (Environmental Protection Act 1990) – a breach of this legal notice is a prosecutable offence.

Please note:

- Newcastle City Council does not necessarily issue the above warnings incrementally, e.g., a CPNW can be issued following a first witnessed disturbance;

- There are no set 'acceptable' times for excessive noise, for example before 11pm. Excessive noise is not acceptable at any time, day or night.

Further information is available on the following pages:

- [Students | Newcastle City Council](#)
- <https://www.gov.uk/guidance/statutory-nuisances-how-councils-deal-with-complaints>
- <https://www.newcastle.gov.uk/services/environment-and-waste/environmental-health-andpollution/noise/noise-nuisance>
- <https://envirocallservice.newcastle.gov.uk/noise>
- <https://beta.northumbria.police.uk/advice-and-info/neighbourhood-issues/anti-social-behaviour-asb/>
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The University publishes advice on Community Living. You can also seek advice from the [Student Advice Centre](#) or support from the [Student Health and Wellbeing Service](#).

Information about your legal rights can be found at [Newcastle University Students' Union](#).

Please see [Appendix 1](#) for a list of Council actions and likely University sanctions.

Confidentiality

The University does not disclose the identity of any resident who makes a report about a student household.

Similarly, the University does not normally disclose the details of its students to complainants, whether the complainants are Newcastle University students or members of the public.

We will only inform complainants that if there are any Newcastle University students residing at the relevant property, they will be contacted in accordance with the Student Disciplinary Procedure.

Appeals

Any Student Responder has the right to appeal against any decision, instruction or sanction imposed as a result of the investigation.

If you wish to submit an appeal, you should follow the appeals process as set out in the [Student Disciplinary Procedure \(Student Responder\)](#).

Appendix 1: Council action and indicative University sanctions

Council action	Indicative University sanction(s)
First warning issued by City Council	- Warning and £30 individual fine
CPNW	<ul style="list-style-type: none"> - Warning/Final Warning and £40-60 individual fine - Referral to Student Disciplinary Committee for significance disturbance, aggravating factors, or repeat offences
CPN/S80 Abatement Order	<ul style="list-style-type: none"> - Warning/Final Warning and £60-100 individual fine - Referral to Student Disciplinary Committee for significance disturbance, aggravating factors, or repeat offences
Breach of CPN/S80 Abatement Order	- Referral to Student Disciplinary Committee.

Please note that, where a range is given for an indicative sanction, the following factors will be considered:

- The level of disturbance;
- The number of people present;
- The time of the disturbance;
- Whether the event jeopardised the safety of those present;
- Whether a resident complaint has been received in addition to any Police report;
- The presence of a music/sound system;
- The level of planning/organisation;
- The attitude of residents/guests;
- Level of engagement with external agencies and/or University investigation;
- Whether the student has been involved in previous misconduct relating to ASB or noise nuisance.