

CABINET MEMBER FOR SAFE AND ATTRACTIVE NEIGHBOURHOODS

**Venue: Town Hall, Moorgate
Street, Rotherham. S60
2TH**

Date: Monday, 17th September, 2012

Time: 10.00 a.m.

A G E N D A

1. To determine if the following matters are to be considered under the categories suggested, in accordance with the Local Government Act 1972 (as amended March 2006).
2. To determine any item which the Chairman is of the opinion should be considered later in the agenda as a matter of urgency.
3. Refreshed Anti-Social Behaviour Policy and Summary of Anti-Social Behaviour Policy and Procedures (Pages 1 - 34)
4. Exclusion of the Press and Public
Resolved:- That, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part I of Schedule 12A to the Local Government Act 1972 (information relating to the financial or business affairs of any particular person (including the Council)).
5. Tarran Estate, Maltby (Pages 35 - 41)

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS
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1.	Meeting:	Cabinet Member for Safe and Attractive Neighbourhoods
2.	Date:	17th September, 2012
3.	Title:	Refreshed Anti-Social Behaviour Policy and Summary of Anti-Social Behaviour Policy and Procedures
4.	Directorate:	Neighbourhoods and Adult Services

5. Summary

The purpose of this report is to seek approval for the adoption of the refreshed interim Anti Social Behaviour (ASB) Policy (Appendix 1) and associated Summary of the ASB Policy and Procedures (Appendix 2)

All local housing authorities are required to have in place and publish a policy, and procedures for dealing with occurrences of anti social behaviour.

This duty was introduced by Section 12 of The Anti-Social Behaviour Act 2003. The required policy and related procedures were adopted by the Council and have been in place since December 2004. They were last reviewed and refreshed in March 2011.

The policy and procedures must be kept under review in order to ensure that changes in legislation and working practices are current.

In May 2012 the government published the White Paper, 'Putting Victims First – *More effective responses to anti-social behaviour*'. The White Paper proposes changes to how ASB is tackled by all agencies and it is anticipated that the changes within the paper will become law by late 2012, early 2013. These changes will require further amendment of our current documents.

The refreshed documents have been subject of appropriate consultation including RMBC Legal Services.

6. Recommendations

- **That the refreshed interim ASB Policy & Procedures and Summary be approved as 'interim' operating policies pending confirmation of new legislation outlined in the government White Paper: 'Putting Victims First – More effective responses to anti-social behaviour'**
- **That the documents content be re-visited when any change in legislation is confirmed as a result of the White Paper (Anticipated late 2012, early 2013)**

7. Proposals and Details

All local housing authorities are required to have in place and publish a policy and procedures for dealing with occurrences of anti social behaviour.

This duty was introduced by Section 12 of The Anti-Social Behaviour Act 2003. The required policy and related procedures were adopted by the Council and have been in place since December 2004. They were last reviewed and refreshed in March 2011.

The abolition of 2010 Rotherham Ltd and the return of Housing Services to the Council has required cosmetic changes to the documents to reflect that re-organisation. In addition the following amendments have been made since the 2011 refresh.

These changes have been made to reflect the shift in focus in how we deal with victims across all the different strands of ASB. The Policy is now made up of 13 sections as opposed to the previous 11. This makes it easier to locate information and easier to read.

This is an interim document and will require a further, more in depth refresh later this year to reflect the forthcoming changes in the Government White Paper.

ASB Policy May 2012

- **Section 2.** This now states a clear commitment to tackling ASB in line with other area's policies and makes clear our strategic approach. Reference is also included to the Tenancy Conditions and Tenants Handbook, although the latter is itself currently subject of a separate review.
- **Section 4.** Whilst the definition of ASB remains the same a list of examples of the different types of ASB has been added.
- **Section 5.** A brief explanation of the Regulation of Investigatory Powers Act has been added as well as Safeguarding and the Domestic Violence Crime and Victims Act 2004. Reference is also now made to the 'Respect – ASB Standard for Housing Management'
- **Section 6.** Gives more detail on how complaints can be reported and how they can be dealt with. It also includes a new section - Supporting and Caring for Victims and Witnesses of ASB. This now identifies who provides the support, from providing evidence at court to the practical help which can be given.
- **Section 7.** This section has been re-written to include examples of current preventative measures.
- **Section 8.** This section makes reference to the Safer Neighbourhood Team, including Anti-Social Behaviour Officers and the Community Protection Team.

- **Section 9.** Lists some of the services available to assist in the rehabilitation of offenders.

The changes to the 'ASB Summary of Policy and Procedures' reflects the changes detailed above.

8. Finance

Delivery will be sustained by existing funding from both the Council's General Fund and the Housing Revenue Account.

9. Risks and Uncertainties

This is a statutory requirement. If we do not accept this as an interim measure, customers will not be aware of the developments since the last publication.

10. Policy and Performance Agenda Implications

There is clear linkage between how, as a partnership, Rotherham tackles ASB and the objectives within the RMBC Corporate Plan – Helping to create safe and healthy communities, People feel safe where they live, Anti-social behaviour and crime is reduced, People from different backgrounds get on well together. Improving the environment, Clean streets.

11. Background Papers and Consultation

Both papers were refreshed in consultation with RMBC ASB Unit, Community Protection, Domestic Violence Co-ordinator, and the Community Cohesion Officer, Area Partnership Managers, Housing Managers and Housing Champions.

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Rotherham Metropolitan Borough Council

Anti-Social Behaviour Policy & Procedures

July 2012

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1. INTRODUCTION

This policy and procedures sets out the action Rotherham Metropolitan Borough Council takes as a social landlord tackling anti-social behaviour (ASB) in the borough. The statement focuses on the housing role of the Council as is required by the Anti Social Behaviour Act 2003, whilst setting out the range of agencies working together to prevent ASB and promote strong successful communities.

All local housing authorities are required to have in place and publish, a policy and procedures document for dealing with occurrences of anti social behaviour. This duty was introduced by Section 12 of The Anti-Social Behaviour Act 2003. In Rotherham a policy and related procedures have been adopted by the Council since December 2004 and was last amended in 2011. The policy and procedures must be kept under review in order to ensure that changes in legislation and working practices are current.

2. OUR COMMITMENT TO TACKLING ANTI-SOCIAL BEHAVIOUR

The Council strives to provide the highest quality housing service and to tackle the problems created by anti-social behaviour (ASB). The Council will:

- Provide an accessible, effective service, which encourages residents to report incidents
- Develop strategies to prevent ASB and take firm action against perpetrators.
- Support victims and witnesses, ensuring confidentiality at all times
- Protect vulnerable groups, tackling inequality and discrimination
- Work in partnership with tenants, residents and with other agencies to provide an effective response.

We recognise that all residents have the right to the peaceful enjoyment of their home and that left unchallenged ASB can have a significant negative impact on the lives of our residents. Equally every resident has a responsibility not to interfere with their neighbour's right to the peaceful enjoyment of their home. We are committed to continually reduce anti-social behaviour and recognise that, as well as enforcement, we need to follow a multi-track approach to also focus on its causes using all available partnerships and resources to fully use the tools and powers available

We will adopt the following key strategies in our approach

- Prevention
- Effective Enforcement
- Partnership working
- Rehabilitation of offenders.

Where necessary we will take tough action so that the majority of law-abiding, decent people no longer have to tolerate the behaviour of the few individuals and families that think they do not have to show respect to others.

3. DEFINING ANTI-SOCIAL BEHAVIOUR

The Council recognises anti-social behaviour as behaviour which is capable of causing nuisance and annoyance to any person. The Crime and Disorder Act 1998 describes anti-social behaviour as;

“Acting in a manner that causes or is likely to cause harassment, alarm or distress to one or more person’s not in the same household”

This definition has been accepted by the Safer Rotherham Partnership, including the Council and its partners.

In addition Section 153A of the Housing Act 1996 defines anti-social behaviour as;

“Conduct which is capable of causing nuisance or annoyance to any person”

4. TYPES OF ANTI-SOCIAL BEHAVIOUR

Some examples of what constitutes anti social behaviour are as follows. However there may be other types of behaviour that could be classified as anti social that are not included on the list:

- Excessive noise, (including banging, shouting, amplified music)
- Hate related incidents (based on race, sexual orientation, gender, disability, religion, age etc)
- Domestic abuse
- Rowdy, aggressive or threatening behaviour or language
- Using a Council property for criminal purposes, e.g. drug dealing
- Problems caused by animals, e.g. persistent dog barking, fouling etc
- Graffiti, litter or fly tipping
- Intimidation, harassment or threats
- Acts of violence
- Using or carrying offensive weapons
- Antisocial behaviour as a result of misuse of drugs or alcohol
- Nuisance from vehicles – including ‘off road vehicles.
- Any other criminal behaviour not included in the categories above

5. THE LEGAL AND STRATEGIC FRAMEWORK

The Council has to operate within the framework created by legislation and its own strategies and policies. The Council’s approach to anti-social behaviour is critical to the success of a number of key strategic drivers shown at Appendix 1.

HATE INCIDENTS

The Council does not tolerate any harassment or other incidents caused to someone because of their colour, race nationality, age, disability (including mental health or learning disability), sexuality, religious belief or faith, gender or gender identity.

We will take determined action against those who perpetrate any incident motivated by hate and prejudice against others including legal action where appropriate

We recognise that hate incidents can take many forms, ranging from verbal abuse to physical as well as attacks on homes and property. We have adopted the definition of hate crime recommended by the Association of Chief Police Officers:

'Hate crimes are taken to mean any crime or incident where the perpetrator's hostility or prejudice against an identifiable group of people is a factor in determining who is victimised.'

Because of the nature and personal impact of hate incidents and crimes, a separate policy and procedure has been drafted for approval which acknowledges the seriousness of the incidents, the potential for escalation and the impact on communities as well as individuals

It is the Council aims to encourage reporting, to prevent Hate Incidents and crimes from re-occurring, act quickly and give support to the victim and deal with the perpetrator in the most appropriate way.

We will support individuals who report by undertaking a vulnerability risk assessment for all victims who report to the Council and our partner agencies ensuring a consistent approach. Victims who wish to seek justice will be supported to report to the Police and through out the prosecution process via Victim Support.

We will identify community tension issues by working with partner agencies to monitor incidents.

Incidents of Hate Crime are monitored by the Safer Rotherham Partnership's Hate Crime officer and collated from across partner agencies on a weekly basis, with the information sent to bi weekly assessment and monthly tasking by a multi agency forum (Citizen Focus) to identify community tension issues.

DOMESTIC ABUSE

In Rotherham domestic abuse is defined as:

'Any incident or threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who are or have been, intimate partners or family members, regardless of gender or sexuality'

In addition the Council acknowledges that domestic abuse can form a pattern of coercive and controlling behaviour that can cause its victims to live in fear. The Council also accepts that domestic abuse can impact on the wider community.

We will support victims by undertaking a comprehensive risk assessment for all victims who access support from our partner agencies including the Independent Domestic Violence Advocacy Service. Victims who wish to seek justice will be supported to report to the Police and through out the prosecution process.

The Council is committed to working in line with the Domestic Violence strategy and working with other agencies to offer support to the victim. The Council has a duty under the Homeless Act 2002 to treat people claiming homelessness due to the threat of violence as a priority need. The Council is also a part of South Yorkshire's Specialist Domestic Violence Court Initiative, which ensures that victims of domestic abuse receive a co-ordinated agency response to reduce the risk they and their children face. The Council, alongside its partner agencies, strongly supports the Multi Agency Risk Assessment Conference for high risk victims

6. PROCEDURES

Making a Complaint

People suffering from anti-social behaviour can make a complaint by

- Visiting Customer Service Centres – details can be found at the end of the document
- Telephoning the Rotherham Housing Golden Number for reporting Estate Management issues.
- Contacting their local Safer Neighbourhood team by ringing the non emergency number - 101
- If the complaint relates to a criminal offence contacting South Yorkshire Police -details of which can be found at the end of the document
- If the complaint relates to noise it must be made to RMBC Public Protection - details of which can be found at the end of the document
- Contacting via the website www.rotherham.gov.uk

Investigations Strategy

The Council is committed to taking swift and effective action to investigate complaints of anti-social behaviour and protect victims and witnesses.

Housing Services

The Housing Champions deal with all aspects of tenancy management and nuisance complaints, involving the tenants and leaseholders of Council properties. The champions work closely with the Police, Community Protection Unit, Education Welfare, Youth Offending Service and other partners. Partnership working is primarily co-ordinated through the Safer Neighbourhood Teams

When we receive a complaint we will:

- assess the urgency of the case
- For racial or more serious anti-social behaviour the interview will take place within 1 working day or when convenient to the complainant

- In other complaints arrangements will be made to interview the tenant within 5 working days

Interview / Visit - Complainant

The Housing Champion will:

Interview the complainant to obtain detailed information about incidents and will discuss and agree the form of action that will be taken.

- Arrange support for the complainant if required.
- Start a case file in respect of the complaint.
- If appropriate, arrange mediation to discuss the matter where there is no threat of violence.
- If appropriate issue the complainant with diary sheets to complete in order that they can detail any incidents witnessed.
- If the matter is resolved without further investigation, the Housing Champion will take appropriate action and advise the complainant by letter.
- Keep in contact with the complainant on a fortnightly basis.

If the complainant does not agree for the Council officer to contact the alleged perpetrator, the reasons will be clearly recorded in the case file and the consequences will be explained to the complainant.

Interview / Visit – Alleged Offender

In most cases we will contact the alleged perpetrator by letter to invite them to attend an interview or arrange a visit in order to listen to their view of the situation. The interview will be carried out by a Housing Champion who will advise the alleged perpetrator:

- That a complaint has been received.
- Details of the complaint.
- Consequences of such behaviour.
- Conditions of the tenancy agreement if applicable.

Details of the interview will be recorded and held in the case file. We will advise complainants and perpetrators in writing of the outcome of the visit.

If necessary, further action will be taken and where appropriate legal action may be instigated and in some cases, where emergency action needs to be taken, the perpetrator will not be contacted by the Housing Champion

File Preparation

Housing Champions will record all information in the case file including diary sheets and information from other agencies. They will also keep contemporaneous notes in respect of the case and any photographic evidence of personal damage or damage to property will also be held in the case file.

SUPPORTING AND CARING FOR VICTIMS AND WITNESSES OF ANTI-SOCIAL BEHAVIOUR

- The confidentiality of a complaint and the anonymity of complainants and witnesses will be maintained by the Council. Wherever possible customers request for confidentiality will be respected at all times.
- The Council will usually wish to discuss a complaint with a perpetrator. However, the action required to resolve the case will be discussed and agreed with a complainant before the perpetrator is approached.
- Complainants will be updated at least on a fortnightly basis in relation to how a case is progressing.
- All nuisance monitoring sheets and diaries will be read within one working day.
- Incidents will be logged and monitored, and where required further witnesses will be sought and work may be carried out with partner agencies. This will include information and investigatory support from the Borough's Safer Neighbourhood Teams. This may entail referral to the Neighbourhood Action Group for the area for cross partnership problem solving. All liaisons will be documented.
- Assistance will be given to complainants in compiling evidence and making statements.
- Information will be made available in an accessible format and use of interpreters will be made where necessary.
- The Council will attempt to resolve a complaint without the need for formal legal action wherever possible. However, the Council will not hesitate in taking appropriate legal action, where it is reasonable and proportionate to do so. At all times the wide range of interventions will be considered for appropriate use.

Providing evidence at court

The Council will assist witnesses in attending Court and supporting them through the Court process and work with and liaise with the Court Witness Support Scheme.

Serious cases will be forwarded to the Council's Anti-Social Behaviour team in order for witnesses to be given support and assistance.

The Anti-Social Behaviour team

The Anti-Social Behaviour team only deal with serious cases of anti-social behaviour that are referred to them via housing champions or other agencies.

When a case is referred to the ASB team the ASB Officer will carry out a further investigation and assess the best course of action to resolve the case. This may be done alone, or in conjunction with the ASB Manager, Area Manager or Legal team. The ASB Officer will often:

- work closely with other staff in carrying out investigations

- provide advice and support to complainants
- gather evidence, including detailed witness statements for use in legal action
- liaise with other agencies who are or may need to be involved in the case
- liaise with the Police to exchange information and gather evidence
- review problems and considering the range of actions available to resolve them
- work with Legal Staff to prepare cases for court; and support witnesses throughout the investigation of referred cases, the court process and beyond

The team has the ability to provide the following services for witnesses in an emergency:

- A help line for witnesses
- Video cameras to verify witness statements
- Re-housing (in very serious cases)
- Taking emergency legal action e.g. injunctions, interim anti-social behaviour orders

Multi-agency working may be carried out with partners of the Safer Rotherham Partnership, Registered Social Landlords and Private Landlords signed up to the Private Landlord Accreditation Scheme.

The actions, which include fast track responses in serious cases, are increasing, with the emphasis on bringing about real changes and improvement in the behaviour of those who commit ASB.

The actions considered may be but are not limited to:

- Approaching the perpetrator and discussing the problem behaviour;
- Warning letters;
- Acceptable Behaviour Contracts (ABC);
- Parental Control Contracts (PCC);
- Environmental Health Action for Statutory Nuisance;
- Injunctions;
- Undertakings;
- Anti-Social Behaviour Orders (ASBOs);
- Demoted tenancies;
- Possession proceedings;
- Suspension of Right to Buy;
- Extension of Introductory Tenancies;
- Use of Professional Witnesses/Surveillance;
- Dispersal Orders (via the police); and
- Closure of premises orders.

At the end of any intervention, the appropriate agencies are informed for monitoring and for rehabilitation to take place. Anti-Social Behaviour Orders are entered on the Police National Computer and witnesses are contacted.

Witnesses and complainants are notified in writing when a case is closed and customer satisfaction surveys are carried out in order to ensure a high level of customer satisfaction and to monitor quality of life issues.

7. PREVENTATIVE MEASURES

Family Intervention Project

The Family Intervention Project (FIP) works with families in Rotherham who have reached crisis point and who may be likely to be facing the loss of their home without major changes in behaviour. The model is one of intensive and 'assertive support' that aims to tackle complex problems by providing a joined up package of services.

Families for Change Programme

The government has confirmed its intention to ensure that nationally 120,000 troubled families are 'turned around' by the end of this Parliament. These families are characterised by there being no adult in the family working, children not being in school and family members being involved in crime and anti-social behaviour. These families almost always have other often long-standing problems which can lead to their children repeating the cycle of disadvantage. In Rotherham we will identify a cohort of families that meet the set criteria and put in place appropriate, targeted interventions to turn these families around.

Mediation

The Council will forward low level nuisance and anti-social behaviour to Rotherham Mediation Services where all parties agree to take part in the mediation process. It is an impartial service which aims to negotiate a mutual understanding between parties.

Acceptable Behaviour Contracts

The Council will use Acceptable Behaviour Contracts against perpetrators where it is appropriate to do so. They are seen as an initial warning for those perpetrators whose continued anti-social activities could lead to obtaining an Anti-Social Behaviour Order.

8. ENFORCEMENT

Safer Neighbourhood Teams

Strong partnership working to join the neighbourhood policing and neighbourhood management agendas operates in Rotherham to make our neighbourhoods safer. The teams have shared briefings and all partners are signed up to the Crime and Disorder Joint Protocol on information exchange. The Safer Neighbourhood Teams

use community intelligence obtained through public meetings and statistical information to identify local key priorities and the actions needed to address low level crime, nuisance and anti-social behaviour.

Safer Neighbourhood teams include:

- Environmental Health Officers,
- Anti-Social Behaviour Officers,
- Enforcement Officers,
- Police Officers,
- PCSOs,
- Rotherham Wardens,
- Housing Champions

Community Protection Team

Community Protection have a crucial role in tackling anti-social behaviour and nuisance and have a statutory duty to investigate requests for service regarding certain types of anti-social behaviour and nuisance across all housing tenure, trade, business and industry, construction sites and activities in the street. For example:

- Noise
- Fly tipping
- Litter
- Graffiti
- Dog fouling
- Anti-Social Behaviour
- Dust and smoke
- Animals
- Accumulation of rubbish
- Infestations of pests
- Filthy premises

Cases are progressed via both criminal and civil enforcement depending on the circumstances to achieve the quickest remedy

9. REHABILITATION OF OFFENDERS

Where enforcement action has been taken to deal with anti-social behaviour consideration will be given to any necessary rehabilitation work for the perpetrator. The Council will work with other agencies to ensure that appropriate rehabilitation services are offered to those who have perpetrated anti-social behaviour. This could include:

- Referrals to Drug Action Team
- Rotherham Community Alcohol Service
- Mental Health Team
- Youth Services
- Youth Offending Services
- Adult and Children Social Services
- Youth Liaison Officer

10. TRAINED STAFF

All front line staff working for the Council are trained in tackling anti-social behaviour, dealing with racial incidents, evidence gathering and recording. Further training is identified in their personal development review. Risk assessments are also carried out for the care and protection of staff.

11. PUBLICITY

Any action taken will be publicised where it is deemed reasonable and necessary to do so. The general public need to know what a perpetrator is and is not allowed to do and to reassure the community that action is being taken to stop anti-social behaviour.

12. RISK ASSESMENT

We will ensure that appropriate action and resources are given to tackling anti-social behaviour. We recognise that failure to deal with the issue could lead to customers being at risk, feeling threatened and not being able to enjoy the quiet enjoyment of their home and locality.

The Council recognise that for many people it is difficult for them to come forward and complain about the behaviour they are experiencing. It is therefore important that we offer support to complainants and act quickly for those who are too frightened to give evidence.

13. POLICY AND PROCEDURES REVIEW

This will be reviewed no later than January 2013 with further reviews on a 2 yearly basis. We are continually reviewing the service we provide through seeking and analysing customer feedback and carrying out service quality reviews.

14. CONTACTS

Estate Management & Housing issues

Tel: 01709 336040

South Yorkshire Police

Tel: 101 (Non Emergency)

Tel: 999 (Emergency)

Community Protection

Tel: 01709 823118

Anti-social behaviour complaints can also be made online at [www.rotherham.gov.uk/forms/form/32/anti social behaviour iform](http://www.rotherham.gov.uk/forms/form/32/anti_social_behaviour_iform)

For other information visit our website at www.rotherham.gov.uk

Corporate Customer Complaints

Freepost RRGK-EJSB-ZECL

“Tell Us Your Views”

Rotherham Metropolitan Borough Council

Civic Building

Walker Place

Rotherham

S65 1UF

Email: complaints@rotherham.gov.uk

Slovak

Ak vy alebo niekto koho poznáte potrebuje pomoc pri pochopení alebo čítaní tohto dokumentu, prosím kontaktujte nás na vyššie uvedenom čísle alebo nám pošlite e-mail.

Slovensky**Kurdish Sorani**

كوردی سۆرانی
نهگهر تو یان كه سێك كه تو دهیناسی پێویستی به یارمهتی هه بێت بۆ نهوهی لهم به لگه نامه یه تیبگات یان بیخوینێته وه،
تکایه په یوه ندیمان پێوه بکه له سههر نهو ژماره یه ی سههر وه دا یان بهو نیمه یله.

Arabic

عربي
إذا كنت أنت أو أي شخص تعرفه بحاجة إلى مساعدة لفهم أو قراءة هذه الوثيقة، الرجاء الاتصال على الرقم اعلاه، أو مراسلتنا عبر البريد الإلكتروني


Urdu

أردو
اگر آپ یا آپ کے جاننے والے کسی شخص کو اس دستاویز کو سمجھنے یا پڑھنے کیلئے مدد کی ضرورت ہے تو
برائے مہربانی مندرجہ بالا نمبر پر ہم سے رابطہ کریں یا ہمیں ای میل کریں۔

Farsi

فارسی
اگر جناب عالی یا شخص دیگری که شما او را می شناسید برای خواندن یا فهمیدن این مدارک نیاز به کمک دارد لطفاً با
ما بوسیله شماره بالا یا ایمیل تماس حاصل فرمایید.

“If you or someone you know needs help to understand or read this document, please contact us”:

: 01709 334562

: community.safety@rotherham.gov.uk

Minicom: 01709 823536

Legal & Strategic Framework – Key Strategic Drivers

- Rotherham’s Local Preventative Strategy
- Joint Strategic Intelligence Assessment
- The Housing Strategy [currently under review]
- Strategic Landlord Excellence plan.
- Strategy to Reduce Crime and Disorder,
- The Community Strategy
- The Homeless Strategy
- The Youth Offending Strategy
- The Black and Minority Ethnic Housing Strategy
- Housing and Environmental Community Cohesion Strategy
- Single Equality Scheme
- Noise Reduction Strategy
- Enviro Crime Strategy
- Children and Young People’s Parenting Strategy
- Early Years and Childcare Strategy
- Child and Adolescent Mental Health Services Strategy
- Teenage Pregnancy Strategy
- Safeguarding Children
- Safeguarding Adults
- Domestic Violence Crime and Victims Act 2004
- Equality Act 2010

There are a number of statutory tools laid down that influence the methods and approach to anti-social behaviour that the Council undertakes:

THE HOUSING ACT 1985 (AS AMENDED BY THE HOUSING ACT 1996)

The Housing Act introduced statutory grounds for possession of Council rented properties, for example:

- a) Behaviour which is a breach of an express clause of the tenancy agreement:

- b) Behaviour by a Council tenant, or a person living with the tenant, or a person visiting the tenant which causes or is likely to cause a nuisance or annoyance to:
- a person living in the locality of the tenant's property;
 - a person visiting a property in the locality of the tenant's property; or
 - anyone else in the locality of the tenant's property.
- c) Where a Council tenant or a person living with the tenant or a person visiting the tenant has been convicted of:
- using or allowing the tenant's property to be used for immoral or illegal purposes; or
 - an indictable offence committed in, or in the locality of the tenant's property.
- d) Where a person living in a Council property has had to leave the property because he/she has been subjected to domestic violence.
- e) Where the condition of the tenant's property has deteriorated due to acts of waste, neglect or default by the tenant or anyone else living with or visiting the tenant.

The 1996 Act also created introductory tenancies along with Local Authority Anti-Social Behaviour Injunctions which have been amended by the Anti-Social Behaviour Act 2003. All new secure tenancies granted by the Council from October 2003 are initially granted as Introductory Tenancies, becoming secure tenancies, following satisfactory conduct of the tenancy for a period of one year.

HOUSING ACT 2004

The Housing Act 2004 introduced wide ranging powers for Local Authorities to deal with the improvement of private sector housing. Amongst these powers are specific provisions relating to the Selective licensing of private rented properties.

THE CRIME AND DISORDER ACT 1998

This Act introduced Anti-Social Behaviour Orders (ASBO's). The Police or a local authority can seek an ASBO against anyone aged 10 or over who has acted in an anti-social manner and where people need to be protected from further anti-social acts.

THE POLICE REFORM ACT 2002

This Act makes it possible for Interim Anti-Social Behaviour Orders to be granted, where there is an urgent need to protect the community from further acts of anti-social behaviour, pending a full Anti-Social Behaviour Order being obtained.

THE CHILDREN'S ACT 1989

This Act places a duty on authorities to co-operate with each other in the protection of children. In particular information on one authority's actions must be shared with others if it would help them to carry out their functions.

EQUALITY ACT 2010

The Equality Act 2010 created a single equality duty to protect people from discrimination by replacing all the previous duties under legislation such as the Disability Discrimination and Race Relations Acts. The Act protects groups of people who have what is referred to as "protected characteristics" which includes disability, race, religion or belief, gender, sexual orientation and gender reassignment. The Council must have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The Council act in compliance with the single equality duty and seek to:

- remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that is connected to that characteristic;
- take steps to meet the needs of persons who share a relevant protected characteristic that is different from the needs of persons who do not share it; and
- encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

THE HOMELESS ACT 2002

This imposes a duty on the Council to assist people at risk of violence. In addition it states that the Council does not have to give preference for housing people guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant. Unacceptable behaviour is behaviour that would have entitled the Council to a possession order if they been a council tenant. In addition, it enables the Local Authority to treat an applicant as ineligible for housing if they or a member of their household has been guilty of unreasonable behaviour.

REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)

Covert surveillance may be carried out when other means of gaining evidence is not available, to protect witnesses or to identify perpetrators.

THE HUMAN RIGHTS ACT 1998

The Act gives statutory effect to the European Convention on Human Rights. Key Rights include:

- Freedom of expression
- Right to life
- Prohibition of torture
- Prohibition of discrimination
- Right to freedom of thought and religion
- Right to respect for private and family life

THE DATA PROTECTION ACT 1998

The Act came into force on 1st March 2000. It sets out rules for those who process personal information to be open about its uses and to follow sound and proper practices when handling personal information. The Act covers all types of records, both manual and electronic and the council must ensure that all its work complies with the Act.

The council recognises that information exchange between agencies is valuable in order to protect its communities and the Council ensures that such exchanges of information are legitimate under the Data Protection Act.

CONFIDENTIALITY AND DATA PROTECTION

Section 115 of the Crime and Disorder Act 1998 allows the Council to share personal data or information to be disclosed to the Police, Probation Service, Social Services, Youth Offending Services, Public Protection (Environmental Health), The Primary Care Trust, Registered Social Landlords and Fire and Rescue Service, Education and Other Health bodies where it is necessary to take action under the Crime and Disorder Act 1998. For example, when obtaining an Anti-Social Behaviour Order, the information is processed in accordance with the Data Protection Act 1998.

SHARING INFORMATION

The Council, South Yorkshire Police and other partners have protocols to share information and consideration is given to what information is necessary and formal requests are made in writing with an audit trail kept of the request and reply.

CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005

The 2005 Act is in ten wide ranging parts. This includes the impact of Parts 1 (Crime and Disorder) 2 (Nuisance parking) 3 (Litter and refuse) 4 (Graffiti) 5 (Waste) 6 (Dogs) 7 (Noise) and 9 (Miscellaneous). The Act amends and modernises some existing legislation in relation to anti-social behaviour, and brings in several new offences. There is an emphasis on the use of fixed penalties.

THE ENVIRONMENTAL PROTECTION ACT 1990

This legislation imposes a legal obligation on local authorities to take such steps as are reasonably practical to investigate a complaint of statutory nuisance, which includes noise (noise nuisance is classed as anti-social behaviour). A statutory nuisance can exist where noise emitted from premises is either prejudicial to health

or a nuisance. In such circumstances the Council can serve an Abatement Notice on the person responsible for the noise, requiring him/her to stop the nuisance recurring. If such a person does not comply with the Notice they can be prosecuted and fined. In serious cases the Council could also seize equipment used to create the noise, for example a stereo system. In certain circumstances it may be appropriate following prosecution to apply for an Anti-Social Behaviour Order on Conviction.

THE ANTI-SOCIAL BEHAVIOUR ACT 2003

This Act brought in a number of new duties and powers for local authorities in their landlord capacity. These are as follows:

- Publish and keep under review policies and procedures for dealing with anti-social behaviour.
- Sections 152 and 153 of the Housing Act 1996 which deal with injunctions have been amended to widen the scope of injunctions that the Council can apply for to deal with anti-social behaviour. It is now possible to protect wider categories of people who are the subject of anti-social behaviour. In certain circumstances the Court can add a power of arrest to the injunction and prohibit people from entering specific premises or areas.
- Demotion Orders have been introduced which enable the Council to apply to Court for an order demoting a tenant from a secure tenancy to a less secure one for a year. If the tenant continues committing anti-social behaviour within that year it should be easier for the Council to seek possession of the tenant's home.
- The Court must give particular consideration to the impact of anti-social behaviour on victims, witnesses and the wider community when deciding whether it is reasonable to evict a tenant from their home.
- If the Council applies for possession of a tenant's home and believes that other people are committing related anti-social behaviour, it may also apply within the same Court proceedings for an Anti-Social Behaviour Order to be made against those other people.

THE RESPECT - ASB CHARTER FOR HOUSING

During 2011 the council committed to the Respect – ASB Charter for Housing and in doing so made a public commitment to do everything it reasonably can to tackle ASB and develop a culture of respect in the our neighbourhoods.

This voluntary charter was created by housing professionals in consultation with resident's and commits landlords to provide a high quality service to prevent and deal with ASB. It puts an even higher priority on tackling ASB in order to protect vulnerable tenants and improve the lives of people resident in social housing.

The charter has been developed through wide consultation, continues to be voluntary and is essentially an updating of the previous Respect Standard for Housing Management, to which the council had also committed.

The new standard delivers a whole approach to tackling anti-social behaviour by placing emphasis on seven core commitments:

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

TENANCY CONDITIONS AND TENANT'S HANDBOOK

Every tenant signs a tenancy agreement which sets out the rights and responsibilities of Rotherham Borough Council and its customers.

The council expects all our tenants to fully comply with all the conditions of tenancy in particular those that relate to ASB, nuisance and harassment. The Council also expects that a customer's family members, relatives, pets or visitors or lodgers at the property also comply with tenancy conditions. Failure to do so may result in legal action being taken against them and / or the tenant.

The current tenancy conditions and Tenancy Handbook can be viewed at www.rotherham.gov.uk

Every tenant will receive a copy on sign up for their property.

Rotherham Metropolitan Borough Council

Summary

Anti-Social Behaviour Policies & Procedures

July 2012

Summary of Anti-Social Behaviour Policy & Procedures

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1. Introduction

This document summarises Rotherham Metropolitan Borough Council's policy and procedures relating to anti-social behaviour (ASB). It should be read in conjunction with the ASB Policy and procedures statement. This document is pending both organisational and Government policy driver changes.

2. What is Anti-Social Behaviour?

The Council recognises anti-social behaviour as described under Section 153A of the Housing Act 1996 as behaviour which is capable of causing nuisance and annoyance to any person. The Council adopts the Crime and Disorder Act 1998 definition of anti-social behaviour as;

“Acting in a manner that causes or is likely to cause harassment, alarm or distress to one or more person’s not in the same household”

This definition has been accepted by the Safer Rotherham Partnership on which related policies and strategies should be developed.

3. Types of Anti-Social Behaviour

Some examples of what constitutes anti social behaviour are as follows; however, there may be other types of behaviour that could be classified as anti social that are not included on the list:

- Excessive noise
- Rowdy, aggressive or threatening behaviour or language
- Intimidation, harassment or threats
- Graffiti, litter or fly tipping
- Using a Council property for criminal purposes, e.g. drug dealing
- Hate related incidents (based on race, sexual orientation, gender, disability, religion, age etc)
- Domestic abuse

4. Our Commitment to tackling Anti-Social Behaviour

The council is committed to tackle the issues of anti-social behaviour and adopts the following key strategies in its approach:

- Prevention
- Effective Enforcement
- Partnership Working
- Rehabilitation of perpetrators

4.1. Prevention

The council will, where possible, consider early intervention and adopt preventative measures to tackle anti-social behaviour. These include:

- Formal warnings for breach of tenancy
- Acceptable Behaviour Contracts
- Mediation
- Multi agency working

4.2. Enforcement

We will take action against perpetrators by making use of the legal remedies available. These include:

- Applications for possession
- Injunctions
- Anti-social behaviour Orders
- Closure Orders
- Fixed Penalty notices

4.3. Rehabilitation of Perpetrators

We recognise the need to achieve long term change in the behaviours of perpetrators and reduce repeat offending and we will work with our partners to develop approaches which reduce the problem.

This could include:

- Referrals to Drug Action Team
- Rotherham Community Alcohol Service
- Mental Health Team
- Youth Services
- Youth Offending Services
- Adult and Children Social Services
- Youth Liaison Officer

5. Partnership working

The council recognises that to be successful in reducing anti-social behaviour we cannot work alone. Safer Neighbourhood teams bring together neighbourhood policing and neighbourhood management agendas to make our neighbourhoods safer. The teams operate in 8 geographical areas, and bring local problem solving and operational practice together to resolve priorities identified in partnership with the local community.

6. Victim and Witness Support

We recognise the importance of providing effective support to witnesses and complainants. All anti-social behaviour complaints will be treated seriously, investigated promptly and fairly. The level of support is tailored to individual needs. Careful consideration will be given to the vulnerable.

Serious cases will be forwarded to the Council's Anti-Social Behaviour team in order for witnesses to be given support and assistance.

7. Domestic Abuse

In Rotherham domestic abuse is defined as:

'Any incident or threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who are or have been, intimate partners or family members, regardless of gender or sexuality'

The council and its partners recognise that domestic abuse is a serious crime and in line with the Domestic Violence strategy works with other agencies to offer support to the victim. We will support survivors by undertaking a comprehensive risk assessment for all victims who access support from our partner agencies including the Independent Domestic Violence Advocacy Service. Victims who wish to seek justice will be supported to report to the Police and through out the prosecution process.

8. Hate Crime

The Council will not tolerate any harassment or other incidents caused to someone because of their colour, race nationality, age, disability (including mental health or learning disability), sexuality, religious belief or faith, gender or gender identity.

We have adopted the definition of hate crime recommended by the Association of chief police officers:

'Hate crimes are taken to mean any crime or incident where the perpetrator's hostility or prejudice against an identifiable group of people is a factor in determining who is victimised.'

All Action will be taken in line with the Council's Hate Incident/Crime policy and procedure and may draw on a number of partners in order to support victims and tackle perpetrators these may include the police, the council, RMAARI etc

Victims of hate crime can make a complaint in a number of ways:

- in person
- in writing
- by using the council on-line reporting form via the internet
- At various reporting centres including Stop Hate UK, RMAARI, Speak Up, Age concern, Rotherham Advocacy Partnership, Grow, Tran support

9. Monitoring and Reviewing the Service

The Council will use the RESPECT Standard for Housing Management Performance Improvement Toolkit for to develop measures to assess the effectiveness of the Anti-social Behaviour service.

The approach will enable;

- Measurement of activity and performance through locally defined indicators
- Gathering of performance data in a way which helps drive improvement
- Benchmarking of performance and learning of approaches of good practice
- Residents are engaged to influence services

10. Trained Staff

All front line staff working for the Council are trained in tackling anti-social behaviour, dealing with racial incidents, evidence gathering and recording.

11. Tenancy Conditions

Rotherham Metropolitan Borough Council makes its policy on anti-social behaviour clear to new and existing tenants. The Tenancy Agreement contains conditions aimed to ensure tenants do not act in an anti-social manner or allow other people residing or visiting to act anti-socially. The Council has a right to take action to enforce the conditions set out if the tenant does not comply with them. All new tenants are advised of the conditions when they sign to accept the tenancy.

12. Publicity

Any action taken will be publicised where it is deemed reasonable and necessary to do so. The general public need to know what a perpetrator is and is not allowed to do and to reassure the community that action is being taken to stop anti-social behaviour

13. Review Date

This policy will be reviewed no later than May 2013 with further reviews on a 2 yearly basis.

Summary of Anti-Social Behaviour Procedures

Making a Complaint

People suffering from anti-social behaviour can make a complaint by

- Visiting Customer Service Centres, these will be listed at the end of the document
- Telephone the Rotherham Housing Golden Number for reporting Estate Management issues.

- If the complaint relates to noise it must be made to RMBC Public Protection - details of which can be found at the end of the document
- Contacting via the website www.rotherham.gov.uk
- Contacting their local Safer Neighbourhood team by ringing the non emergency number - 101
- If the complaint relates to a criminal offence contacting South Yorkshire Police - details of which can be found at the end of the document

Investigations Strategy

Housing Champions will focus attention on the steps that can be taken to modify or stop the behaviour of the perpetrator. If the Housing Champion is unable to remedy the behaviour a Threshold Test will be applied to the case and the matter will be referred to the Council's Anti-Social Behaviour team.

Cases of anti-social behaviour should be shared with the Safer Neighbourhood Team in order that joint intelligence held by partners can be used to problem solve the issue. Joint visits, where applicable, should be made to maximise evidence gathering and to help build confidence and reassurance to the victim.

Interview / Visit - Complainant

The Housing Champion will:

Interview the complainant to obtain detailed information about incidents and will discuss and agree the form of action that will be taken.

- Arrange support for the complainant if required.
- Start a case file in respect of the complaint.
- If appropriate arrange mediation to discuss the matter where there is no threat of violence.
- If appropriate issue the complainant with diary sheets to complete in order that they can detail any incidents witnessed.
- If the matter is resolved without further investigation, the Housing Champion will take appropriate action and advise the complainant by letter.
- Keep in contact with the complainant on a fortnightly basis.

If the complainant does not agree for the Council officer to contact the alleged perpetrator, the reasons will be clearly recorded in the case file and the consequences will be explained to the complainant.

Interview / Visit – Alleged Offender

In most cases the alleged perpetrator will be contacted by letter to invite them to attend an interview or arrange a visit in order to listen to their view of the situation. The interview will be carried out by a Housing Champion who will advise the alleged perpetrator:

- That a complaint has been received.
- Details of the complaint.
- Consequences of such behaviour.

- Conditions of the tenancy agreement if applicable.

Details of the interview will be recorded and held in the case file. Complainants and perpetrators will be advised in writing of the outcome of the visit.

If necessary further action will be taken and where appropriate legal action may be instigated but this will be as a last resort.

In some cases the perpetrator will not be contacted by the Housing Champion for example; in cases where emergency action needs to be taken.

When we receive a complaint we will:

- record the complaint and allocate it to a named Housing Champion
- open a case file and complete an initial report to establish the nature of the ASB;
- assess the urgency of the case and apply a category
 - CAT A URGENT e.g. race/hate crime/threats or use of violence.
 - CAT B PERSISTENT NUISANCE e.g. noisy neighbours.
 - CAT C NON URGENT e.g. untidy garden.

The following action will be taken:

- immediately refer CAT A complaints to the specialist ASB Team;
- acknowledge CAT B complaints in writing within 2 working days;
- arrange to interview complainants within the following timescales:
 - CAT A cases 24 hours.
 - CAT B cases 5 working days.

File Preparation

Housing Champions will record all information in the case file including diary sheets and information from other agencies. They will also keep contemporaneous notes in respect of the case and any photographic evidence of personal damage or damage to property will also be held in the case file.

The Anti-Social Behaviour team

The Anti-Social Behaviour team will only deal with serious cases of anti-social behaviour that are referred to them via agencies. They will offer:

- Support and advice to witnesses and complainants
- A help line service to those most at risk.
- Staff trained to carry out a wide variety of surveillance under the Regulation of Investigatory Powers Act 2000

Visits to Complainants / Perpetrators

The Anti-Social Behaviour officers will contact the complainants by telephone or letter and arrange to visit and discuss the complaint and agree an action plan. All matters will be dealt with in confidence.

Perpetrators may be visited. Warnings and formal actions may be given verbally and backed up in writing.

The Anti-social behaviour team will take appropriate measures to stop anti-social behaviour for the protection of complainants. Complainants and witnesses will be contacted by letter when a case is closed. Files will be returned to the local area housing office and information will be kept on the house file. Complainants and witnesses will be asked to complete a questionnaire in order to monitor the service and make improvements for our customers.

Legal / Non-legal Remedies

Several options are available in dealing with anti-social behaviour. The actions, which include 'fast track' responses in serious cases, are increasing, with emphasis on bringing about real changes and improvement in the behaviour of those who commit ASB. The actions considered could include, but are not limited to:

- approaching the perpetrator and discussing the problem behaviour;
- warning letters;
- Acceptable Behaviour Contracts (ABC);
- Parental Control Contracts (PCC);
- Environmental Health Action for Statutory Nuisance;
- injunctions;
- undertakings;
- Anti-Social Behaviour Orders (ASBOs);
- demoted tenancies;
- possession proceedings;
- suspension of Right to Buy;
- extension of Introductory Tenancies;
- use of professional witnesses/surveillance;
- Dispersal Orders (via the police); and
- closure of premises orders.

Non legal interventions

- Joint visits by Anti-Social Behaviour Officers and South Yorkshire Police Officers to discuss the behaviour and issue warnings.
- Letters to inform the perpetrators that the behaviour they are displaying is unacceptable and that action may be taken against them.

- Acceptable Behaviour Contracts which are voluntary agreements to address behaviour

Community Protection

All complaints in relation to noise are to be referred to the Council's Community Protection team in accordance with the agreed RMBC procedure. This includes parties, playing loud music, noise from televisions and hi-fi. Problems with filthy and verminous properties should also be referred to the same Office.

Complaints about the Anti-Social Behaviour Service

If service users are not satisfied with the service provided in relation to tackling anti-social behaviour, complaints can be made via the Corporate Customer Complaints Procedure. Information on how to make a complaint can be found in Council Reception areas and Neighbourhood Offices.

Contacts

Estate Management & Housing issues

Tel: 01709 336040

South Yorkshire Police

Tel: 101 (Non Emergency)

Tel: 999 (Emergency)

Community Protection

Tel: 01709 823118

Anti-social behaviour complaints can also be made online at www.rotherham.gov.uk/forms/form/32/anti_social_behaviour_iform

For other information visit our website at www.rotherham.gov.uk

Corporate Customer Complaints

Freepost RRGK-EJSB-ZECL
"Tell Us Your Views"
Rotherham Metropolitan Borough Council
Civic Building
Walker Place
Rotherham
S65 1UF

Email: complaints@rotherham.gov.uk

If you or someone you know needs help to understand or read this document, please contact us:

☎: 01709 334562

💻: community.safety@rotherham.gov.uk

Minicom: 01709 823536

Slovak

Ak vy alebo niekto koho poznáte potrebuje pomoc pri pochopení alebo čítaní tohto dokumentu, prosím kontaktujte nás na vyššie uvedenom čísle alebo nám pošlite e-mail.

Slovensky

Kurdish Sorani

نهگهر تو یان که سیک که تو دیناسی پیویستی به یارمه تی هه بیت بو نه وه ی له م به لگه نامه یه تیبگات یان بیخویننه وه، تکایه په یوه ندیمان پیوه بکه له سه ر نه و ژماره یه ی سه ره وه دا یان به و نیمه یله.

کوردی سۆرانی

Arabic

إذا كنت انت أو اي شخص تعرفه بحاجة إلى مساعدة لفهم أو قراءة هذه الوثيقة، الرجاء الاتصال على الرقم اعلاه، أو مراسلتنا عبر البريد الإلكتروني

عربي

Urdu

اگر آپ یا آپ کے جاننے والے کسی شخص کو اس دستاویز کو سمجھنے یا پڑھنے کیلئے مدد کی ضرورت ہے تو برائے مہربانی مندرجہ بالا نمبر پر ہم سے رابطہ کریں یا ہمیں ای میل کریں۔

أردو

Farsi

اگر جناب عالی یا شخص دیگری که شما اورا می شناسید برای خواندن یا فهمیدن این مدارک نیاز به کمک دارد لطفاً با ما بوسیله شماره بالا یا ایمیل تماس حاصل فرمایید.

فارسی

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