

CABINET MEMBER FOR SAFE AND ATTRACTIVE NEIGHBOURHOODS

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

Date: Monday, 4th April, 2011

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. Commercial Waste Collection : Price Review 2011/12 (Pages 1 - 6)
4. Review and Refresh of the RMBC Anti-Social Behaviour Policy and Procedures (Pages 7 - 39)
5. 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 2 of Part I of Schedule 12A to the Local Government Act 1972 (information likely to reveal the identify of an individual).
6. Introductory Tenancy Review Panel (Pages 40 - 44)

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	Meeting:	Cabinet Member for Safe and Attractive Neighbourhoods
2.	Date:	4th April, 2011
3.	Title:	Commercial Waste Collection: Price Review 2011/12
4.	Programme Area:	Environment and Development Services

5. Summary

This report outlines the proposed charges for the collection and disposal of commercial waste with effect from 1st April 2011. The charges enable the council to achieve the income target set for the 2011/12 budget.

6. Recommendations**6.1 CABINET MEMBER FOR SAFE AND ATTRACTIVE NEIGHBOURHOOD IS REQUESTED TO APPROVE:**

- A). THE PROPOSED CHARGES FOR IMPLEMENTATION FROM 1ST APRIL 2011.**

7. Proposals and Details

7.1 Consideration has to be given to recovering our actual costs of operating the service whilst continuing to provide as wide a range of services as possible to meet customer requirements and comply with the duty imposed upon the Council by legislation.

7.2 **It is proposed to increase the scale of charges for Commercial Waste Collection by 4% overall** (as shown in Appendix 1). This increase accommodates cost of living rises and incorporates the additional waste disposal costs resulting from the Government's further £8 per tonne on Landfill Tax, with effect from 1st. April 2011.

7.3 Each year a minority of customers fail to pay their accounts on time. This can lead to suspension of collections and eventually termination of the service agreement. At this stage the customer sometimes pays their bill and requests the agreement be reinstated; this incurs the Council with extra costs through additional administrative time and bin collection and delivery charges. To reinstate previously terminated agreements (for non payment) it is proposed that the following fees are charged:

£42.00 for agreements up to 360 litre wheeled bins (previously £37.00)

£93.00 for agreements above 360 litre wheeled bins (previously £88.00)

The customer will have to pay this reinstatement fee and any outstanding debt in full before the agreement is restarted, and the service resumed.

7.4 **It is proposed that the prices charged for the collection of waste from charities is increased by this be as above an increase of 4% in line with RPI.** The proposed revised scale of charges for the collection of waste from charities is shown in Appendix 2. These charges are in accordance with the Controlled Waste Regulations 1992 which allow the Council to raise a charge for the collection of charity waste but not for its disposal. The present and proposed charges do not take into consideration recent consultation on the Controlled Waste Regulations which will adopt the "producer pays principle" from 1st April 2012. This will make charities responsible for collection and disposal costs from this date.

8. Finance

8.1 The proposed charges cover inflation, the increase in landfill tax of £8 per tonne from April 2011 and the income targets set in the 2011/12 budget.

9. Risks and Uncertainties

9.1 Demand for the Commercial Waste Collection Service is price sensitive therefore any increase in price significantly above the rate of inflation will seriously affect demand for the service and risk losing business to competitors.

9.2 The element of price increase due to the higher rate of Landfill Tax imposed by the Government will be incurred by all our competitors who use landfill as a means of disposal.

9.3 A benchmarking exercise has been undertaken covering other local authorities to review a direct comparison of costs for similar service delivery. (Appendix 3).

10. Policy and Performance Agenda Implications

10.1 The Commercial Waste Collection Service is available to all businesses within our community.

10.2 The provision of advice on commercial waste recycling and waste minimisation opportunities is focussed upon reducing our input to landfill. This directs the service towards achieving the strategic objective to deliver a long term approach to waste and recycling to minimise the need for waste disposal, which in turn contributes to the delivery of the Corporate Priority "Rotherham Safe".

10.3 Statutory recycling targets are based upon household waste only and therefore, the recycling of commercial waste does not count towards these targets. However, any commercial waste that is not sent to landfill will contribute towards achieving our targets under the Waste Emissions Trading Bill for diverting biodegradable waste away from landfill.

11. Background Papers and Consultation

11.1 The Commercial Waste Collection Service operates in the open market with competition from private sector companies.

11.2 APPENDIX 1 – Proposed Scale of Charges for Commercial Waste Collection –2011/12

11.3 APPENDIX 2 – Proposed Scale of Charges for Charitable Waste Collection – 2011/12

11.4 APPENDIX 3 – Commercial Waste Collection Service – Benchmarking information.

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ROTHERHAM METROPOLITAN BOROUGH COUNCIL

Environment and Development Services

Waste Management

COMMERCIAL WASTE COLLECTION

PROPOSED SCALE OF CHARGES WITH EFFECT FROM 1ST APRIL 2011

Commercial Waste Collection Contract Type	Container Size (Litres)		Collection Point	Proposed Total Annual Charge Including Hire	Previous Total Annual Charge including Hire & VAT	% Change
*** small bin or sack equiv.	90		Premise/Bin Store	£215.52	£207.23	4.00%
	90	@Bulk site	Premise/Bin Store	£127.11	£122.22	4.00%
240A	240	First Bin	Kerbside	£317.67	£305.45	4.00%
240A	240	Additional Bin	Kerbside	£213.18	£204.98	4.00%
240B	240	First Bin	Premise/Bin Store	£365.24	£351.19	4.00%
240B	240	Additional Bin	Premise/Bin Store	£260.86	£250.83	4.00%
360A	360	First Bin	Kerbside	£376.71	£362.22	4.00%
360A	360	Additional Bin	Kerbside	£272.12	£261.65	4.00%
360B	360	First Bin	Premise/Bin Store	£424.04	£407.73	4.00%
360B	360	Additional Bin	Premise/Bin Store	£319.85	£307.55	4.00%
660	660	First Bin	Premise/Bin Store or kerbside	£830.16	£798.23	4.00%
660	660	Additional Bin	Premise/Bin Store or kerbside	£725.94	£698.02	4.00%
1100	1100	First Bin	Premise/Bin Store	£945.43	£909.07	4.00%
1100	1100	Additional Bin	Premise/Bin Store	£841.84	£809.46	4.00%

*** Denotes container provided by the customer

Any larger quantities of Commercial Waste will be charged per LOAD

Reinstatement Fees will apply for Agreements resumed after cancellation for non payment.

Commercial Waste accounts are payable in advance, following receipt of an invoice.

Appendix 2

ROTHERHAM METROPOLITAN BOROUGH COUNCIL

Environment and Development Services

Waste Management

CHARITABLE WASTE COLLECTION

PROPOSED SCALE OF CHARGES WITH EFFECT FROM 1ST APRIL 2011

Commercial Waste Collection Contract Type	Container Size (Litres)		Collection Point	Charge including Hire	Previous Total Annual Charge including Hire & VAT	% Change
*** small bin or	90		Premise/Bin Store	£150.37	£144.59	4.00%
*** sack equiv.	90	@Bulk site	Premise/Bin Store	£69.43	£66.76	4.00%
240A	240	First Bin	Kerbside	£160.12	£153.96	4.00%
240A	240	Additional Bin	Kerbside	£64.47	£61.99	4.00%
240B	240	First Bin	Premise/Bin Store	£203.67	£195.83	4.00%
240B	240	Additional Bin	Premise/Bin Store	£108.13	£103.97	4.00%
360A	360	First Bin	Kerbside	£177.31	£170.49	4.00%
360A	360	Additional Bin	Kerbside	£81.57	£78.43	4.00%
360B	360	First Bin	Premise/Bin Store	£220.62	£212.13	4.00%
360B	360	Additional Bin	Premise/Bin Store	£125.27	£120.45	4.00%
660	660	First Bin	Premise/Bin Store	£461.70	£443.94	4.00%
660	660	Additional Bin	or kerbside Premise/Bin Store or kerbside	£366.31	£352.22	4.00%
1100	1100	First Bin	Premise/Bin Store	£463.36	£445.54	4.00%
1100	1100	Additional Bin	Premise/Bin Store	£368.56	£354.38	4.00%

*** Denotes container provided by the customer

Any larger quantities of Charitable Waste will be charged per LOAD

Reinstatement Fees will apply for Agreements resumed after cancellation for non payment.

Charitable Waste accounts are payable in advance, following receipt of an invoice.

**ROTHERHAM METROPOLITAN BOROUGH COUNCIL
ENVIRONMENT AND DEVELOPMENT SERVICES**

COMMERCIAL WASTE COLLECTION SERVICE – BENCHMARKING

Please find detailed below details of the prices levied by other South and West Yorkshire Council's for the collection and disposal of Commercial Waste from 240 litre and 1100 litre containers. **All prices are quoted at the 2010/11 level unless highlighted** to allow direct comparison.

AUTHORITY	240 litre (per annum)	1100 litre (per annum)
Barnsley Metropolitan Borough Council (2010/11 price)	£180.18	£685.97
Rotherham Metropolitan Borough Council (First Bin)(2011/12 price)	£317.67	£945.43
Rotherham Metropolitan Borough Council (Additional Bin at same location) (2011/12 price)	£213.18	£841.84
Doncaster Metropolitan Borough Council (2010/11 price)	£137.24	£441.12
Ashfield District Council (2011/12)	£301.08	£964.60
Amber Valley Borough Council (2010/11)	£268.08	£699.82
Chesterfield (2010/11price)	£224.10	£629.40
Private Sector Collection (within Rotherham)	£475.80	£865.80

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	Meeting:	Cabinet Member for Safe and Attractive Neighbourhoods
2.	Date:	4th April, 2011
3.	Title:	Review and Refresh of the RMBC Anti-Social Behaviour Policy & Procedures
4.	Directorate:	Neighbourhoods and Adult Services

5. Summary

The purpose of this report is to seek approval for the adoption of the refreshed statutorily required Anti Social Behaviour (ASB) Policy and associated Summary of the ASB Policy and Procedures. This review takes into consideration recent changes in government thinking and recognises that this may influence future policy development but captures existing development in policy since the last review.

6. Recommendations

That the refreshed Anti Social Behaviour Policy and required Summary of Policy and Procedures be approved pending release of further direction from the Government.

7. Proposals and Details

All local housing authorities (Council function) are required to have in place and published a policy and procedure for dealing with occurrences of anti social behaviour. This duty was introduced by Section 12 of The Anti-Social Behaviour Act 2003 and accordingly in Rotherham a policy and related procedures has been adopted by the Council since December 2004, with an update being made in 2008. The policy and procedures must be kept under review in order to ensure that changes in legislation and working practices are current.

This current refresh was an action in this years Neighbourhood and Adult Services Service Plan and the outcome documents are attached in Appendix 1 and 2.

7.1. Changes to Policy

Although there are small “cosmetic” changes to the policy (eg job titles), more significant changes are documented below. 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 document has been broken into 15 sections rather than the previous 11. This makes it easier to locate information and easier to read.

- **Section 2.** This now states a clear commitment to tackling ASB in line with other area’s policies.
- **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
- **Section 6.** The Policy Objectives and Standards have been strengthened with detailed and current information about the Respect Standard for Housing Management Performance Improvement toolkit for landlords. This gives an explanation of the service a customer can expect and identifies the six core commitments which drive service delivery for our communities.
- **Section 7.** Supporting and Caring for Victims and Witnesses of ASB is a new section. This now identifies who provides the support, from providing evidence at court to the practical help which can be given.
- **Section 8.1.** This section has been re-written to include current preventative measures including the Family Intervention Project and Reparation and Community Payback.
- **Section 8.2.** This is the area that has been most developed to reflect current changes in policy and practice. It contains more updated information about the work of the partners involved in Safer Neighbourhood team working to address ASB. This has been written in conjunction with the Community Protection Manager and the 2010 Operations Manager. The role of the Community Protection Unit and the new legislative powers that are at its disposal working alongside SYP are detailed. These include new closure orders, ‘Crack House’

closure orders and Dispersal Orders. The focus of 2010 Housing Champions involvement in dealing with ASB and their links to other agencies has been clarified in this section.

- **Section 10.** This has been re-written in conjunction with the Hate Crime Officer. A new section has been developed 'Hate Incidents' which encompasses the previous Racial incidents and explains more clearly the policy and the way that hate crimes of all types are dealt with.
- **Section 11.** This section has been re-written to reflect the understanding of the wide range of abuse that comes under the new accepted definition of 'Domestic Abuse' and the way that abuse must be dealt with. It explains how the council fits into the larger remit of MARAC for high risk victims.

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

The ASB policy and procedures impact on all agendas around the SAFE theme, and including the role of social landlord, and takes into consideration issues that impact on all members of the community.

11. Background Papers and Consultation

Both papers were refreshed in consultation with 2010 Rotherham Ltd, Community Protection, Domestic Violence Co-ordinator, and the Community Cohesion officer.

An Equality Impact Assessment has been completed and informed the review.

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**Rotherham Metropolitan Borough
Council**

**Anti-Social Behaviour
Policy**

March 2011

**Anti-Social Behaviour Policy
Revised Policy – March 2011**

1. INTRODUCTION

This policy statement 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.

The policy statement must be seen in the context of recent changes in government leadership. This will further influence future policy development but captures existing development in policy since the last review.

All local housing authorities are required to have in place and published, 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 and accordingly in Rotherham a policy and related procedures have been adopted by the Council since December 2004 and amended in 2008. The policy and procedures must be kept under review in order to ensure that changes in legislation and working practices are current.

This interim policy is set against the context of success of the local safer neighbourhood partnership with, as presented in the Joint Strategic Intelligence Assessment for 2009/10, anti- social behaviour being reduced over year by 8%.

2. OUR COMMITMENT TO TACKLING ANTI-SOCIAL BEHAVIOUR

The Council and 2010 Rotherham Ltd, strive 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.

Anti-social behaviour left unchallenged damages individuals and communities. 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.

In line with the Sustainable Community Strategy and the “Safe” priority theme of the Council our vision is for everyone in Rotherham to feel safe and to enjoy their home and neighbourhoods which are relatively free from low levels of crime and anti-social behaviour.

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 including:

- Local Area Agreement
- 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 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
- CAMHS Strategy
- Teenage Pregnancy Strategy
- Safeguarding Children
- Safeguarding Adults
- Domestic Violence Crime and Victims Act 2004

This policy document plays an integral part in assisting the authority in the objectives set out in the above strategies.

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 introductory tenancies.

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.

THE DISABILITY DISCRIMINATION ACT 1995

It is unlawful for a Council to discriminate against a disabled tenant by seeking possession of their home. If there is evidence that a disabled tenant is acting in an anti-social manner and the actions are a direct consequence of the tenant's disability, the Council can only seek possession of their home where it is "justified" to do so under The Act.

THE RACE RELATIONS ACT 1976 / RACE RELATIONS (AMENDMENT) ACT 2000

This places a statutory duty on public authorities to eliminate unlawful discrimination; promote equality of opportunity; and promote good race relations. Race equality issues must be considered in all of its policies.

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 and South Yorkshire Police 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.

6. POLICY OBJECTIVES AND STANDARDS

Rotherham Metropolitan Borough Council and 2010 Rotherham Ltd recognises that in order to provide customers with a high degree of customer care it has to be effective in tackling anti-social behaviour. This will be done by utilising all remedies available and taking appropriate effective action to assist those who are affected by or who are victims of anti-social behaviour.

The Respect Standard for Housing Management
The Council and 2010 Rotherham Ltd and wider safer Rotherham partnership are committed to tackling anti-social behaviour. In 2007 the council and 2010 Rotherham

Ltd signed up to the Respect Standard for Housing Management. The standard ensures that services are targeted effectively providing the level, quality and scope of services required for the customer.

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

- Accountability, Leadership and Commitment
- Empowerment and reassuring tenants
- Prevention and Early Intervention
- Tailored Services for residents and provision of support for victims and witnesses.
- Protecting Communities through swift enforcement
- Support to tackle the causes of ASB

The Respect Standard for Housing Management Performance Improvement Toolkit for Landlords is also used to measure and assess the effectiveness of the Anti-social Behaviour service. The approach enables;

- Measurement of activity and performance
- 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

Anti-social behaviour varies in severity and the Council and 2010 Rotherham Ltd will assess the seriousness of a problem in order to determine the most appropriate way of dealing with it and to make the best use of resources. Effective partnership working with the Safer Neighbourhood Teams is essential.

All aspects of anti-social behaviour complaints will be treated seriously, investigated promptly and fairly. Careful consideration will be given to those who are vulnerable and multi-agency working may be carried out for their protection if appropriate.

All incidents of anti-social behaviour reported to us are put into categories according to their seriousness, and the most serious are investigated as a priority.

Category 1 – response time, the next working day

This is the most serious type of anti-social behaviour

- Physical violence or threat of physical violence
- Hate Crime
- Domestic Violence
- Serious damage to a property affecting the sustainability of the tenancy.

Category 2 – response time within 5 working days

- All other types of anti-social behaviour

7. 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 and 2010 Rotherham Ltd, wherever possible customers request for confidentiality will be respected at all times.
- The Council and 2010 Rotherham Ltd 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 liaison 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 and 2010 Rotherham Ltd will attempt to resolve a complaint without the need for formal legal action wherever possible. However, the Council and 2010 Rotherham Ltd 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.

The Council and 2010 Rotherham Ltd are committed to supporting witnesses and victims of anti-social behaviour.

Providing evidence at court

The Council and 2010 Rotherham Ltd 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 ASB team will provide out of hours support to complainants and witnesses in cases by making regular contact with them at times agreed with the complainants and by visiting the in their homes.

Practical help

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

- A help line for witnesses
- Dispersed alarms where necessary
- 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.

Witnesses and complainants will be notified in writing when a case is closed.

The Council and 2010 Rotherham Ltd will work in line with the Racial Harassment Procedures, the Homeless Strategy, the Housing Business Plan and the Community Plan.

8. TACKLING ANTI-SOCIAL BEHAVIOUR

The Council, 2010 Rotherham Ltd. and partners offer a range of services to tackle anti-social behaviour. It is the aim of the Council and 2010 Rotherham Ltd to prevent anti-social behaviour from occurring in the first instance or to resolve it without the need for legal action. For those who choose to continue with anti-social behaviour, the Council and 2010 Rotherham Ltd will take enforcement action to raise the quality of life for those whose lives are being spoilt.

8.1 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.

Reparation and Community Payback

The Council and 2010 Rotherham Ltd will continue to look for opportunities to involve both young and adult offenders by suggesting projects to improve local neighbourhoods. Projects can include removing graffiti, picking up litter or clearing undergrowth from public areas. These are visible projects where communities can see offenders paying back for their crimes.

Mediation

The Council and 2010 Rotherham Ltd will forward low level nuisance and anti-social behaviour to Rotherham Mediation Services where the complainant agrees. It is an impartial service which aims to negotiate a mutual understanding between parties.

Acceptable Behaviour Contracts

The Council and 2010 Rotherham Ltd 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.

Rotherham Wardens

Rotherham Wardens operate across the Borough and it is their role to reduce the fear of crime and to reduce the incidents of low level anti-social behaviour within the areas.

8.2 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,
- 2010 Rotherham Ltd Neighbourhood Champions

Community Protection Unit

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 for example:

- Noise
- Anti-Social Behaviour

- Dust and smoke
- Animals
- Accumulation of rubbish
- Infestations of pests
- Filthy premises

Community Protection investigate, amongst other things, statutory nuisance and anti-social behaviour across all housing tenure, trade, business and industry, construction sites and activities in the street.

In addition Community Protection fulfils the Council's statutory enforcement powers and duties in relation to Private Sector Housing Enforcement, Enviro-Crime, s215 Town and Country Planning Act, High Hedges, Air Quality, Contaminated Land, Pest Control and Landfill.

The Community Protection Unit also fulfil the Council's functions in relation to the enforcement of legislation related to anti-social behaviour issues such as fly-tipping, litter, graffiti and dog fouling.

Community Protection have the power to serve Statutory notices requiring that a nuisance is stopped and does not occur or recur within a specified time period. The Notice may specify the works necessary to achieve this. Failure to comply with the Notice is likely to result in legal action.

Community Protection also provide a specialist role in addition to the above dealing with the more serious cases of anti-social behaviour where work by other agencies has failed. Anti-Social Behaviour Officers, Environmental Health Officers, Enforcement Officers and a seconded Police Officer take enforcement action against perpetrators and work to protect witnesses most at risk. Community Protection also takes preventative action and works closely with partner agencies, making referrals where appropriate to agencies such as Adult Social Services, Children and Young Peoples Services and the Youth Service.

Enforcement actions taken by officers include:

- Statutory Notices including Abatement Notices
- Fixed Penalty Notices
- Injunctions
- Demoted Tenancies
- Possession Proceedings
- Anti-Social Behaviour Orders
- Licensing Review - The Community Protection Unit and South Yorkshire Police have powers under the Licensing Act 2003 to review the licenses or ultimately close a licensed premises for reasons of continued nuisance, crime or disorder.
- Closure Orders – The Community Protection Unit and South Yorkshire Police have powers under the Anti-Social Behaviour Act 2003 as amended and Criminal Justice and Immigration Act 2008 to close down premises that are causing serious nuisance or disorder and the local authority has powers under

the to close any privately owned, rented, commercial or local authority premises where there is significant anti-social behaviour.

- 'Crack House' Closure Orders – The Community Protection Unit and South Yorkshire Police have powers under the Anti-Social Behaviour Act 2003 as amended and Criminal Justice and Immigration Act 2008 to close down premises that are veiled to be used for the production, supply or use of Class A drugs and have associated serious nuisance or disorder and the local authority has powers under the Criminal Justice and Immigration Act 2008 to close any privately owned, rented, commercial and local authority premises where there is significant anti-social behaviour.
- Dispersal Orders – South Yorkshire Police have powers under the Anti-Social Behaviour Act 2003 to designate an area as a Dispersal Area where there is persistent anti-social behaviour and a problem with groups causing intimidation. The Council and 2010 Rotherham Ltd will continue to work with the Police to identify potential areas.

Enviro-Crime Team

The Enviro-Crime Team fulfil the Council's functions in relation to the enforcement of legislation related to anti-social behaviour issues such as fly-tipping, litter, graffiti and dog fouling.

The principal sanction used by the team is fixed penalty notices.

2010 Rotherham Ltd

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 and local neighbourhood management initiatives such as the Ambitions and Aspirations Programme. Their approach is one of prevention, early intervention and support for victims, witnesses and perpetrators; they also instigate enforcement action and refer those cases requiring legal and more in-depth enforcement action to the council's specialist Community Protection Unit.

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 and 2010 Rotherham Ltd 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

Trained Staff

All front line staff working for the Council and 2010 Rotherham Ltd 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.

9. TENANCY CONDITIONS

Rotherham Metropolitan Borough Council and 2010 Rotherham Ltd will make clear to new and existing tenants its policy on anti-social behaviour. The Council's 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. As managing body for the Council, 2010 Rotherham Ltd 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.

Rotherham Council Introductory and Secure Tenancy Conditions state that:-

- Tenants are responsible for the behaviour of every person living in or visiting their home (including children). Tenants are also responsible for them on surrounding land, in communal areas (stairs, lifts, landings, entrance halls, paving, shared gardens and parking areas and in the neighbourhood around their home.
- Tenants, other residents or visitors to their home must not behave in a way that causes or is likely to cause a nuisance, annoyance or disturbance to any other person in the locality of their home.
- If a tenant or a member of the tenant's family unilaterally withdraws from a Family Intervention Project, the withdrawal will be treated as evidence of anti-social behaviour.
- The tenant, other residents of their home or their visitors must not harass any other person in the locality of their home, harassment includes:
 - Racist behaviour or language that offends other people.
 - Using or threatening to use violence, including domestic violence.
 - Using abusive or insulting words or behaviour.
 - Damaging or threaten to damage another person's home or possessions.
 - Writing threatening, abusive or insulting graffiti.
 - Doing anything that interferes with the peace, comfort or convenience of other people.
 - Hate Crime

- The tenant, other residents or visitors must not cause damage to Council property or write graffiti on Council property. The tenant will be charged for the cost of repair or replacement
- The tenant other residents of their home or visitors must not interfere with any security and safety equipment in communal blocks. For example, by jamming security doors or fire doors open or letting strangers in without identification.
- The tenant, other residents or visitors of their home must not be violent or threaten violence against any person, residing with them or living in a Council house. Tenants must not harass, use mental, emotional, physical or sexual abuse to make anyone who lives them leave the home. If a person leaves the home because of domestic violence the Council may take action to end the tenancy.
- The tenant, other residents or visitors to their home must not use abusive or threatening language or act in a violent, aggressive or abusive manner towards the Council's members, officers or agents.
- Animals kept at a property must be kept under proper control so that they do not cause a danger nuisance or annoyance to your neighbours or anyone visiting the property or locality.

10. HATE INCIDENTS

The Council and 2010 Rotherham Ltd, do 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 and 2010 Rotherham Ltd's aim 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.

11. 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 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.

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

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. THE SAFER ROTHERHAM PARTNERSHIP

The Council is committed to working with partners and forms an integral part of the Safer Rotherham Partnership. The Partnership takes a robust approach to tackle all forms of anti-social behaviour across the borough and to raise community confidence. The formulation of the Safer Neighbourhood Teams has assisted and

14. RISK ASSESMENT

encouraged multi agency working between partners including Young People's Services, The Rotherham Crime Reduction Programme, Social Services, Youth Offending Service, the National Probation Service, South Yorkshire Fire and Rescue Service, South Yorkshire Police, Education Services and Victim Support.

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 and 2010 Rotherham Ltd. recognises 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.

15. POLICY REVIEW

This policy will be reviewed no later than September 2012 with further reviews on a 2 yearly basis.

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



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

ههگهر تو یان كه سیک كه تو دهیناسی پیویستی بهیارمهتی هه بییت بو نهوهی لهم بهنگهنامه یه تیبگات یان بیخوینیتهوه، نكایه پهیوهندیمان پیوه بکه لهسهه نهو ژمارهیهی سههوه هدا یان بهو نیمهیله.

کوردی سورانی

Arabic

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

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 لطفا با ما بوسیله شماره بالا یا ایمیل تماس حاصل فرمایید.

فارسی

DRAFT

Rotherham Metropolitan Borough Council

Summary Of Anti-Social Behaviour Policy & Procedures

March 2011

Summary Of Anti-Social Behaviour

Policy & Procedures

Contents

Summary of Anti-Social Behaviour Policy

Page 3	1.0 Introduction 2.0 What is Anti-Social Behaviour 3.0 Types of Anti-Social Behaviour 4.0 Our Commitment to tackling Anti-social Behaviour
Page 4	4.1 Prevention 4.2 Enforcement 4.3 Rehabilitation of Perpetrators 5.0 Partnership Working 6.0 Victim and Witness Support
Page 5	7.0 Domestic Abuse 8.0 Hate Crime
Page 6	9.0 Monitoring and Reviewing the Service 10. Trained Staff 11. Tenancy Conditions 12. Publicity 13. Review Date

Summary of Anti-Social Behaviour Procedures

Page 7	Summary of Anti-Social Behaviour Procedures
Page 10	Contacts
Page 11	Safer Neighbourhood Team contact numbers Information to access document in different languages.

Summary of Anti-Social Behaviour Policy - Updated March 2011

1.0 Introduction

This document summarises Rotherham Metropolitan Borough Council's and the Arms Length Management Organisation (ALMO), 2010 Rotherham Ltd policy and procedures relating to anti-social behaviour (ASB). It should be read in conjunction with the ASB Policy statement. This document pending both organisational and Government policy driver changes.

2.0 What is Anti-Social Behaviour?

The Council recognises anti-social behaviour as described under Section 153 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.

3.0 Types of Anti-Social Behaviour

Examples of conduct which can amount to 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 and 2010 Rotherham Limited are 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

We 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

5.0 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.

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

- A help line for witnesses
- Dispersed alarms where necessary
- Re-housing (in very serious cases)
- Taking emergency legal action e.g. injunctions, interim anti-social behaviour orders.

7.0 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.

8.0 Hate Crime

The Council and 2010 Rotherham Ltd, do 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, 2010, 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

9.0 Monitoring and Reviewing the Service

The Council and 2010 Rotherham Ltd 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 and 2010 Rotherham Ltd are trained in tackling anti-social behaviour, dealing with racial incidents, evidence gathering and recording.

11. Tenancy Conditions

Rotherham Metropolitan Borough Council and 2010 Rotherham Ltd 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 ALMO, 2010 Rotherham Ltd, as managing agent for 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 December 2011 with further reviews on a 2 yearly basis.

Summary of Anti-Social Behaviour Procedures

Introduction

The Anti-Social Behaviour Act 2003 placed a duty on all Social Landlords to publish their policies and procedures for dealing with anti-social behaviour by 30th December 2004. Rotherham Metropolitan Borough Council and the Arms Length Management Organisation (ALMO) 2010 Rotherham Ltd are committed to maintaining safe and sustainable neighbourhoods and recognise the need to work closely with partner agencies, tenants and residents and businesses to achieve this.

Making a Complaint

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

- Visiting their Neighbourhood housing office, or telephoning 2010 Rotherham Ltd
- Contacting their local Safer Neighbourhood team – details of which can be found at the end of the document.
- 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

The member of staff receiving complaints of anti-social behaviour will complete an anti-social behaviour record sheet with the details of the complainant including name address and contact details and record the information

Staff will record details of alleged perpetrator(s) including his/her name and address where it is known.

Members of staff will record details of the complaint on the record sheet including any dates or times of relevant incidents.

For racial harassment 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..

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 or the Housing Champion from 2010 Rotherham Ltd 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.

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.
- Out of hours working
- Witness protection phones and dispersed alarms
- 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.

1. 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

2. Legal Interventions

- | | |
|-------------------------------------------|-------------------------------------|
| ▪ Notice Seeking Possession (NSP) | ▪ Abatement Notice |
| ▪ Notice to Quit (NTQ) | ▪ Anti-Social Behaviour Order(ASBO) |
| ▪ Notice of Possession Proceedings (NPP) | ▪ Possession Proceedings |
| ▪ Demotion Order | ▪ Injunction |
| ▪ Second Notice of Possession Proceedings | ▪ Undertaking |

At the end of any intervention, the actions taken are reported to the appropriate agency in order for monitoring and rehabilitation to take place. In respect of Anti-Social Behaviour Orders, an entry is made on the Police National Computer and witnesses are contacted and customer satisfaction surveys are carried out in order to ensure a high level of customer satisfaction and to monitor quality of life issues.

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/2010 Rotherham Ltd. procedure. This includes parties, playing loud music, noise from televisions and hi-fi. Problems to 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 2010 Rotherham Ltd, Neighbourhood Offices.

Contacts:

2010 Rotherham Limited Telephone **0300 100 2010**

2010 website address is www.2010rotherham.org

South Yorkshire Police Telephone: **01142 202020** or in an emergency contact **999**

Community Protection Telephone: **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

Neighbourhood Strategic Services
Customer Services Team
2nd Floor Norfolk House
Walker Place
Rotherham, S65 1HX

Safer Neighbourhood Team Contact Numbers

Wentworth South - 01709 832422

Covering Rawmarsh, Dalton, Thrybergh, Ravenfield, Woodlathes Village, Brecks, Herringtorpe

Wentworth North - 01709 832485

Covering Swinton, Wath, Brampton, Kilnhurst, West Melton and Wentworth

Rother Valley South - 01709 832720

Covering Laughton-en-le Morthern, Laughton Common, Firbeck, Woodsetts, Dinnington, Letwell, Gildingwells, North Anston, South Anston, Todwick, Kiveton, Wales, Harthill, Woodall and Thorpe Salvin

Rother Valley West - 01709 832280

Covering Brinsworth, Catcliffe, Treeton, Woodhouse Mill, Orgreave, Ulley, Aston, Aughton, Swallownest and Thurcroft

Wentworth Valley - 01709 832709

Covering Flanderwell, Wickersley, Bramley, Hellaby and Maltby

Rotherham North - 01709 832073

Covering Kimberworth, Blackburn, Meadowbank, Greasbrough, Wingfield, Kimberworth Park, Thorpe Hesley, Scholes, Masbrough and Ferham

Rotherham South - 01709 832076

Covering East Dene, Eastwood, Broom, Wellgate, Clifton, Town Centre, Parkgate Retail World, Moorgate and Stag

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



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.

Kurdish Sorani

هه‌گه‌ر تۆ یان که‌سێک که تۆ ده‌یناسی پێویستی به‌یارمه‌تی هه‌بێت بۆ نه‌وه‌ی لهم به‌لگه‌نامه‌یه‌ تیبگات یان بیخوینێته‌وه‌، تکایه‌ په‌یه‌ه‌ندیمان پێوه‌ بکه‌ له‌سه‌ر نه‌وه‌ ژماره‌یه‌ی سه‌ره‌وه‌دا یان به‌وه‌ نێمه‌یله‌.

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

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۔

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.

Slovensky

کوردی سورانی

عربی

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