

Committee Name and Date of Committee Meeting

Delegated Officer Decision – 31 December 2024

Report Title

Anti-Social Behaviour Policy Refresh

Is this a Key Decision and has it been included on the Forward Plan?

Yes

Assistant Director Approving Submission of the Report

Sam Barstow, Assistant Director, Community Safety & Street Scene

Report Author(s)

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Ward(s) Affected

Borough-Wide

Report Summary

The Council's current Anti-Social Behaviour Policy was approved by Cabinet in July 2021. The Policy, in accordance with statutory legislation, is due to be refreshed, which requires the Policy to be reviewed every three years.

A number of changes have been made to the Policy, taking account of guidance and legislation, but there are no substantial material changes.

A highlighted version of the proposed new Policy is attached for ease of reference to the changes made.

Recommendations

1. That the refreshed Anti-Social Behaviour (ASB) Policy is formally adopted.

List of Appendices Included

- Appendix 1 Anti-Social Behaviour Policy 2024
- Appendix 2 Anti-Social Behaviour Policy July 2021
- Appendix 3 Initial Equalities Screening Assessment
- Appendix 4 Carbon and Climate Change Assessment

Background Papers

Anti-social behaviour powers: statutory guidance for frontline professionals
Section 12 of Anti-social behaviour Act 2003: landlords' policies and procedures
Safer Rotherham Partnership Priorities 2022-25
Social Housing Regulation Act 2023: Update Report

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Name of Committee – [Click here to enter a date.](#)

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Council Approval Required

No

Exempt from the Press and Public

No

Anti-Social Behaviour Policy Refresh

1. Background

- 1.1 Section 12 of the Anti-social Behaviour Act 2003 introduced Section 218A of the Housing Act 1996, which placed a requirement on all social landlords (local housing authorities, Registered Social landlords and Housing Action Trusts) to prepare and publish statements of their policies and procedures in relation to Anti-social Behaviour, and to keep these up to date.
- 1.2 The Home Office's *Anti-social Behaviour, Crime and Policing Act 2014: Anti-social behaviour powers Statutory guidance for frontline professionals* of March 2023 is a statutory guidance document that Councils must have regarded when developing their ASB policies and operational procedures. This applies to the Council's current Anti-Social Behaviour Policy in relation to its enforcement functions.
- 1.3 The Anti-Social Behaviour Policy is underpinned by the statutory guidance, but also ensures the priority of protecting the public.
- 1.4 The Anti-Social Behaviour Policy sets out the principles of transparency, consistency and proportionality to which the Council will adhere in its discharge of enforcement and regulatory functions.
- 1.5 The current Anti-Social Behaviour Policy was reviewed during 2020 in accordance with Section 12 of the Anti-social Behaviour Act 2003. The updated Anti-Social Behaviour Policy was last approved and adopted in 2021.

2. Key Issues

- 2.1 Since the Council last reviewed its Anti-Social Behaviour Policy in 2021 there have been a range of the following changes both nationally and locally that would initiate a review of the Policy;
- 2.2 The Home Office updated the statutory guidance document *Anti-social Behaviour, Crime and Policing Act 2014: Anti-social behaviour powers Statutory guidance for frontline professionals* in March 2023.
- 2.3 The Social Housing (Regulation) Act 2023 introduced the Tenant Perception Survey which seeks to capture tenants' views about their satisfaction with how the Council's Housing service deal with anti-social behaviour. This includes a specific outcome and a set of expectations for Social Landlords. The Policy has been reviewed to make sure the outcome and expectations are reflected in the refresh of the Anti-Social Behaviour Policy.
- 2.4 The Council's Corporate themes have been refreshed since last Anti-Social Behaviour Policy Review in 2021;
 - A cleaner, greener local environment
 - Every child able to fulfil their potential
 - Every neighbourhood thriving

- Expanding economic opportunity
- People are safe, healthy and live well

These are reflected in the refresh of the Anti-Social Behaviour Policy.

- 2.5 The Safer Rotherham Partnership has published it's 2022-25 plan with updated priorities These are reflected in the refresh of the Anti-Social Behaviour Policy.
- 2.5 The definitions set out in the Policy comply with the ASB, Crime and Policing Act 2014 with a minor adjustment to the Housing related definition of Policy bringing it in line with the ASB, Crime and Policing Act 2014. Consultation with Community Safety and Legal Services has been undertaken in respect of these definitions.
- 2.6 Due to the tenure neutral nature of the Policy three criteria based around Personal Harm, Public nuisance and Environmental harm have been added for clarity.
- 2.7 There has been a general increase in the number of reports of ASB that would not fall under the definition of ASB such as minor neighbour disputes, everyday living noise and more modern issues such as the rise in home CCTV systems. Any reports falling outside of this remit will be signposted to the relevant responsible agencies where possible
- 2.8 In order to better manage and prioritise ASB the refreshed ASB Policy sets out clearly definitions of what the council does and does not consider ASB in order to make it clear to the general public, colleagues and stakeholders exactly what can be tackled.
- 2.9 Whilst there are no set definitions of what isn't considered ASB the refreshed Policy takes the previous few examples of what the council would not normally consider Anti-social behaviour and expands the number of issues as well as giving clear examples.
- 2.10 Whilst Cannabis is classified as a Class B drug and therefore illegal, cannabis smoking has been defined as not meeting the criteria for ASB due to the challenges of South Yorkshire Police dealing with cannabis smoking via a restorative justice approach.
- 2.11 The Council still has tools and powers available provided through the Environmental Protection Act 1990 in respect of the potential for cannabis smoke to be prejudicial to health, but again this would need to meet the criminal burden of proof which is beyond a reasonable.
- 2.12 The refreshed Policy acknowledges that despite the above, if an individual is convicted by the Police then action can be taken against them.
- 2.13 The ASB Policy reflects the ASB operational procedure approach to serious and persistent reports of ASB.

- 2.14 Urgent and persistent reports of ASB to Housing Services will be referred through the Serious Threshold Test. This sits under the ASB Procedure with the Threshold Test reviewed jointly between the Community Protection and Environmental Health and, Housing teams
- 2.15 The Home Office's Anti-social Behaviour, Crime and Policing Act 2014: Anti-social behaviour powers Statutory guidance for frontline professionals of March 2023 formally changed the name of ASB Case Review, which was previously known as the Community Trigger. The Policy has been refreshed to reflect this change.
- 2.16 The Policy has been updated to state clearly what performance monitoring for ASB will be undertaken. The performance monitoring includes separating out reporting of ASB by departments specifically Housing and Community Protection and Environmental Health to meet the requirements of set out by the Regulator of Social Housing.
- 2.17 The Policy clear states what both departments will produce for performance monitoring purposes and link in with strategic management and oversight functions of the ASB Policy.

3. Options considered and recommended proposal

- 3.1 **Option 1.** That Cabinet approve the policy and associated documentation to ensure that the Council as a housing provider, is exercising it's duty under the Housing Act 1996 (as amended by the Anti-Social Behaviour Act 2003) to publish it's Anti-social Behaviour Policy. This is the recommended option.
- 3.2 **Option 2.** That Cabinet does not approve the policy and associated documentation which may lead to the Council not fulfilling its legal obligations in relation to the Housing Act 1996 (as amended by the Anti-Social Behaviour Act 2003) This option is not recommended.

4. Consultation on proposal

- 4.1 Consultation has taken place with appropriate Council Officers.

5. Timetable and Accountability for Implementing this Decision

- 5.1 If approved the refreshed Anti-Social Behaviour Policy will become effective immediately, replacing the current Policy.
- 5.2 If approved, the Anti-Social Behaviour Policy will be published on the Council website.

6. Financial and Procurement Advice and Implications (to be written by the relevant Head of Finance and the Head of Procurement on behalf of s151 Officer)

- 6.1 There are no direct financial implications arising from this report. Any associated costs will be contained within existing approved budgets.
- 6.2 There are no direct procurement implications associated with the recommendations detailed in this report, however it must be noted that the purchasing of all equipment must be conducted in compliance with the Public Contracts Regulations 2015 (as amended) and the Council's own Financial and Procurement Procedure Rules.

7. Legal Advice and Implications (to be written by Legal Officer on behalf of Assistant Director Legal Services)

- 7.1 Under section 218A of the Housing Act 1996 (as amended), the Council is statutorily required to publish a policy relating to Anti-social behaviour and publish procedures for dealing with such occurrences. In drafting the policy and procedures, the Council must have full regard to any guidance issued by the Secretary of State
- 7.2 Under section 218A (4) of the Housing Act 1996, the Council is required to keep the policy under review and when appropriate, publish a revised statement. The previous policy is due for renewal and an updated policy is required to fulfil the statutory duty.
- 7.3 In April 2024 the Social Housing (Regulation) Act 2023 came into force. This legislation introduced several regulatory standards that all social landlords must comply with. A landlord's ability to comply and deliver on these standards will be monitored by the housing regulator and if required, it will intervene in situations in which the landlord falls short in delivering the required standard. One of the regulatory standards, "Neighbourhood and Community Standard" will focus on how landlords will ensure the safety of shared spaces in their neighbourhoods and tackle anti-social behaviour, hate crime and domestic abuse in their communities. The local authority's Anti-social Behaviour Policy will contribute to the framework that will assist in compliance with these standards.

8. Human Resources Advice and Implications

- 8.1 There are no direct human resources implications arising from the recommendations within this report.

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 It should be noted that there are implications at the point that the Policy is agreed, in that the Policy is likely to seek to provide additional protection to those classed as vulnerable who may be victims or witnesses to ASB.

10. Equalities and Human Rights Advice and Implications

10.1 There is potential however, that at the point of agreeing the Policy, an Equalities Assessment will be required.

10.2 An initial Equality Impact Assessment is attached at appendix 3.

11. Implications for CO2 Emissions and Climate Change

11.1 This report does not introduce any implications for CO2 emissions or climate change. A Climate Impact Analysis is attached as Appendix

11.2 An initial Carbon and Climate Change Assessment is attached at appendix 4.

12. Implications for Partners

12.1. This report does not introduce any implications for partners.

13. Risks and Mitigation

13.1 The Council risks legal action if it fails to comply with the relevant legislation and Codes of Practice. There is also a significant reputational risk if the Council is not adhering to its statutory duty to publish an up-to-date Anti-social Behaviour Policy.

14. Accountable Officers

Sam Barstow Assistant Director of Regeneration and Environment
Emma Ellis Head of Community Safety & Regulatory Services

Approvals obtained on behalf of Statutory Officers: -

	Named Officer	Date
Chief Executive	Sharon Kemp OBE	Click here to enter a date.
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	Click here to enter a date.
Assistant Director of Legal Services (Monitoring Officer)	Phil Horsfield	Click here to enter a date.

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