

Anti-Social Behaviour Policy

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1. Policy Summary

Rotherham Metropolitan Borough Council (we) and its wider partners are committed to addressing anti-social behaviour through providing a high level of support to victims from the point of an initial complaint through to resolution. In relation to perpetrators, we will take a proportionate and incremental approach, which is robust. Where appropriate we will make full use of the range of available powers, in order to tackle offending behaviour.

This Policy sets out clearly the standards and expectations for council officers in responding to complaints of anti-social behaviour and applies to all types of anti-social behaviour complaints and across all types of housing tenure.

2. Policy Commitments

Policy Commitments	
Making a Complaint	We aim to make the service accessible, inclusive and effective for all We will assess and respond to risk We will treat all information sensitively and securely
Investigation	We will investigate complaints without bias We will seek to ensure a timely and effective investigation and resolution
Tools and Powers	We will take a proportionate and incremental approach to using tools and powers
Going to Court	We will support victims and witnesses through the process
Supporting and Caring for Victims and Witnesses	We will put the victim at the heart of the investigation We will provide regular updates and tailored approaches
Support for Perpetrators	We will identify needs and seek to provide referrals or information to address the root causes of behaviour We will clearly explain the consequences of actions Where required, enforcement action will be taken to address offending behaviour
Closing Cases	We will consult the victims before closing cases
Seeking Victims Views	We will routinely engage with victims about the service they receive

3. Introduction

The Council has a broad role in relation to anti-social behaviour both as a Local Authority and as a provider of Social Housing. As a Local Authority, the Council has a range of powers under the Anti-Social Behaviour, Crime and Policing Act 2014 and production of a policy to support the application of these powers is regarded as good practice. As a housing provider, the Council has a duty under the Housing Act 1996 (as amended by the Anti-Social Behaviour Act 2003) to publish a clear strategy. This Policy applies the principles of the Council's overall General Enforcement Policy.

- **Proportionate** – our activities will reflect the level of risk to the public and enforcement action taken will relate to the seriousness of the offence.
- **Accountable** – our activities will be open to public scrutiny, with clear and accessible policies, and fair and efficient complaints procedures.
- **Consistent** – our advice to those regulated will be robust, reliable and similarly advice provided by others will be respected. Where circumstances are similar, a consistent, if possible, approach/action to other local authorities will be followed.
- **Transparent** – those regulated will be advised appropriately so as to understand what is expected of them and what they can anticipate in return.
- **Targeted** – resources will be focused on higher risk enterprises and activities, reflecting local need and national priorities.

The Council, and its partners recognise the impact of anti-social behaviour on victims and communities and acknowledge that the most effective resolution is to efficiently tackle and stop, the behaviour. This Policy recognises that each victim is different and that anti-social behaviour can affect people in different ways and to differing extents, sometimes significantly affecting their quality of life and well-being, particularly where the victim may be vulnerable or feel as though they are being targeted for a particular reason. This policy also recognises that perpetrators of anti-social behaviour can also be vulnerable at times and the Councils will ensure support needs or safeguarding concerns are identified in all cases, with appropriate referrals or interventions provided.

4. Aims

This Policy aims to provide an environment where those living, visiting, and working within the Borough do not fear anti-social behaviour, and are confident in the response of the Council our partners.

The implementation of this Policy supports the Council's corporate aims:

- 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

The Policy also seeks to support the Safer Rotherham Partnership aims:

- Protecting Vulnerable Children
- Protecting Vulnerable Adults
- Safer Stronger Communities
- Tackling Domestic & Sexual Abuse and Violence Against Women & Girls
- Tackling Violence and Organised Crime

The Council strives to provide the highest quality service to victims of anti-social behaviour and will seek to:

- Provide an accessible, inclusive and effective service, which encourages residents to report incidents
- Develop strategies to deter ASB and take firm action against perpetrators
- Support victims and witnesses, ensuring confidentiality where possible
- Carry out effective risk assessments to identify vulnerable or repeat victims or identify where ASB is targeted to a person because of personal characteristics
- Works in partnership with residents, tenants and with other agencies to provide an effective response

The Council recognises that all residents have the right to the peaceful enjoyment of their home and that, if left unchallenged, anti-social behaviour can have a significant negative impact on the lives of our residents communities and businesses. 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 also need to focus on the causes of anti-social behaviour; using all available partnership resources to fully utilise the tools and powers available.

We will adopt the following key principals in our approach

- Deterrence
 - We will work to identify and address the root causes of anti-social behaviour and provide support and advice, making referrals to partner agencies as required
 - We will work to identify hot spot locations or communities and identify problem solving plans or initiatives to prevent anti-social behaviour
 - We will work with victims to enhance their safety and build resilience to antisocial behaviour
- Early Intervention

- We will focus on working with partners to deliver early, positive and restorative interventions that divert individuals from offending behaviour and support victims
- Effective Enforcement
 - We will use the range of tools and powers available to take enforcement action where necessary, working collaboratively across all agencies
 - We will make best use of legal powers, in a timely manner, to seek to both protect the victim(s) and address the offending behaviour through provision of support
- Partnership working
 - We will work with partners to ensure any actions, tools or powers to reduce or prevent anti-social behaviour are utilised
 - We will work with partners to identify priorities across different communities
- Rehabilitation of offenders
 - We will ensure services focus on the rehabilitation of offenders
 - We will ensure criminalisation is a last resort, based on the circumstances of the case and only used where necessary and proportionate

5. Scope

This Policy applies to all those living, visiting and working within the Rotherham Metropolitan Borough Council boundaries. In the case of Council tenants, the Council has additional powers that only apply as a landlord. These will be clearly identified within the Policy. In the case of properties that are privately rented or social housing properties held by other organisations, we will work to ensure landlords are fulfilling their obligations and effectively managing the behaviour of tenants.

6. Equalities Statement

The Council recognises that anti-social behaviour can affect people in different ways. We will actively seek to identify any vulnerabilities or safeguarding concerns and make appropriate referrals for support or intervention where required.

We also recognise the additional impacts that can be felt as a result of anti-social behaviour that is targeted at an individual because of protected characteristics. We are committed to tackling hate or harassment based on all personal characteristics covered by the Equality Act 2010. This includes, age, disability, gender, gender identity, race or ethnicity, religion or belief and sexuality. If a victim or any other

person believes that a hate incident has occurred, it will be recorded by the person receiving the report at the earliest stage and the Council's [Hate Crime and Hate Incident Procedure](#) will be applied. This is to make sure that the Council's aim "to provide an effective, trusted, fair, consistent and accessible service for dealing with hate crime and hate incidents" is met. Recording hate incidents also allows for statistics to be collected locally, regionally and nationally.

7. Publicity

Any action taken will be publicised where it is deemed lawful, reasonable and necessary to do so. Our residents need to be reassured that action is being taken to stop anti-social behaviour, and that perpetrators are being held to account.

8. What is Anti-Social Behaviour

The Council recognises anti-social behaviour as behaviour which is capable of causing nuisance and annoyance to any person. The Anti-Social Behaviour, Crime and Policing Act 2014 describes anti-social behaviour in the following ways:

a) "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"

Or

b) "Acts or omissions likely to have a detrimental effect on the quality of life of those in the locality"

Or

c) "Conduct which is capable of causing housing-related nuisance or annoyance to any person"

These definitions are accepted by the Safer Rotherham Partnership, including the Council and its partners.

a. Types of Anti-Social Behaviour

ASB generally falls into these categories:

- **Personal harm** - where an individual or individuals are targeted and suffer physical, emotional or financial harm. It is recognised that some people are more likely to be negatively impacted by ASB where there are specific vulnerabilities, or where they are repeat victims. Hate incidents fall within this category.

- **Public nuisance** – when an individual behaves in a way that has the potential to cause suffering or annoyance to a community.
- **Environmental harm** - behaviour that causes harm to the wider environment such as buildings and public spaces.

Some examples of what constitutes anti-social behaviour are as follows however the list is not exhaustive:

- Excessive noise (including banging, shouting, amplified music)
- Hate related non-crime incidents
- Rowdy, aggressive or threatening behaviour or language
- Nuisance associated with frequent visitors
- Problems caused by animals e.g. persistent dog barking, fouling etc
- Graffiti, litter or fly tipping
- Intimidation or harassment
- Nuisance from vehicles

b. What is not Anti-Social Behaviour

Although we appreciate many situations can cause a nuisance to residents, not all reports are deemed to be anti-social.

Reports due to different lifestyles or every-day living situations which are not intended to cause nuisance or annoyance are not considered as ASB. The table below outlines, but is not limited to, the types and examples of what is not deemed to be ASB:

Issue	Examples
Children under 16	Children playing lawfully and babies crying
Animal Related Nuisance	Occasional dog barking
Noise Nuisance	Household noise due to everyday living (e.g. footfall and general movement around the property, proportionate sound from a TV, music/radio noise, noise from electrical items such as washing machines or vacuum cleaners and DIY during reasonable hours)
Personal, religious and/or cultural events	One-off parties, BBQs and celebrations Festivals for cultural reasons during usual celebration periods
Personal Preferences	Cooking odours and reasonable household smells

Legal personal tobacco usage	Vaping and smoking legal tobacco substances within a property
Vehicle Related Nuisance	Minor and/or occasional car maintenance Parking disputes
Neighbour Issues	Minor disputes between neighbours and/or personal differences Actions which amount to people being unpleasant (e.g. staring at or ignoring people) Gossip Escalated disputes between neighbours, unless the disputes amount to violence, abuse, threats, harassment and/or intimidation
Ball Games	That does not cause intentional damage
Private Tenure Boundary Disputes	This is a civil matter – seek legal advice
Untidy Gardens	Slightly unkempt garden, unless causing environmental issues such as vermin and pests
Private Tenure CCTV, video and audio surveillance	Detailed guidance is available from the Information Commissioners Office (ICO) .
Cannabis Smoking	<p>We may receive reports relating to a resident smoking cannabis in and around their home. We do not class cannabis smoking in itself as ASB. These matters should be reported to the Police.</p> <p>For Council tenants the tenancy agreements do contain conditions relating to criminal activity. If the Police take criminal action in response to the cannabis, then we may take our own tenancy action as a result of this criminal action.</p> <p>We may consider the impact of the cannabis smoking to be ASB in certain circumstances. For example, where the smoke/odour arising from the smoking is having an impact on the health of the person experiencing the smoke.</p>

9. Our Response to Anti-Social Behaviour

a. Making an Anti-Social Behaviour Complaint

We aim to make reporting ASB to us as easy as possible and offer a range of different methods, including telephone, email, via our [Report antisocial behaviour](#) form. Our website provides further details on how to contact us.

When we receive a complaint, officers will assess the individual risk and identify any immediate safeguarding concerns or support needs, providing appropriate information or making appropriate referrals and contact will be returned within five working days, unless the case is assessed as high risk in which case contact is made within 24 hours of the first working day the report is assessed on.

Housing Services cases classed as high risk may be reviewed in line with the Serious Case Threshold Test and if necessary, be referred to the Community Protection Unit.

b. Investigation

We will seek to investigate complaints promptly and effectively, without bias. We will follow appropriate procedures in relation to gathering and maintaining evidence either in relation to Civil or Criminal proceedings.

In cases where officers assess the case as high risk, priority will be given to the investigation and feedback to complainants.

We will approach all reports without bias or preconception. Investigations of complaints may involve the sharing of, or access to, partner information relating to the individuals or complaint. Investigatory techniques could include:

- diary sheets (to be completed by the complainant)
- assessment of police/partner incidents/information
- visiting all parties
- interviewing witnesses/complainants/perpetrators
- conducting 'letter drops' for corroborating information
- patrols
- covert/overt monitoring
- the gathering of pictures/images/CCTV

Complainants will be updated regularly through the investigation and at a minimum of every 10 working days, this may increase or decrease based on risk and frequency and will be agreed with the victims or witnesses. Where victims and

officers cannot reach an agreement in relation to frequency, this will be escalated to the appropriate line manager for review. If counter allegations are made, this will be investigated with the same lack of bias.

c. Tools and Powers

We will seek to apply an incremental approach to investigating and dealing with anti-social behaviour. We, and our partners, have a range of informal tools available as follows:

- Mediation/ Restorative Intervention
- Victim advocacy services
- Diversionary activities
- Informal/formal Warnings
- Acceptable Behaviour Contracts
- Neighbour agreements

The Anti-Social Behaviour, Crime and Policing Act 2014 contains the following powers, regardless of tenure:

- Civil Injunctions (County Court Injunctions)
- Community Protection Notices
- Criminal Behaviour Orders
- Public Space Protection Orders
- Closure Notices and Orders
- Fixed Penalty Notices

For Council tenants (dependent upon the severity) the following options are also available:

- Application to the County Court for an Outright Possession Order, leading to eviction
- Application to the County Court for a Suspended Possession Order
- Application to the County Court for a Demotion of the Tenancy to an introductory Tenancy
- Notice Pending Possession Proceedings
- Introductory Tenancy extension

For private housing tenants:

- Liaison with the Landlord for the property to encourage effective management to control ASB
- Consider housing licencing conditions, where properties are in a Selective Licensing area regarding fit and proper persons where ASB or criminality is identified

- Council or partners can consider ASB Closure Order where supported by evidence in serious cases

d. Going to Court

We will assist witnesses in attending Court and supporting them through the Court process, working and liaising with the Court Witness Support Scheme, where necessary and applicable.

e. Supporting and Caring for Victims and Witnesses

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, subject to safeguarding or criminal concerns. In the event that cases progress to legal action, the Council will likely require the support of witnesses and victims. Decisions in relation to legal action will be informed by the views of victims and witnesses and information will not be disclosed without the permission of victims and witnesses.

We 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.

Reported incidents, nuisance monitoring sheets and diaries will be logged and monitored, and where required further witnesses will be sought and work may be carried out with partner agencies. This may include information and investigatory support from the Borough's Tasking Groups, which are partnership teams consisting of various Council departments including Community Protection and Environmental Health, the Council's Housing Service, Support Services and South Yorkshire Police.

Assistance will be given to complainants in compiling evidence and making statements. Information will be made available in an accessible format which is both inclusive and effective, making use of interpreters where necessary.

We will attempt to resolve a complaint without the need for formal legal action wherever possible. However, we 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. Officers will seek to conclude investigations at the earliest possible stage where evidence cannot be identified to substantiate complaints, or the behaviours reported do not constitute anti-social behaviour.

f. Support for Perpetrators

While the needs of victims and witnesses will always be given priority, we are aware of the positive impact that support might have on perpetrators. We also recognise that some perpetrators may themselves be vulnerable, disabled or have an illness or condition.

We acknowledge our responsibilities under the Equality Act 2010 and we will seek to identify and offer or direct support to those who have protected characteristics and vulnerable perpetrators of anti-social behaviour. As part of our anti-social behaviour process we will carry out assessments to identify any indicators of vulnerability, disability, mental health condition or substance misuse, which may affect the perpetrator's behaviour. Indicators might include but is not restricted to:

- information that the perpetrator has a diagnosed health condition, disability or illness
- the presence of support from probation, social services, mental health team and any other statutory or voluntary support provider
- observing behaviour that may indicate a degree of vulnerability, disability or mental health condition such as hoarding, erratic behaviour, unpredictability, paranoia etc.

We will seek to work with perpetrators to identify the root causes associated with the anti-social behaviour issues and offer appropriate referrals or provide relevant information or interventions. It is in the interest of all parties concerned that a quick and amicable resolution is reached however, where required, we will make use of appropriate enforcement powers, as detailed above.

As noted, the Council does recognise that in some cases perpetrators can also be vulnerable and at risk. We will seek to identify these risks and again will ensure appropriate referrals are made or information provided. Where individuals are being taken advantage of for access to their property or resources, we will work with partners, such as the Police, to put in place appropriate measures.

g. Closing Cases

Cases will only be closed following contact with the complainant unless reasonable efforts have been made to contact the victim with no success. We will advise complainants of when we close a case; either verbally or in writing and we will advise them of the reason for closing the case. Complainants always have the option to take their own personal action against an alleged perpetrator.

Thereafter if an individual remains dissatisfied, there is the ASB Case Review provision and the Council's complaints procedure.

h. Seeking Victims and Witnesses views

As noted above the Council will provide support to victims and witnesses throughout their complaint and in the event any formal or legal action is taken. The services will also reach out to victims and witnesses to gather views as to the service they received and any areas for improvement, which will inform future team and service development.

10. The ASB Case Review

The ASB Crime and Policing Act 2014 contains a provision named the ASB Case Review, formerly known as the Community Trigger. This provision provides an avenue of recourse for complainants who feel that their reports of anti-social behaviour have not received a satisfactory response. In order to access this provision complainants must have reported three separate incidents, or the same incident must have been reported by three separate persons, and the response has been considered to be inadequate. The reports must also be made within one month of the incident itself and the request for the case to be reviewed within six months of the final complaint.

The ASB Case Review then requires that a multi-agency group review the history of the case and, where appropriate, make recommendations for service improvements. The group will involve members from organisations who are independent of the investigation of the case to date using the Safer Rotherham Partnership structures to support and oversee the work. The results of the review are also communicated directly to the complainant(s). An annual report on ASB Case Reviews will be provided by the Police and South Yorkshire Mayoral Combined Authority

11. Strategic Management

Anti-social behaviour requires a partnership approach from a large number of public sector bodies but in particular, the Police, who also have many of the same powers. As a result, alongside the Council's Strategic Leadership for anti-social behaviour, which is led by the Director for Regeneration and Environment, the delivery of anti-social behaviour services is also overseen by the Safer Rotherham Partnership, the Boroughs statutory Community Safety Partnership.

12. Oversight

Oversight of anti-social behaviour services is led by the Cabinet Member with responsibility for Corporate Services, Community Safety and Finance. Council services are also routinely scrutinised through regular audits or by the Council's scrutiny functions. Crime and disorder issues are also annual reviewed by the Overview and Scrutiny Management Board. The Safer Rotherham Partnership also has a key role in establishing borough-wide partnership strategy of which anti-social behaviour is a key element. Performance and delivery across a range of priority areas is delivered quarterly through this structure.

Housing issues are overseen by the Cabinet Member for Housing, who will be routinely consulted on relevant issues, including policy development.

13. Performance Management

The Regulator of Social Housing (RSH) requires Housing Services to collect and provide information to support effective scrutiny by tenants of Housing Services performance in delivering services. The RSH also requires Housing Services meet their requirements in relation to the Tenant Satisfaction Measures set by the Regulator.

Upon reporting on ASB statistics, Housing Services performance within its housing stock, and the Councils performance within the private and third sector, managed by Regulation & Enforcement, are separated in line with the requirements set out by the RSH. Both departments report separately on early interventions, enforcement tools used, supporting referrals made and the number of cases received on a monthly and annual basis. In addition to this, Housing Services also report on ASB satisfaction measures.

14. Information Sharing

Information will be routinely shared in order to investigate cases of anti-social behaviour however this will be managed sensitively and in a secure manner.

15. Legal Framework

This document has been drafted in compliance with the following Acts:

- Human Rights Act 1988
- Data Protection Act 1998
- Equality Act 2010
- Housing Act 1985 (as amended)
- Housing Act 1996
- Crime and Disorder Act 1998
- ASB, Crime and Policing Act 2014

- Police Reform Act 2002
- Social Housing (Regulation) Act 2023

16. Relevant Policies/ published Documents

Policies/published documents which may be relevant to the application of this document are:

- The Consumer Standards (as set by the Regulator of Social Housing)
- The Home Office ASB Principles
- The ASB, Crime and Policing Act 2014 Statutory Guidance
- Safer Rotherham Partnership Information Sharing Agreement
- General Enforcement Policy
- Rotherham Council Tenancy Agreement
- RMBC Thriving Neighbourhoods Strategy
- Rotherham Council Selective Licensing Designations
- RMBC Corporate Hate Crime and Hate Incident Procedure for Council Customers and Service Users
- CCTV Policy

17. Monitoring and Review

This policy will be reviewed every two years in conjunction with the relevant portfolio holders. Reviews will be used to ensure any learning has been captured both to improve practice and improve the monitoring and evaluation processes.

The Policy will be utilised to provide a standard expected in investigations and will be routinely reviewed against operational decisions or issues that arise through formal complaints or the ASB Case Review process. The Policy will also be actively applied by management in the routine monitoring and guidance provided to officers.

18. Policy Tracker

Author	Responsible Director	Responsible Cabinet Member	Version	Date of Cabinet Decision
Head of Community Safety and Regulatory Services	Strategic Director for Regeneration and Environment	Cabinet Member for Corporate Services, Community Safety and Finance		
Supported by the Head of Housing Operational	Supported by Strategic Director for Adult Care,	Supported by Cabinet		

Services	Housing and Public Health	Member for Housing		
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