

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.

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

2. 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 effectively deal with 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.

3. 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:

- Thriving Neighbourhoods
- Better Health and Wellbeing
- Hope and Confidence in Rotherham

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

- Protecting Vulnerable Children
- Protecting Vulnerable Adults
- Building Confident and Cohesive Communities
- Tackling Domestic Abuse and Sexual Offences
- Tackling Serious 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 prevent 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

- Prevention
 - 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

4. 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.

5. 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 passed to the Police. This is to make sure that the Council's Hate Crime and Hate Incident Procedure is applied appropriately and its 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.

6. 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.

7. 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 two ways. Firstly, anti-social behaviour is:

"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"

Secondly, anti-social behaviour is described as:

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

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"

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

a. Types of Anti-Social Behaviour

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 – including ‘off road’ vehicles.

In some instances, whilst behaviour can cause a nuisance over the short term, we may not consider it to be of a significant or persistent nature and as a result, will not deem the behaviour anti-social, however alternative powers may be considered as appropriate. Some examples could include:

- children playing
- isolated gatherings or single low-level noise incidents
- temporary works or DIY home improvements

8. Our Response to Anti-Social Behaviour

a. Making an Anti-Social Behaviour Complaint

Reports of anti-social behaviour can be made online via:

<https://www.rotherham.gov.uk/environmental-health/report-anti-social-behaviour/1>

Reports can also be made over the phone via:

Office Hours - 01709 382121

Out of Hours- 01709 823140

Or to South Yorkshire Police online at: <https://smartcontact.southyorkshire.police.uk/>

Or via 101 (or 999 in an emergency)

When people make complaints or provide information, we will record and store the information securely in line with the Community Safety Partnership Information Sharing Agreement and the Council’s data retention and disposal schedule which can be found at: [SCC Retention Schedule 2016-17FINAL \(rotherham.gov.uk\)](#)

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 one working day.

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

- Which aims to find an amicable resolution agreeable to all parties
- Victim advocacy services
 - Providing additional support or representation on behalf of a victim
- Diversionary activities
 - Activities that aim to divert individuals away from causing anti-social behaviour
- Warnings
 - Informal or formal warnings which may be a precursor to formal or legal action
- Acceptable behaviour contracts
 - Agreements between alleged perpetrators, the Council and the Police, setting clear behavioural standards
- Neighbour agreements
 - Agreement of two parties, supported by the Council, to resolve or reduce behaviour having an impact

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

- A requirement for the landlord to take action relating to the tenancy

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.

All nuisance monitoring sheets and diaries will be read within three working days of receipt by the investigating officer. 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, which are partnership teams consisting of various Council departments including Community Protection and Environmental Health, the Council's Housing Service 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 will 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. Cases may be closed without agreement, but complainants should be advised as to how they can challenge this decision by writing to the line manager of the officer in charge of their case. Any such challenges will be assessed with reference to the full case details and an unbiased judgement of the case made and notified to the complainant within ten working days. Thereafter if an individual remains dissatisfied, they are entitled to use the Council's complaints procedure.

We may close cases in circumstances where the complainant refuses to co-operate and/or engage in working with us in providing evidence of the anti-social behaviour.

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.

9. The Community Trigger

The ASB Crime and Policing Act 2014 introduced a provision named 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 community trigger 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 community triggers will be provided by the Police and Crime Commissioner for South Yorkshire.

10. 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.

11. 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.

12. 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. The exchange of information to tackle offending behaviour is covered by the Safer Rotherham Partnership Information Sharing Agreement, which can be found at www.saferrotherham.org.

13. 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

14. Relevant Policies/ published Documents

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

- ASB, Crime and Policing Act Statutory Guidance
- Safer Rotherham Partnership Information Sharing Agreement
- General Enforcement Policy
- Rotherham Council Tenancy Agreement
- Rotherham Council Selective Licensing Designations

- RMBC Corporate Hate Crime and Hate Incident Procedure for Council Customers and Service Users

15. 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 community trigger process. The Policy will also be actively applied by management in the routine monitoring and guidance provided to officers.

16. Policy Tracker

Author	Responsible Director	Responsible Cabinet Member	Version	Date of Cabinet Decision
Head of Community Safety and Regulatory Services Supported by the Head of Housing Operational Services	Strategic Director for Regeneration and Environment Supported by Strategic Director for Adult Care, Housing and Public Health	Cabinet Member for Corporate Services, Community Safety and Finance Supported by Cabinet Member for Housing	2.0	July 2021