

Rotherham Metropolitan Borough Council

Summary Of Anti-Social Behaviour Policy & Procedures

March 2011

Summary Of Anti-Social Behaviour

Policy & Procedures

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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](http://www.rotherham.gov.uk/forms/form/32/anti_social_behaviour_iform)

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

Corporate Customer Complaints

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”:



:



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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

ههنگه تۆ یان که سینگ که تۆ دهیناسی پیویستی به یارمهتی هه بنیت بۆ نهوهی لهم به لگه نامه یه تیبگات یان بیخوینیته وه، تکایه په یوه ندیمان پیوه بکه له سهه نهو ژماره یه ی سهه وه دا یان بهو نیمه یله.

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 سۆرانی

عربي

أردو

فارسی