

# **Rotherham Metropolitan Borough Council**

## **Summary**

### **Anti-Social Behaviour Policies & Procedures**

**July 2012**

# Summary of Anti-Social Behaviour Policy & Procedures

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# 1. Introduction

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

## 2. What is Anti-Social Behaviour?

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

The council 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. 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. 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.

## 7. 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. Hate Crime

The Council will 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, 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. Monitoring and Reviewing the Service**

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

## **11. Tenancy Conditions**

Rotherham Metropolitan Borough Council 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 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 May 2013 with further reviews on a 2 yearly basis.

## **Summary of Anti-Social Behaviour Procedures**

### **Making a Complaint**

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

- Visiting Customer Service Centres, these will be listed at the end of the document
- Telephone the Rotherham Housing Golden Number for reporting Estate Management issues.

- 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](http://www.rotherham.gov.uk)
- Contacting their local Safer Neighbourhood team by ringing the non emergency number - 101
- If the complaint relates to a criminal offence contacting South Yorkshire Police - details of which can be found at the end of the document

## **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 officer 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.

When we receive a complaint we will:

- record the complaint and allocate it to a named Housing Champion
- open a case file and complete an initial report to establish the nature of the ASB;
- assess the urgency of the case and apply a category
  - CAT A URGENT e.g. race/hate crime/threats or use of violence.
  - CAT B PERSISTENT NUISANCE e.g. noisy neighbours.
  - CAT C NON URGENT e.g. untidy garden.

The following action will be taken:

- immediately refer CAT A complaints to the specialist ASB Team;
- acknowledge CAT B complaints in writing within 2 working days;
- arrange to interview complainants within the following timescales:
  - CAT A cases 24 hours.
  - CAT B cases 5 working days.

## **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.
- 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. The actions, which include 'fast track' responses in serious cases, are increasing, with emphasis on bringing about real changes and improvement in the behaviour of those who commit ASB. The actions considered could include, but are not limited to:

- approaching the perpetrator and discussing the problem behaviour;
- warning letters;
- Acceptable Behaviour Contracts (ABC);
- Parental Control Contracts (PCC);
- Environmental Health Action for Statutory Nuisance;
- injunctions;
- undertakings;
- Anti-Social Behaviour Orders (ASBOs);
- demoted tenancies;
- possession proceedings;
- suspension of Right to Buy;
- extension of Introductory Tenancies;
- use of professional witnesses/surveillance;
- Dispersal Orders (via the police); and
- closure of premises orders.

## **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

## **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 procedure. This includes parties, playing loud music, noise from televisions and hi-fi. Problems with 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 Neighbourhood Offices.

## **Contacts**

### **Estate Management & Housing issues**

Tel: 01709 336040

### **South Yorkshire Police**

Tel: 101 (Non Emergency)

Tel: 999 (Emergency)

### **Community Protection**

Tel: 01709 823118

**Anti-social behaviour complaints can also be made online at**  
[www.rotherham.gov.uk/forms/form/32/anti\\_social\\_behaviour\\_eform](http://www.rotherham.gov.uk/forms/form/32/anti_social_behaviour_eform)

**For other information visit our website at** [www.rotherham.gov.uk](http://www.rotherham.gov.uk)

### **Corporate Customer Complaints**

Freepost RRGK-EJSB-ZECL  
"Tell Us Your Views"  
Rotherham Metropolitan Borough Council  
Civic Building  
Walker Place  
Rotherham  
S65 1UF

Email: [complaints@rotherham.gov.uk](mailto:complaints@rotherham.gov.uk)

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

☎: 01709 334562

💻: community.safety@rotherham.gov.uk

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

كوردی سۆرانی  
نهگهر تو یان كهسێك كه تو دهیناسی پێویستی به یارمهتی هه بێت بۆ نهوهی لهم بهنگه نامه یه تیبگات یان بیخویننهوه،  
تکایه په یوه نهدیمان پێوه بکه له سههر نهو ژماره یه ی سههر وه دا یان بهو نیمه یله.

### Arabic

عربي  
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

### Urdu

أردو  
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

فارسی  
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.