

RUNNYMEDE BOROUGH COUNCIL

HOUSING & COMMUNITY SERVICES DEPARTMENT

STATEMENT OF PROCEDURES ON ANTI-SOCIAL BEHAVIOUR

The following statement, ("the statement"), has been produced as required by s.218A of the Housing Act 1996. It is a statement outlining Runnymede Borough Council's procedures in dealing with anti-social behaviour, (ASB), in particular in relation to its role as a social landlord. This Statement of Procedures should be read in conjunction with the Council's Statement of Policies, which outlines various policies relating to ASB.

A copy of this statement is available on the Council's web-site (www.runnymede.gov.uk), and a paper copy can be obtained free of charge on request. Large print editions and translations into other languages are also available.

This statement advises residents on how to make a complaint about ASB, who to complain to, how the complaint will be processed and monitored and what the outcome might be.

Definition of Anti-Social Behaviour

In relation to the Housing Service, ASB is behaviour which:-

- is capable of causing nuisance or annoyance to any person; and
- directly or indirectly relates to or affects our housing management functions; or
- consists of or involves using or threatening to use housing accommodation owned or managed by the Council for an unlawful purpose.

Those persons to whom the conduct may cause annoyance or nuisance include anyone who has a right to live in a property owned or managed by Runnymede Borough Council, those living in any other property in the neighbourhood and anyone else lawfully in such property or in the locality, for example working or using local facilities.

Examples of behaviour which would fall within the above definition might include but are not limited to:-

- noise nuisance
- intimidation and harassment
- aggressive and threatening behaviour

- actual violence against people or property
- hate behaviour targeting members of identified groups because of perceived differences, e.g. race, gender, ethnicity, age, religion, sexual orientation, mental health or disability
- using RBC housing accommodation to sell drugs or for other unlawful purposes, and
- environmental quality issues, e.g. litter, dog fouling, graffiti, fly tipping, car repairing and nuisance parking.

ASB may or may not constitute criminal activity. When assessing complaints to determine whether or not an activity is anti-social, we will consider the frequency and severity of the incident(s), together with the impact the behaviour has on the victim(s) or others.

Not all complaints we receive constitute ASB. The Council is unlikely to define children playing, occasional car repairing and infrequent noise as ASB. In such cases remedies such as mediation are likely to be suggested.

How to Make a Complaint

If the person acting anti-socially is a tenant, or is a member of a tenants' household, or is visiting a tenant, then the complaint should initially be made to the Tenancy Management Section of the Housing & Community Services Department, situated in the Civic Offices, Station Road, Addlestone, Surrey KT15 2AH.

Complaints can be made in writing, by telephone, (01932 425821), e-mail, (housing@runnymede.gov.uk), or personal visit to the offices. If visiting the Civic Offices, it might be helpful if an appointment is made beforehand to ensure a suitable officer is available. An incident reporting form is also available on the Council's web site, (www.runnymede.gov.uk), which can be used.

If the activity is of a criminal nature then the ASB should be reported to the police, by telephoning 0845 125 2222. The Council and Surrey Police have developed a common reporting form, which is used by both organisations. All reported incidences of ASB are shared, to ensure both organisations are aware of what is happening in the Borough. Where specific areas appear to have a high level of ASB activity, additional resources can be deployed to target these areas.

Processing a Complaint

Complaints will be assigned to a named officer within the Tenancy Management Section of the Housing & Community Services Department. This Officer will be the point of contact for all future enquiries relating to the complaint.

The complainant will be asked:-

- to make a statement outlining the ASB and how it affects them

- if they want the Council to make representations to the tenant acting anti-socially
- to keep a record of all future incidents, listing dates, times and periods of duration (*these records may be used as evidence at a later date*)
- whether or not they would be prepared to attend court to give evidence
- whether or not they is aware of other residents being affected by the ASB

What Action Will the Council Take?

As a first resort, the Council will encourage residents to resolve the difficulties themselves, using the mediation services if appropriate. If intervention by the Council is necessary, Housing staff will:-

- start investigation of all reports of ASB within 5 working days
- identify and interview appropriate parties
- consult with other agencies
- decide on the appropriate remedy to take to resolve the problem
- keep complainants informed of progress
- support complainants and witnesses as necessary

If a complainant is unhappy with the response from the Council then they will be given details of the Council's complaints procedure.

Supporting Complainants

It is recognised that to pursue some remedies against ASB, it will be necessary for complainants and witnesses to be identified. Generally it is the Council's policy not to divulge the identity of those who have complained, but if court action is to be considered, then it is probable that complainants will be required to give evidence, either in the form of an affidavit, or in person. This will inevitably reveal the identity of complainants to those being complained of, and the subsequent risk that reprisals may take place.

It is not however necessary to identify complainants to obtain an Anti-social Behaviour Order or to achieve an Acceptable Behaviour Contract. In evidence to obtain an order an Officer can give evidence of what they have been told by complainants.

The Council is determined to address issues relating to ASB, and will, where appropriate, take measures to protect residents who come forward to report ASB. Working with other agencies, including the police, measures can be put in place to give residents additional protection. These measures might include but would not be limited to :-

- alarms
- panic buttons linked to the police
- additional locks
- security lighting
- CCTV
- spy-holes in doors
- increased police patrols
- injunctions
- anti-social behaviour orders (ASBOs)
- support & counselling

Options Available to The Council

This section lists the types of legal and non-legal actions the Council might consider in addressing problems with ASB.

- Mediation – Independent mediators might be brought in to try and resolve issues between neighbours
- Acceptable Behaviour Contracts (ABCs) – Initiated by the police and/or the Council, ABCs are agreements with those whose behaviour is cause for concern that the problem behaviour will stop and/or improve
- Anti-Social Behaviour Orders (ASBOs) – Initiated by the police and/or the Council, these are civil orders requiring bad behaviour to end. They may order offenders not to visit certain properties, streets or districts at certain times or on certain days. Breach of an ASBO would be a criminal offence, with criminal sanctions.
- Designated Locations – Under s.30 of the Anti-Social Behaviour Act 2003, certain areas can be designated, granting discretionary powers to the police to disperse groups of youths.
- Injunctions – These might require certain behaviour to stop, or might prevent an individual from visiting a property or threatening or harassing someone. Breach of an injunction is contempt of court, and carries severe penalties, including imprisonment. In certain cases, injunction can have the power of arrest attached, which would enable those in breach of the injunction to be arrested.

- Demoted Tenancies – Such demotion reduces the security of tenure afforded to the tenant, which makes it easier for the Council to pursue eviction should the ASB continue
- Eviction – In serious cases, the Council will consider eviction as a final sanction against a tenant who continues to act, or allows members of their household or visitors to act in an anti-social manner.

Monitoring Anti-Social Behaviour

As indicated under the heading “How to Make a Complaint”, the Council and the police have developed a common reporting form, which enables both organisations to monitor levels of ASB, and the locations where ASB is occurring. If an particular area appears to suffering a higher than average level of ASB, then it is possible additional resources could be placed in this area to overcome the problems.

All cases of racial harassment are recorded, and are reported, together with action taken, to Members of the Council twice yearly.

A report on activity to deliver the Community Safety Strategy is delivered to The Safe & Secure Task Group, which reports to The Local Strategic Partnership. This includes progress against all the targets one of which is ASB.

Other Relevant Policies

As indicated at the beginning of this Statement of Procedures, the Housing Department has also produced a Statement of Policies, which sets out the policies which guide these procedures. A summary of both documents is also available free of charge.

The Council has also produced a corporate Anti-Social Behaviour Strategy, which sets out the authority's aims and priorities in dealing with ASB.