RUNNYMEDE BOROUGH COUNCIL NEIGHBOURHOOD AND HOUSING MANAGEMENT SERVICES

ANTISOCIAL BEHAVIOUR POLICY

Approved: June 2021

Review due: June 2023



1. Introduction

- 1.1 This policy sets out Runnymede Council's policy on dealing with antisocial behaviour (ASB) in Council properties.
- 1.2 This document should be read in conjunction with our statement of ASB procedures.

2. Our Aims

- 2.1 A key priority in Runnymede's Community Safety Partnership Action Plan is to reduce crime and antisocial behaviour. The Council is committed to tackling antisocial behaviour with prevention and early intervention.
- 2.2 We will enforce the terms of the tenancy agreement in relation to ASB. In doing so we will work in partnership with our colleagues across the Council and with other statutory partners, including Surrey Police.

3. Definition

3.1 Section 2 of the Anti-Social Behaviour Crime and Policing Act 2014 defines antisocial behaviour as follows:

"2 Meaning of "anti-social behaviour"

- (1) In this Part "anti-social behaviour" means—
- (a) conduct that has caused, or is likely to cause, harassment, alarm or distress to any person,
- (b) conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, or
- (c) conduct capable of causing housing-related nuisance or annoyance to any person".
- 3.2 It is defined differently in other legislation and anti-social behaviour can cover a wide range of conduct. However, it does not extend to behaviour that may be perceived by some others as unpleasant or inconsiderate, but in fact is part of a, possibly different, lifestyle or is minor infraction or an infrequent occurrence. If the behaviour complained about does not meet the threshold for ASB, the authority will not investigate. It will nevertheless record the incidents and, where appropriate, may offer complainant self-help solutions, including access to mediation services.

4. Tenants' responsibilities

- 4.1 All tenants of the Council have signed a Tenancy Agreement which sets out the responsibilities and behaviours expected from them. They must not commit, or allow the people living in or visiting their home to commit, acts of ASB.
- 4.2 We consider that ASB constitutes a wide variety of activities that may cause nuisance and annoyance to others.
- 4.3 The Council expects its customers to be tolerant of other people's lifestyles and will not accept reports of behaviour that most people accept as a reasonable part of everyday life, although some behaviour can be perceived as unpleasant or inconsiderate, it may not be ASB. The Council will record these types of complaints but will NOT investigate them.
- 4.4 The Council will deal with Hate Crime in line with this policy and our supporting statement of procedures. We will respond to incidents of hate crime as a priority.
- 4.5 Whilst the Council's statutory powers are not limited to ASB that is connected to housing owned or managed by it, this policy only addresses ASB being caused by Council tenants. ASB issues caused more widely within the borough of Runnymede will be addressed by the Community Safety Partnership, with the exception of properties managed by the Council through Magna Carta Lettings (MCL).
- 4.6 MCL is the Council's private sector lettings service through which properties are procured from private landlords in order to discharge homelessness functions. In the scenario where serious ASB is being caused by a tenant occupying an MCL managed property we may intervene using the tools available to us under the Anti-Social Behaviour Crime and Policing Act 2014 whilst the landlord seeks possession of the property.

5. Prevention

- 5.1 We will ensure tenants are made aware of their responsibilities in relation to ASB, this includes through:
 - The sign up process
 - New tenant and end of year visits
 - Where relevant thereafter including letters, emails, meetings, visits and tenancy audits
 - Formal interventions such as written warnings

6. Resolving complaints including early intervention

- 6.1 The Council will consider which course of action is suitable to the circumstances, depending on the occupation rights (if any) of the perpetrator, the severity and/or persistent nature of the conduct and we will have regard to the proportionality and reasonableness of the action. In some situations we may use more than one remedy to address an issue.
- 6.2 The Council uses a wide range of tools and powers to challenge unacceptable behaviour, and will decide on a case by case basis which tools and powers are the most appropriate to use.
- 6.3 Generally, in those cases that have not been assessed as high priority/impact, early intervention tools and techniques will be applied. Customers will be encouraged to engage and participate in order to stop incidents from escalating, this includes communicating with each other, such as through mediation, and respecting one another's point of view.
- 6.4 The Council will take enforcement action in cases where early intervention techniques have not been successful and the harmful behaviour is continuing, or where complainants need protection to prevent further ASB incidents from occurring.
- 6.5 Please note that this policy does not relate to a formal complaint about a service a customer has received from the Council. This type of complaint should be put in writing to the Council either by emailing the officer concerned or writing to them at Civic Offices, Station Road, Addlestone, Surrey, KT15 2AH. Alternatively, you can go online and use the Council's general customer feedback form at https://www.runnymede.gov.uk/article/15102/Feedback-form.

7. Investigation

- 7.1 The Council will keep in regular contact with complainants of ASB regarding the progress of a case, this will include ongoing assessment of the risk of harm.
- 7.2 In most cases complainants will be asked to keep a log of further incidents in order to gather evidence of the problem. The Council offers a number of methods which complainants can use to record incidents of ongoing ASB.

 These include:
 - Using diary sheets

- Using the The Noise App on a smart phone to record and log incidents of noise
- Directly emailing or phoning the officer allocated to a case
- Reporting online at https://www.runnymede.gov.uk/article/13607/Report-it

8. Support

- 8.1 We will offer support and advice to complainants of ASB, especially if they are vulnerable, to assist us in enabling enforcement action against perpetrators.
- 8.2 Translation, interpreting and alternative methods of recording incidents will be made available; we want to make it as easy as possible to report ASB.
- 8.3 Support can include practical measures, such as the installation of fire proof letterbox plates, and/or other supportive measures such as referrals to coaching support. In exceptional circumstances we may consider a management transfer to safeguard complainants.
- 8.4 When assessing what actions should be taken to deal with a complaint, the officer has a duty to consider whether the alleged perpetrator would benefit from specialist support to help them address their antisocial behaviour. This could include problems relating to drug or alcohol dependency or mental health needs, which may or may not be having an additional impact on the wider community. Victims of cuckooing who are also perpetrators of ASB will receive specialist support.

9. Enforcement action

- 9.1 The Council have a graded response escalation process and we will use a range of formal and informal interventions depending on the nature of the reports being made, our response will be reasonable and proportionate and include but not limited to:
 - Acceptable Behaviour Contracts
 - pre legal warnings
 - legal action
- 9.2 Although the Council's powers of enforcement are principally set out in the Anti-Social Behaviour Crime and Policing Act 2014 there is no prescribed method for

how these should be utilised. Any current guidance, such as The Statutory Guidance for Frontline Professionals, should be taken into consideration when deciding on the most appropriate enforcement action to use. However, professional judgement will be applied by officers responsible for managing ASB when deciding on the most appropriate response and at what stage in a case; this is in line with the statutory guidance.

9.3 In serious cases and/or where non legal interventions have not been effective the Council may involve an application to the Courts to help resolve the issue. In very serious cases of ASB, such as a serious assault, we may take this action without any further warning to the tenant.

10. Partnership working

- 10.1 The Regulator of Social Housing, under the Neighbourhood and Community Standard, requires registered housing providers to co-operate with relevant partners to help improve social, environmental and economic wellbeing in their areas and to work in partnership with other agencies to prevent and tackle ASB in the neighbourhoods where they own homes.
- 10.2 Criminal matters should be reported to Surrey Police. If it is appropriate for the police to take responsibility for investigating an incident, the Council will work with them to support their investigation.

11. Staff training & Continuous Improvement

- 11.1 Managers will ensure staff receive appropriate training in accordance with their role, especially with regard to legislation and dealing with potentially vulnerable people. This includes relevant refresher training and training as part of an induction schedule for new staff.
- 11.2 We monitor the quality of this service, including via satisfaction surveys and performance statistics.

12. Consultation and communication

12.1 In line with The Regulator of Social Housing's Involvement and Empowerment Standard, Residents and the Runnymede Council Residents Association have been consulted, this includes through the Council's website and social media.

12.2 A range of Council staff, including Legal and Environmental Health colleagues have also been consulted.

13. Equalities Implications

- 13.1 The Council has duty under the Equality Act 2010 to have due regard to the need to:
 - a) eliminate unlawful discrimination, harassment or victimisation;
 - b) advance equality of opportunity between persons who share a Protected Characteristic and persons who do not share it;
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 13.2 The 9 Protected Characteristics are age, disability, race/ethnicity, pregnancy and maternity, religion, sexual orientation, sex, gender reassignment and marriage / civil partnership.
- 13.3 An Equality Impact screening assessment on this policy has been completed and it is noted that we expect a positive impact for people with the protected characteristics of Age, Race, Religion, Sexual Orientation and Disability.
- 13.4 Managers are responsible for ensuring that this policy is fairly applied, with due regard to a tenant's individual circumstances and for adequate training for staff on equality issues.