

RUNYMEDE BOROUGH COUNCIL TEMPORARY STATEMENT OF PROCEDURES ON ANTISOCIAL BEHAVIOUR - COVID -19 PANDEMIC

INTRODUCTION

The Covid-19 Pandemic brings with it an extraordinary set of circumstances which means the Council is not a position to be able to respond to complaints of Antisocial Behaviour (ASB) in the normal way.

The Council aims to deal with all complaints of ASB in accordance with the procedures described in this statement. However, the current situation is extremely complex and fast moving so it may not always be possible to follow the procedure to the letter therefore, it should be viewed as a robust guide and officers should be encouraged to follow it where they can. Where they can't, the officer should make a clear note of their decision making process.

HOW TO REPORT ANTISOCIAL BEHAVIOUR

If the person acting antisocially is a Council tenant, is a member of a tenants' household, or is visiting a tenant, then the complaint should initially be made to the Housing and Neighbourhood Services Team

Complaints can be made in the following ways:

- In writing to Housing and Neighbourhood Services, Runnymede Borough Council, Civic Centre, Station Road, Addlestone, Surrey KT15 2AH
- By telephone on 01932 838383
- By e-mail tenancymanagement@runnymede.gov.uk
- On-line at www.runnymede.gov.uk and click on 'Report It'
- Through a third party such as a Councillor.
- Residents should NOT attend the Council offices in person to make a complaint unless you are homeless as a result of ASB.

If the activity is of a criminal nature then the Antisocial Behaviour (ASB) should be reported to the police (call 101 for a slow time response and 999 in the case of an emergency).

HOW WE WILL INVESTIGATE YOUR COMPLAINT OF ANTISOCIAL BEHAVIOUR

All information provided by witnesses will be treated in the strictest confidence, however, there are circumstances where the Council is obliged to share information.

Please note that in order to comply with safeguarding obligations, if officers receive information that suggests that a child or adult is at risk they have a professional duty to share that information with relevant services including Childrens' Services and Adult Social Care as appropriate. Similarly, if the Council receives a Court Order to disclose information as part of legal proceedings, the Council is legally obliged to comply.

The Council will try to source translation services or an interpreter if required however, this may take a little more time than usual depending on resources available.

Complaints of ASB will be assigned to an officer in the Housing and Neighbourhood Services Team.

The details of your initial complaint will be logged onto the Council's Customer Services Module within the Northgate software system. You will be contacted by a member of the Housing and Neighbourhood Team. We usually aim to do so within 2 working days of your complaint being received however, residents should be prepared for the response to take longer due to either a lack of resources and/or resources being directed towards critical services directly related to the response to Covid-19.

The Officer will assess the information you have provided and decide on the most appropriate way to respond to your complaint. The response will be dependent on the nature of the behaviour being reported, and the impact it is having on you, your family, and/or the local community.

Antisocial Behaviour assessed as low impact

Due to Covid-19, the Council is only able to provide a limited response to complaints of ASB assessed as low impact.

Where cases have been assessed as low impact the officer will direct you towards 'self help' tools to help you try to resolve the situation yourself. This will primarily include supplying you with a 'Dear Neighbour' letter that you can put through your neighbour's door if you are being disturbed by noise, or impacted on by your neighbour's behaviour in another way.

Officers may consider referring you to Mediation Surrey who will use their discretion as to whether the parties can be supported by phone as there will be NO face to face meetings.

The Council will record these types of complaints but will not investigate them:

Isolated incidents of antisocial behaviour such as loud music, an argument, a bonfire
Cooking smells
Smell from cannabis use from a single dwelling
Neighbour disputes such as interference with wheelie bins, parking disputes, ball games
Anonymous complaints
Noise nuisance caused by daily living noise
Noise from a baby crying or children playing

The Council is NOT responsible for enforcing any emergency legislation around groups of more than 2 people gathering in a public place or tenants having people in their property above and beyond their immediate household members or not adhering with social distancing.

Antisocial Behaviour assessed as medium to high impact

Where cases that have been assessed as medium to high impact you will be offered a telephone appointment to discuss your complaint in more detail.

The appointed officer will take down the details of your complaint by completing the ASB Report Form. The purpose of the form is to record the following details:

- what is happening
- when it is happening
- who the alleged perpetrators are (if known)
- what impact it is having on you and/or your household
- why it is happening
- whether the incident has been reported to other agencies
- whether you have discussed the problem with the alleged perpetrator
- what your expectations are with regards to your complaint.

You will be asked to keep a log of further incidents in order to gather evidence of the problem, it's particularly important that these logs are detailed and accurate. Please bear in mind that you are likely to have to gather such evidence over an extended period given that it could be some time before formal enforcement action through the courts can be taken against the perpetrator, this is in line with the Coronavirus Act 2020.

The Council offers a number of methods which you can use to record incidents of ongoing ASB. These include:

- Using diary sheets provided to you
- Using the The Noise App on your smart phone to record and log incidents of noise (details will be provided to you by the officer allocated to your case)
- Directly phoning or emailing the officer allocated to your case
- Reporting online at <https://www.runnymede.gov.uk/article/13607/Report-it>

Regardless of the method you use you should try to include as much detail as possible, and remember:

- **This is your personal record** - only write down what you see or hear, not what anyone else has witnessed.
- **Stick to the facts** - You should avoid using statements of judgement, like, 'they don't have to go to work but we do'.
- **Details** - write down everything you know about the incident. For example, if the nuisance is the revving of a car engine, say how many times and how frequently. If it is shouting list how many people are involved and, word-for-word, what is said.
- **People** - try to identify the people involved in each incident. Write down any names they are known as and their characteristics: clothing, hairstyle etc.
- **Submit the information-** do not hold onto the information once an incident has been logged. When you have completed your log send them back to the Council as soon as possible so that the situation can be reviewed. You will be updated accordingly.

The ASB Report Form includes an action plan which will be based around the discussion in terms of how the complaint will be investigated and will include actions for the officer assigned to your complaint to complete if appropriate.

When a case is assessed as medium to high impact, for example where someone is expressing fear of harm or feels unable to go about their daily life as a result of the ASB, the officer will complete a Victim Risk Assessment form with the complainant during the detailed telephone discussion. This matrix is used to assess the current level of risk to the complainant and will be reviewed as necessary as the case progresses. The Surrey wide multi-agency Community Harm and Risk Management Meetings (CHaRMM) framework action plan will not be applied because face to face meetings and visits are not to be carried out. However, officers must use the scoring matrix as a meaningful tool to assess what support the complainant needs and which partner agencies need to be linked into the case. They will repeat the risk matrix as necessary as the case progresses.

The officer will use the ASB report form and any logs provided to assess what action, if any, should be taken. The officer will discuss with you what type of action may be taken in response to your complaint, and the process involved. Please be advised that this action is

limited by the current situation and will not involve a face to face conversation with the perpetrator.

The ASB Report Form and, if appropriate, accompanying CHaRMM Victim Risk Assessment form will be scanned onto the Council's data capture system Information at Work.

If the agreed action plan states that independent enquiries are to be carried out, the officer will start these enquiries as soon as possible after the initial interview. This may involve contacting agencies such as Surrey Police, Children's Services, Adult Social Care. Whilst we will commence enquiries as soon as possible it is possible at the current time that agencies, such as Surrey County Council, may not provide us with a rapid response as they are directing resources to deal with the welfare of highly vulnerable residents who are impacted by the Covid-19 crisis.

We may also include make enquiries with other residents to investigate whether they are also aware and/or impacted by the issue. At this time we will only be able to manage this remotely and this may impact the speed at which we are able to move a case forward.

Supporting vulnerable perpetrators and victims

Complex issues relating to county lines, cuckooing, child criminal exploitation and modern slavery mean the lines between who is a perpetrator and who is a victim can become blurred. An individual identified as a perpetrator may well be a victim of exploitation themselves and the Council is committed to working with partner agencies to support these individuals so that they get the help they need, and to ensure that the ASB stops.

For example, in the case of cuckooing, professional criminals target the homes of vulnerable adults so that the property can be used for drug dealing. Officers need to be particularly vigilant to the signs of cuckooing as Organised Criminal Gangs and other criminals will no doubt take advantage of the current climate for their own gain.

These criminals are very selective about who they target as 'cuckoo' victims and are often entrepreneurial. A lot of the time victims are lonely, isolated, frequently drug users themselves and are already known to the police. 'Cuckooing' means the criminals can operate from a discreet property, which is out of sight, making it an attractive option. They can then use the premises to deal and manufacture drugs in an environment under the police radar, usually staying for just one day. When the criminals use the victim's property for criminal enterprises, the inhabitants become terrified of going to the police for fear of being suspected of involvement in drug dealing or being identified as a member of the group, which would result in their eviction from the property.

The monthly meetings of CHaRMM have been suspended however, officers will liaise with appropriate agencies, such as Surrey Police and Catalyst (who are still operating), where it's appropriate to do so. The perpetrator will be referred to the Catalyst outreach Cuckooing programme so that they can reach out to them in an attempt to establish whether they are in fact being cuckooed and whether they are in need of specialist support. The officer should liaise with the relevant Neighbourhood Sergeant (PS White North and PS Betts South Runnymede) and Katie Walker, Community Safety Officer, before making a referral to Catalyst.

CONTACTING THE ALLEGED PERPETRATOR

The officer may suggest that the alleged perpetrator should be made aware of your complaint straight away or, they may ask you to keep a diary of incidents in order to gain more information before contacting them. It is important that the officer has as much information as possible before discussing the complaint with the alleged perpetrator. If you and the officer decide that contact should be made with the alleged perpetrator, the officer

will create a business action on the Customer Services module for the perpetrator. The complainant and perpetrator records will be linked together so that a complete record of all action for the case is linked to your original complaint.

The officer will attempt to talk to the alleged perpetrator by phone where possible but may contact them by email. We will not divulge the identity of the complainant without the complainant's clear consent. It is possible that the alleged perpetrator may make a counter-allegation, in this event their complaint may also need to be investigated.

Having contacted the alleged perpetrator, if the officer is satisfied that there is sufficient evidence to support that the ASB is significant and ongoing, the alleged perpetrator will be sent a written warning. The written warning will state which section of the tenancy agreement has been breached and will list the complaints that have been received to date. The warning will tell the alleged perpetrator what steps will be taken should the behaviour continue. This is likely to include a final written warning. If the Covid -19 situation develops in a way which means a written warning is not possible the Council may issue this verbally over the phone or by email. The Council has to ensure that any action taken against alleged perpetrators is reasonable and proportionate in all the circumstances.

If the written warning does not have the desired impact and the officer is satisfied that there is sufficient evidence that the nuisance is both significant and ongoing, the alleged perpetrator will be sent a final written warning. The final written warning will state which section of the tenancy agreement has been breached and will list the complaints that have been received since the written warning has been issued. The final written warning will also state what further action will be taken should the behaviour continue, this is likely to be formal legal enforcement action. If the Covid -19 situation develops in a way which means a written warning is not possible the Council may issue this verbally over the phone or by email. The Council has to ensure that any action taken against alleged perpetrators is reasonable and proportionate in all the circumstances.

If it becomes necessary to issue verbal warnings only then it is vital that the Officer makes contemporaneous, detailed and accurate notes as evidence on Northgate CS Module.

If the antisocial behaviour continues, the officer will consider taking legal action to ensure the alleged perpetrator complies with their tenancy agreement. Each case will be different and the evidence must be assessed to see whether it supports legal action being taken. We are currently required to assess and consider the impact of the Covid – 19 pandemic on the perpetrator when deciding whether formal legal action is appropriate. The officer update both the perpetrator and the complainant.

The steps outlined above provide a basic framework that an officer needs to follow in order to progress a case to the formal legal enforcement stage. In the majority of cases officers will be required to carry out further interviews and meetings, issue informal warning letters, liaise with other agencies, and/or make referrals to supporting organisations before escalating the complaint to the next stage. In most cases the officer will be required to demonstrate to Legal Services that every attempt has been made to engage with the perpetrator through a variety of methods, and that legal action is being considered as a last resort only. However, there will be exceptional cases where it is reasonable to dispense with warning letters and proceed straight to enforcement action on a without notice basis, for example if there has been a serious assault on another resident. Legal action should be taken when it is appropriate to do so within the context of the procedure and when there is sufficient evidence to support this course of action.

Where it is deemed necessary to serve Notice, the date the Council can make an application to the court for possession of the property must not be earlier than 28 days after the date of service of the notice. We can make an application for possession but courts are currently dealing with a significant backlog of possession applications so it may be some time before the date of the first hearing is issued.

Whilst there may be delays with legal processes currently, we will be clear with perpetrators that their behaviour will not go unpunished.

KEEPING YOU INFORMED OF THE PROGRESS OF YOUR COMPLAINT

Officers will ensure that you are kept informed of the progress of your complaint at all times. Whilst having regard to General Data Protection Regulations, the officer will discuss potential action with you and will update you once the action has been carried out. This can be done in writing or verbally over the phone.

All details relating to your complaint will be held on the Customer Services module of Northgate. This will include contemporaneous notes of telephone calls, interviews, copies of letters and notes of discussions between professionals.

SUPPORTING COMPLAINANTS

We must prioritise our most vulnerable victims and we will help to reassure them that perpetrators will not go unpunished for their anti-social behaviour even though it may take longer than usual. At this time, it is particularly important that we act as an extra level of support when victim services are overwhelmed or unavailable.

If your case is assessed as medium to high impact, at the outset of your complaint we will complete a CHaRMM victim risk assessment which will be reviewed as required throughout the course of the investigation. A copy of the risk assessment will be kept on your file. If you score highly on the risk assessment you will be discussed with our multi agency partners to consider your particular needs, how best to support you with your issues and agree an Action Plan.

We will liaise with other agencies as appropriate, such as Surrey Police and Social Services, to ensure that as much support as possible is provided however, this is likely to be restricted by the Covid 19 pandemic.

MOVING TO ALTERNATIVE ACCOMMODATION

The Council aims to support witnesses to stay in their own homes however, in exceptional circumstances, we will consider moving victims to an alternative property if appropriate. We will not move you just because you are experiencing ASB. This process is called a Management Transfer and it is a transfer to another property outside of the normal allocations process. Each and every request will be assessed on its own merits. As a guide, you MAY be eligible for a Management Transfer under the following circumstances:

- Where you have experienced domestic abuse, actual violence or the threat of violence or extreme harassment/intimidation that is connected with your home leading you to reasonably fear a recurrence if you remain living there.
- Where you are experiencing hate crime and/or harassment because of your age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.
- Physical or learning disabilities and/or mental health impairments.

- Other exceptional circumstances, when the approving officer feels that the only way to resolve a difficult situation where the urgency is greater than provided by our rehousing banding system is to offer a move via a Management Transfer.

Please note that due to the current global COVID-19 pandemic, many services such as our ASB service are operating remotely. This coupled with Government restrictions on new moves in order to manage the Covid-19 crisis has impacted on our ability to address management moves and the timeframes in which we may be able to consider and process such moves. Please be aware that in some of the usual circumstances that may warrant a management move, we may not be able to offer you one at this stage due to the restrictions described. Please discuss your situation with the Housing and Neighbourhood Services Team who will be able to provide you with further advice, depending on the circumstances this may include recommending that you talk to Housing Solutions for advice on making a homelessness application if there are immediate and significant risks to remaining in your current home.

Further details on management moves can be found in the “Policy & Procedure For Management Transfers Anti-social Behaviour”.

SUPPORTING PERPETRATORS

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 including drug or alcohol dependency or mental health needs, which may or may not be having an additional impact on the wider community.

Depending on the circumstances, support for perpetrators may include:

- Referral to LookAhead Tenancy Sustainment Service who can offer advice and assistance to adult perpetrators whose tenancy is at risk due to their ASB
- Catalyst is a not for profit organisation providing services for people with wellbeing problems, often resulting in drug and alcohol use
- Liaison with Surrey Police, Social Services, Runnymede Community Mental Health Team and/or Youth Support Services

Please note that this will be entirely dependent on the resources of those individual organisations at that specific time depending on how they are operating, if at all, during the Covid 19 Pandemic.

CLOSING A CASE

It is essential that you provide evidence of the ASB by completing and returning logs in the format agreed with the Officer allocated to your case. Without your evidence it is unlikely that case can be properly investigated and your case will be closed.

In addition, a case may also be closed if the following applies:

- the ASB has stopped
- there is insufficient evidence to take any action
- the behaviour cannot be reasonably classed as ASB or nuisance
- the perpetrator has moved
- the complainant has moved
- no further reports of ASB have been made.

You will receive a closure letter informing you that the case will be closed if you do not contact the officer within 7 days. A satisfaction survey will be enclosed with this letter. If you

do not contact the officer within 7 days your case on the Customer Services module will be closed. Any remaining documents will be scanned onto Information at Work.

A satisfaction survey will be sent to the perpetrator where it is appropriate to do so, for example a tenant who was evicted for ASB would not be sent a satisfaction survey.

Should the antisocial behaviour reoccur you can make a further report. Although a new complaint will be opened all the information from your previous complaint will be held on file and will be referred to as necessary.

If a complainant is not content with the response from the Council then they will be given details of the Council's complaints procedure. The complaints procedure can be found here [here](#)