

Brighton & Hove City Council

Housing Committee

Agenda Item 58

Subject: Housing Anti-Social Behaviour Policy

Date of meeting: 18th January 2022

Report of: Executive Director Housing, Neighbourhoods & Communities

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Ward(s) affected: All

1. Purpose of the report and policy context

- 1.1 The Housing service aims to ensure that our residents feel safe and secure in their homes and do not suffer from anti-social behaviour (ASB), nuisance, or harassment. The service is committed to taking steps to prevent anti-social behaviour from occurring and where it does occur, aiming to take swift and effective action to find a lasting solution, whilst supporting the victims of ASB and supporting behaviour change of the perpetrator.
- 1.2 The purpose of this report is to bring the new Housing Anti-Social Behaviour Policy to Housing Committee for approval.
- 1.3 The Housing service received requests from residents via Housing Area Panels to review the Anti-Social Behaviour (ASB) policy. In response to these requests, and to improve overall resident satisfaction with the Housing ASB service and outcomes, a review of Housing's response to ASB was undertaken.
- 1.4 The review was conducted by undertaking tenant and staff surveys, the establishment of a resident Task and Finish group, peer review of other council services, analysis of ombudsman complaints and closed ASB cases. It also included feedback from external agencies. The Anti-Social Behaviour (ASB) Review Recommendations Report was shared with Housing Committee in June 2022. Housing Committee noted the report and approved the recommendation that a new ASB policy is presented to Housing Committee for approval.
- 1.5 Housing Committee were advised that implementation of the review recommendations would commence from July 2022.

2. Recommendations

- 2.1 That Housing Committee approve the Anti-Social Behaviour Policy.

3. Context and background information

3.1 The Housing Anti-Social Behaviour Policy was drafted following a review of ASB within the council's Housing landlord service. The aim of the review was to improve overall satisfaction of Housing's ASB service and outcomes for residents. The review recommendations were:

- Revise the current policy and procedure.
- Provide training to staff.
- Review how we effectively resource our response to ASB.
- Increase use of satisfaction surveys.
- Review Sensitive Lets policy.
- Devise a rapid response strategy.
- Explore the use of Community Protection Notices (CPN).
- Explore the use of an App.
- Publicise statistics on court outcomes.

An update on progress to date against these recommendations is outlined in the paragraphs below.

3.2 The review highlighted areas for improvement, these have informed the Policy and are framing the implementation of new ways of working which aim to improve the response to ASB.

3.3 The strategic aims of the Policy are aligned with the Council's priorities in relation to inclusion. It also has a focus on collaborative working. The strategic aims as set out in the Policy include preventing ASB from occurring and when it does, provision of a victim centered service which aims to take swift and effective action.

3.4 The drafting of a new ASB Policy formed one of the recommendations of the ASB review. Other recommendations that came out of the review, are informing service improvements which in some cases have already been implemented and in others are included in planning for future ways of working. Progress and plans were outlined in information provided to Housing Committee on 16 November 2022 in responses to:

- Public Involvement - Petition on Anti-Social Behaviour on Craven Vale Estate.
- Councillor Question - Craven Vale update.
- Member Letter: Suggestion of a weekly 'catch up' call between the Housing Department and Police.
- Notice of Motion - Use of Council Powers on Housing Estates.

3.5 A training and an implementation plan has been devised. The training plan includes a rolling program of training for staff on emerging ASB trends such as 'cuckooing' and modern-day slavery. It also includes training on the use of Community Protection Notices (CPNs). Training will commence in early 2023.

3.6 There are instances where anti-social behaviour affects the wider community, with many victims and/or more than one perpetrator. These cases can cause long lasting harm to local residents and can have an impact on community cohesion. In recognition of this, a recommendation of the review is to implement

a rapid response strategy. The purpose of this is to provide a framework in which this type of ASB is managed. Once a case that requires this response is identified by an officer, they will request a multi-agency meeting, where it will be agreed if the strategy needs to be applied and who the lead officer will be.

- 3.7 The process for a rapid response strategy has been developed. Elements, such as the multi-agency response are in use. This expedited a multi-agency response in a recent case of ASB within a community.
- 3.8 A key part of managing ASB within the rapid response strategy is to ensure regular communication with all the victims, ward councillors and other interested parties. This may include resident organisations and local businesses if they are also impacted by the situation. The responsibility of providing weekly updates will be with one officer to ensure a consistent joined up approach. This will be in addition to the Housing Officer's regular contact with the victims, it will complement, not replace this.
- 3.9 Another key recommendation coming out of the review is use of Community Protection Notices (CPNs). Use of CPNs for ASB within the Housing Management service will commence by April 2023, following a training program across the relevant teams. This will enhance the response to ASB, enabling another form of action to be considered.
- 3.10 CPNs can be used within Housing to address issues such as tackling the accumulation of rubbish, to clear overgrown gardens, loud playing of music in common ways or public areas surrounding our housing stock, regular use of public areas for unauthorised activity such as repairing vehicles or disruptive social gatherings, and the smoking of cannabis in and around the property.
- 3.11 In the review, residents also raised concerns about communication with the victims of ASB. In response, improvements to the service will be in line with expectations of Victim and Witness Standards. These are a set of standards; people can expect to receive when they report ASB. This will help increase public confidence in reporting, and ensure that people who report ASB feel supported, and are clear about actions being taken to address their concerns. Training for frontline staff on responding to victims and witnesses sensitively forms part of the training plan. Improved communication will also be in the provision of regular updates for victims and witnesses.
- 3.12 Where it is in the public interest and where we are able, information on court action will be publicised. This is to help act as a deterrent to perpetrators of ASB and give reassurance to residents that the Council takes action.
- 3.13 With the implementation of the ASB Policy, updated procedures and implementation of the training plan, the revised initial assessment will include additional elements to identify hate crime and support victims of hate crime.
- 3.14 The Policy and procedure have been split into two documents, making the Policy easier to read. Once agreed by Housing Committee, the Policy will be published on the Council website. As requested by residents, we will publish alongside this

a flow chart which explains the potential journey an ASB case may take, including points of Council intervention and legal recourse.

- 3.15 Whilst the Policy is focused on ASB in the context of Housing and tenancy management, it sets out how we work collaboratively with internal and external partners. This includes coordination of action; this means we may take tenancy action after and because of action taken by another team or organisation. An example of this is taking possession proceedings as a result of a criminal conviction or serving a notice seeking possession after a noise abatement notice.
- 3.16 Other implementation work that is ongoing includes reviewing how we effectively resource a robust response to ASB within existing budget parameters. We are also starting a separate review of the Sensitive Lets Policy.

4. Analysis and consideration of alternative options

- 4.1 The ASB Policy was drafted following a request from residents. It takes resident feedback and customer satisfaction into account and is informed by legal advice and statutory guidance.

5. Community engagement and consultation

- 5.1 Housing received requests from residents via Area Panels to review the ASB policy. A review was conducted, this has informed the Policy. The review included tenant surveys, consideration at Area Panel, the establishment of a resident Task and Finish group, analysis of ombudsman complaints and closed ASB cases. The review was carried out between August 2021 – June 2022. 140 individuals were surveyed, some were contacted by phone, all were sent an online survey. Additionally, we surveyed 36 tenants who'd suffered hate related ASB. In engaging with the Task and Finish group, of the 13 original members, we were able to meet with nine, in person and virtually.

6. Conclusion

- 6.1 Everyone should be able to live peacefully and feel safe and secure in their homes and communities, and should not suffer from antisocial behaviour, nuisance or harassment.
- 6.2 The focus of the ASB Policy is on reducing harm for the victim by preventing anti-social behaviour from occurring and when it does the aim will be to take swift effective action to find a resolution.
- 6.3 The Policy was drafted following a review of the response to ASB by the Council as a social housing landlord. It is aligned with improvements being implemented in the Housing service following this review. These have an overall aim to improve the satisfaction of Housing's ASB service and outcomes for residents.

7. Financial implications

- 7.1 There are no financial implications directly arising from this report. However, the 2023/24 HRA budget report has set aside one-off funding for additional resources to support the work related to Anti-Social Behaviour amongst other areas. As outlined in this report a review of staff workload will also be undertaken to ensure that support that is required is kept within existing budget parameters where possible.
- 7.2 Any significant budget implications arising once the plan is implemented early in 2023 will be reported via the Council's Targeted Budget Monitoring (TBM) reporting process, this being the key component of the council's overall performance monitoring and control framework.

Name of finance officer consulted: Craig Garoghan Date consulted:
(20/12/2022):

8. Legal implication

- 8.1 The Report commits to a process that is lawful. There are several points to note:
- CPN's are used extensively by other local authorities and are already used within Brighton and Hove to address low level nuisance and anti-social behaviour.
 - The report refers to rapid response actions. It should be noted that the Equalities Act 2014 and the Human Rights Act 1998 both apply to this area of legislation. This means that Housing Officers and Legal must take equalities and human rights matters into account. This generally means having to obtain information from third parties. We note that this often brings delay to the process and is beyond Housing Officers control. For instance, the Police generally require a formal Data Protection Application to be made. It is also important to note that other third parties influence the ability to respond. While it is normally possible for instance to get an urgent matter listed before the Court, thereafter (and on non-urgent matters), the system is dependent on Court time availability.
 - There are situations where a tenant may have such significant mental health issues, that a Court order is not a practical solution. It is not possible in law to enforce an order against someone who lacks the ability to understand the order.
 - We also note that many of the victims will themselves be highly vulnerable and not be able to support any judicial process (which can be lengthy and stressful).

Name of lawyer consulted: Simon Court Date consulted (22.12.22):

9. Equalities implications

- 9.1 As part of the Public Sector Equality Duty under the Equality Act 2010, the Council must seek to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not; and
 - Foster good relations between people who share a protected characteristic and those who do not.

The new ASB Policy will help to address responsibilities under the Equality Act. It will strengthen a coordinated multi agency response, creating clear lines of responsibility for action and communication to reporters and other parties.

This action will help target resources and identify cases of discrimination on the basis of a protected characteristic. It will also recognise that where applicable there will be Equalities consideration for the perpetrator. We will seek to address those issues where possible.

The new Policy is victim centred, each report of ASB will be considered based on the circumstances, such as frequency, harm caused and the impact on the victim. This approach puts the reporter at the centre of decision making.

The ASB policy gives specific focus to domestic abuse and hate related incidents. Training provided to staff will embed the emphasis on victim support, enabling each reporter to have an enhanced level of service with a single point of contact. This will improve the ability of individuals to engage with the Housing service and improve the ability to identify hate crime. Women are disproportionately disadvantaged by domestic violence situations and / or gender based violence. This will be a consideration in decision making. As will issues around honour based problematic behaviour. Where applicable we will consider human trafficking and related matters.

The casework approach of seeking to actively work with a perpetrator to change behaviour, where appropriate, is hoped to result in a sustained improvement in the wellbeing and life experience of the individual and works to removing or minimising disadvantages suffered by persons who share a relevant Protected Characteristic.

The commitment to acting proportionate to the case will enable robust action to tackle situations of ASB. Improved collection of customer feedback will enable continued service improvement. This will result in timely interventions and case progression to resolve a situation as quickly as it is possible to do. Each reported situation of ASB interferes with people ability to live peacefully in their homes, the approach set out in the Policy will result in a reduction in the risk and harm experienced by individuals.

10. Sustainability implications

10.1 None identified.

11. Other Implications

11.1 None identified.

Crime & disorder implications:

11.2 Implementation of the new policy in conjunction with new procedures will improve Housing's response to crime and disorder in the context of anti-social behaviour.

Public health implications:

- 11.3 An improved response to ASB, including the sensitivity of dealing with victims and witnesses will impact positively on wellbeing of individuals and communities.

Supporting Documentation

1. Appendices

1. Housing Anti-Social Behaviour Policy

