

Resident Questions for Housing Area Panel

Reference Number: E3.1

Department	Housing
Date question raised	13/10//2022
Week of Area Panel	12/12/2022
Area in city	East
Star rating applied by residents	3
Deadline for officer response	Wednesday 16 th November 2022
Name of officer responding	Justine Harris
Officer job title	Justine Harris, Head of Tenancy Services

Resident Question

Title of Question	Anti-Social Behaviour
Issue:	The Council is not doing enough within their powers to remove tenants who continue to commit anti-social behaviour offences.
Background:	<p>Residents are not satisfied with the officer's previous response to this item.</p> <p>See minutes of the last East Area Residents meeting, 25th August 2022, item 5.</p> <p>Residents are continuing to live in fear in their neighbourhoods because of anti-social behaviour by other Council tenants. In Craven Vale, there are multiple and repeated reports of ongoing harassment and threatening behaviour, intimidation, break-ins, attempted break-ins, and knife carrying.</p> <p>The Council is not doing enough to resolve the issue and address the victims' concerns. The Council is not responding rapidly enough, or at all, to residents' requests for action, information and updates. The residents pointed out that the police have on the other hand, been very responsive.</p> <p>The officer's response to the residents' previous question is not satisfactory because it is not in line with the Council's own policy and</p>

	<p>guidance (tenancy agreement breaches and dealing with ASB¹), and government policy².</p> <p>While residents do not wish to see people made homeless, the Council has a duty of care towards tenants/residents who are victims of ASB.</p>
Action requested by residents:	<p>It was agreed to raise this at all Area Panels.</p> <ul style="list-style-type: none"> • Residents would like to see firmer action being taken by the Council to deal with the problem. • Residents would like to know why the Council has deliberately chosen not to use community protection notices to deal with anti-social behaviour on estates. • Residents believe the officer's response (that the local authority has a legal duty to provide accommodation for homeless clients) to be incorrect. In cases where those individuals have been repeatedly reported for ASB, and are in breach of their tenancy agreements, according to the Anti-social Behaviour, Crime and Policing Act 2014, it is understood that local authorities no longer have duty of care towards those individuals.

Officer Response

Officer contact details:	Justine.harris@brighton-hove.gov.uk
Officer Response:	<p>Thank you for your questions and we are sorry that you are not satisfied with the response.</p> <ul style="list-style-type: none"> • The council understands it is very difficult for residents experiencing ASB. Housing work with the police, safer communities and the Legal department to agree the swiftest and most effective response when we need to take enforcement action. • At Craven Vale recent enforcement action was the most robust to achieve the desired outcome. • Housing currently able to issue Community Protection Notices (CPNs) to tenants if they are in temporary accommodation. • Following a review of ASB, a recommendation is to use these against perpetrators of ASB in secure tenancies. The new policy is going to Housing Committee for approval in January 2023. The decision to pursue other methods of enforcement action and not use CPNs was taken in 2018, this was due to concerns over the issuing of fines. • The initial reports of a recent case on Craven Vale were made in August 2022. A Closure order was served at the end of October 2022, three months after the first report. The Council appreciates this is a long time for residents living with ASB. • Before enforcement action can be taken a case has to be put together that could be presented to the court. Once an application is made for the order this can take 4-6 weeks to be heard.

¹ [https://democracy.brighton-](https://democracy.brighton-hove.gov.uk/documents/s120934/Community%20Protection%20Notices%20APX.%20n%202.pdf)

[hove.gov.uk/documents/s120934/Community%20Protection%20Notices%20APX.%20n%202.pdf](https://democracy.brighton-hove.gov.uk/documents/s120934/Community%20Protection%20Notices%20APX.%20n%202.pdf)

²[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1088750/2022_Updated_ASB_Statutory_Guidance- FINAL.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1088750/2022_Updated_ASB_Statutory_Guidance-_FINAL.pdf)

	<ul style="list-style-type: none"> • The council does not have a legal duty to provide accommodation to everyone that is homeless. • When someone applies to the Council for homeless assistance, one part of the assessment and investigation includes consideration of whether a deliberate act led to the applicant's homelessness. This is complex area of law. This assessment and investigation will inform whether or not there is duty to provide accommodation.
Action:	N/A
Start date:	N/A
End date:	On going

