

## Anti-Social Behaviour Policy

This policy covers how we as a council deal with anti-social behaviour relating to residents in Brighton & Hove City Council's housing stock and the council's specific responsibilities as a landlord. Anti-social behaviour in the city not involving residents of council housing is dealt with by the council's Community Safety Team.

### Overview of our service

#### 1. Strategic Statement

- 1.1 Brighton & Hove is a unique place in which to live, work, visit and relax. All residents, visitors, tourists and businesses in the city have the right to enjoy the city, to live peacefully in their homes and neighbourhoods, to feel safe and secure and should not suffer from anti-social behaviour, nuisance or harassment.
- 1.2 We will take active steps to investigate whether any anti-social act might be motivated by hate and will treat any incident as a hate crime if and where the victim perceives it as such. [Our equality and inclusion policy statement and strategy \(brighton-hove.gov.uk\)](https://www.brighton-hove.gov.uk/equality-and-inclusion-policy-statement-and-strategy)
- 1.3 We will take steps to prevent anti-social behaviour from taking place. Where it does, we aim to take swift and effective action to find a resolution.
- 1.4 Our focus is on reducing the harm caused to the victim and communities, as well as provide support where a perpetrator has vulnerabilities that cause, or contribute to, the situation.
- 1.5 We will work in partnership with other organisations, victims, witnesses and members of the community to ensure that Brighton and Hove is a safe and secure place to live, work and visit.

#### 2. Definition of Anti-Social Behaviour

- 2.1 The term 'anti-social behaviour' is used to describe a variety of problems which can cause nuisance, annoyance, harassment, alarm or distress. This can range from a relatively minor issue to serious criminal activity. We consider each report of anti-social behaviour based on the specific circumstances, such as frequency, harm caused, and the impact on the victim.

# Housing

## Tenancy Management Policy

- 2.2 We are careful to avoid focusing purely on very violent and abusive behaviour at the expense of ignoring neighbour nuisance. If not dealt with in an appropriate and timely fashion, nuisance can easily develop into more serious behaviour.
- 2.3 Council housing tenants are required to comply with the conditions set out in their tenancy agreement. We will take appropriate action if the tenancy conditions are breached.
- 2.4 Section 5 of the tenancy agreement (called 'Being a good neighbour') covers antisocial behaviour.

'You are responsible for the behaviour of all members of your household, including your children and any lodgers, sub-tenants or visitors ('they'). This applies in your home and in the shared parts of your block, estate and neighbourhood and at any council office.

You or anyone living with you or visiting you must not do or threaten to do anything which causes, or is likely to cause, a nuisance or annoy someone else.

You or anyone living with you or visiting you must not harass or threaten any other person (or group of people) at all and in particular not do so because of their age, disability (which includes mental health conditions) ethnicity/ race, gender reassignment, religion or belief, sex, sexual orientation, or for any other reason'.

### 3. What to do

- 3.1 When the council receives a report of anti-social behaviour, we will carry out an initial assessment taking into consideration the needs of the victim to determine the most appropriate action. We will advise as necessary if the situation needs to be dealt with by another service (such as Sussex Police or a housing association). The information in this document applies to reports dealt with by the council's Housing Service.
- 3.2 **Report to Sussex Police**
- If you feel in immediate danger or in an emergency phone 999 and ask for the police.
  - If it is not an emergency, you can contact the police by phoning 101.
  - You can also report online at [www.sussex.police.uk](http://www.sussex.police.uk).

# Housing Tenancy Management Policy

## Report to Brighton & Hove City Council

Council tenants, council leaseholders and tenants of leaseholders should report anti-social behaviour and Hate Incidents to Housing Customer Services by:

- phone - 01273 293030
- or email [Housing.CustomerServices@brighton-hove.gov.uk](mailto:Housing.CustomerServices@brighton-hove.gov.uk)

You can also [report anti-social behaviour online](#).

Housing association tenants should report anti-social behaviour and Hate Incidents to their housing provider. Brighton & Hove City Council cannot intervene in housing association cases.

## The Community Safety Team

Private rented sector tenants and owner occupiers can report anti-social behaviour and Hate Incidents to the Community Safety Team by:

- phone - 01273 292735 (please leave a voicemail)
- or email [CommunitySafety.Casework@brighton-hove.gov.uk](mailto:CommunitySafety.Casework@brighton-hove.gov.uk)

You can also [report anti-social behaviour online](#).

## 4. Examples of What May/May Not be Anti-Social Behaviour

4.1 The examples below are intended to illustrate the types of behaviours which we may consider to be anti-social. However, each issue will be looked at individually and decisions will be made on the specific circumstances of that particular issue.

4.2 Examples of behaviour we may consider to be anti-social include:

- Noise nuisance, including from loud music or a television
- Threatening or verbally abusing another person
- Domestic abuse
- Damaging property and graffiti
- Attacking another person
- Drug related activities
- Hate related incidents targeting someone because of their personal characteristics.
- Failing to control a pet
- Littering or dumping of rubbish

# Housing

## Tenancy Management Policy

- Obstruction or misuse of communal areas
- Squatting and illegal activities.

4.3 Examples of behaviour we may not consider to be anti-social include:

- Reasonable household noise
- Carrying out DIY at reasonable times
- Babies crying
- A one-off party if noise was the only issue and it is unlikely to be repeated
- Children playing. We will not consider this to be anti-social behaviour unless there is evidence of other issues such as verbal abuse or deliberate damage.

### 5. Expectations

5.1 We expect people to be respectful and considerate towards their neighbours and not do anything which spoils the quality of life of other people in their community.

5.2 We also expect people to be tolerant and accept the reasonable needs, choices and lifestyles of other people.

5.3 We expect people to take responsibility for minor personal disputes with their neighbours and, where necessary, will offer advice and information to support an effective resolution.

5.4 If someone is suffering anti-social behaviour, we will seek to help them. We can only do this by working together and we need people who ask for our help to co-operate with reasonable requests to help resolve their case. This may include:

- Agreeing to actions to help resolve their situation themselves, such as talking to their neighbour.
- Keeping a record of incidents.
- Keeping appointments with us.
- Taking part in mediation or a community resolution.

Without this co-operation, we may not be able to resolve the problem.

5.5 We will aim to work to bring an end to a situation by supporting a change in any problem behaviour. We will only take action to end a tenancy where this approach fails or is not appropriate.

### Working With Vulnerable People

#### 6. Supporting Victims and Witnesses

- 6.1 We recognise that experiencing anti-social behaviour can be a worrying and stressful time. We understand the harm it causes and impact it has on quality of life.
- 6.2 We will therefore provide a service focussing on the victim by assessing the impact on people and tailoring support based on individual needs.
- 6.3 We will keep in regular contact with victims and witnesses throughout the investigation and ensure they understand what action we are taking and why.
- 6.4 We will give advice, support and guidance throughout our investigation.
- 6.5 Examples of how we may support victims based on their individual circumstances include:
- Providing a single point of contact, usually a Housing Officer if they are a council tenant.
  - Referral or signposting to other organisations for support (such as Victim Support or Rise).
  - Visits to court before a trial and advice and/or support through any legal hearings.
  - Advice about additional security measures, where appropriate.
- 6.6 There are instances where anti-social behaviour affects a community, with many victims and sometimes more than one perpetrator. These particular cases can cause long lasting damage and can have an impact on community cohesion.
- 6.7 When there are multiple cases in a neighbourhood, a lead officer will coordinate the response to ensure strong communication with all the victims.

#### 7. Vulnerable Perpetrators

- 7.1 Where necessary, we will work with the person causing the anti-social behaviour to identify support needs which may address the underlying causes of their behaviour. This may include reasons such as drug or alcohol addiction, mental health issues or support with parenting. We will work with partner agencies in seeking to resolve or improve the underlying issues, which may be the best way to find a lasting solution. This is often necessary if

# Housing

## Tenancy Management Policy

a case needs to go to court, where we will need to account for all action taken. It is also important to note that there are rare occasions where someone cannot control their behaviour. In these cases, we may have to look at other ways of dealing with the situation

- 7.2 If someone has been offered support but does not engage and their anti-social behaviour continues, we will take appropriate action. We will ensure that any action we take is reasonable and proportionate and meets our obligations under the Equality Act 2010 and any other relevant legislation. We will make reasonable adjustments to our policy and procedures where appropriate.

## Taking Action

### 8. Overview

- 8.1 We will investigate reports of anti-social behaviour and seek both sides of the story to get the facts of the situation. We will get information from other individuals or sources where necessary.
- 8.2 We will decide on the most appropriate action based on factors such as the evidence available, the impact on the victim and the best way to achieve a lasting solution.
- 8.3 Action we take will be proportionate to the behaviour exhibited and circumstances of the case.
- 8.4 In general, we aim to use interventions and give perpetrators of anti-social behaviour a reasonable amount of time to change their behaviour before escalating a case. However, if the evidence and circumstances justify it, we may take legal action straightaway.
- 8.5 Where there are multiple victims in a location, a named officer will be nominated with responsibility for coordinating and maintaining communication with residents and other agencies.

### 9. Preventative Action

- 9.1 We will take steps to try and prevent anti-social behaviour from occurring in the first place.

# Housing

## Tenancy Management Policy

9.2 We will work with partner organisations:

- to identify areas/issues of concern at an early stage
- to identify support for vulnerable individuals where appropriate.

### **10. Non-Legal Action**

10.1 Where appropriate, before considering legal action, we will take action which attempts to resolve issues at an early stage. These actions may include:

- Warning letters/meetings
- Mediation
- Acceptable Behaviour Contracts.

### **11. Legal Action**

11.1 We will take legal action where necessary and appropriate to resolve the issue. This may be because a serious incident or breach of tenancy has occurred, or it may be a result of continuous and/or escalating incidents which have been not resolved by other means.

11.2 Decisions on whether to take legal action and what type of action is most appropriate will be made by the Housing Team in consultation with our Legal team and statutory partners based on the facts of each case. The council may have information that we cannot share due to General Data Protection Regulation (2016).

11.3 Legal action we can take may include:

- Extending or ending an introductory tenancy
- Possession (eviction) proceedings
- Injunction
- Closure of a property
- Community Protection Notice
- Criminal Behaviour Order.

11.4 Taking a case to court is a serious matter. We need the help of the witnesses of ASB to do this. Without this, it becomes very difficult to take successful legal action. We appreciate this can be a difficult experience for victims and the council will offer to support victims through this process.

### **12. Publicity**

12.1 Where we believe it is in the public interest, we will publicise details of

# Housing

## Tenancy Management Policy

Court results. We may prepare a press release containing the name, age and street of the people causing anti-social behaviour, along with details of the case and court decision.

- 12.2 We do this to make sure communities are aware of the action we take and to discourage other people from causing anti-social behaviour.

### Working in Partnership

#### 13. Co-ordination of Action

- 13.1 We will work in partnership with other organisations and council teams to ensure appropriate action is taken to address anti-social behaviour. This may mean we take action after, and as a result of, action taken by another team/organisation. For example, taking possession proceedings as a result of a criminal conviction or serving a Notice of Seeking Possession after a Noise Abatement Notice.
- 13.2 We may also work with other council teams (such as Environmental Protection or Trading Standards) and other organisations such as Sussex Police to ensure the most appropriate enforcement action is taken.

#### 14. Sharing Information

- 14.1 We will seek information from and share information with other council teams and other organisations for the purpose of effectively investigating and tackling anti-social behaviour.
- 14.2 We will ensure that we share information in a way that complies with our obligations under the General Data Protection Regulation.
- 14.3 The way we share information to tackle anti-social behaviour is covered in the [Housing Service's privacy notice](#).
- 14.4 We will respect privacy and requests to remain anonymous. We will not tell the people alleged to be causing anti-social behaviour who has complained about them unless we have permission.

#### 15. Closing the case

- 15.1 We will regularly review cases and close them at the appropriate time. We will aim to do this only when the situation is resolved, and no further action is required or because we have concluded that no action is possible



# Housing

## Tenancy Management Policy

(for example because evidence is not available). We may close the case if we can't contact the person who has reported the problem.

- 15.2 We will always tell the person who reported the problem that we intend to close the case and why. Where necessary we will also give them advice on what to do next.
- 15.3 If there are further incidents reported after a case has been closed, we will take appropriate action based on the circumstances of the report. This may mean we start a new investigation or escalate the case from the last action.
- 15.4 In some cases, we may decide that a new investigation is not required, for example where the report is of a substantially similar nature to something we have already investigated and concluded that action is not possible. We will always explain what we are doing and why to the person making the report.

### **16. Measuring Performance**

- 16.1 We will measure our ASB service based on customer satisfaction. We will aim to send a customer survey with the case closure letter for each case. We ask questions such as how satisfied they were with:
  - The service they received when they first reported the problem.
  - The service they received throughout the investigation.
  - The outcome of their report.

We will ensure our performance results are available to customers.

### **17. Feedback and Complaints**

- 17.1 We welcome any feedback from customers, please contact us by phoning 01273 293030 or emailing [housing.customerservices@brighton-hove.gov.uk](mailto:housing.customerservices@brighton-hove.gov.uk).
- 17.2 We will seek to fully resolve any complaints about our service. If you have a complaint about the Housing Service please get in touch with us directly, so that we have the opportunity to put things right. If you still remain dissatisfied you are able to [Make a complaint using our corporate complaints procedure \(brighton-hove.gov.uk\)](#)

### **18. The Community Trigger / ASB Case Review**

- 18.1 The Community Trigger (also known as the 'ASB Case Review') is a

# Housing

## Tenancy Management Policy

process available to people who are suffering anti-social behaviour and feel that the organisations involved are not doing enough to resolve the problem.

- 18.2 The Community Trigger can be raised with Brighton & Hove City Council or Sussex Police. Where it meets the criteria, the Housing Team, alongside any other organisations involved in a case, will review the action that has been taken and make recommendations if there are additional actions that can be taken to resolve the problem.
- 18.3 Further information about Community Triggers can be found on the Brighton & Hove City Council or Sussex Police websites or by telephoning Housing Customer Services on (01273) 293030 or emailing [housing.customerservices@brighton-hove.gov.uk](mailto:housing.customerservices@brighton-hove.gov.uk)

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