



## Housing Scrutiny Committee 25 April 2019

### Report from the Strategic Director of Community Wellbeing

## ASB Performance Overview

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Non-key Decision
<b>Open or Part/Fully Exempt:</b> (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
<b>No. of Appendices:</b>	None
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> (Name, Title, Contact Details)	Troy Francis, Head of Housing & Neighbourhoods 020 8937 2794 Troy.Francis@brent.gov.uk

### 1.0 Purpose of the Report

- 1.1 This report provides the Housing Scrutiny Committee with an overview of the handling arrangements for anti-social behaviour (ASB) complaints perpetrated or affected by resident living in homes and/or estates managed by the Council. In particular, it provides clarity surrounding cases managed by Brent Housing Management and those referred to the Council's Community Protection Team.

### 2.0 Recommendations.

- 2.1 Members of the Housing Scrutiny Committee are asked to note the contents of this report.

### 3.0 Procedure for tackling ASB

- 3.1 Tenancy management related ASB is managed by Housing Management in accordance with its local operating procedure. All serious ASB cases are referred to the Council's Community Protection Team who investigate and manage these using a range of statutory powers. The cost of the service for 2018/19 was circa £436,000, this include the contribution from the HRA for the services provided by the Community Protection Team.

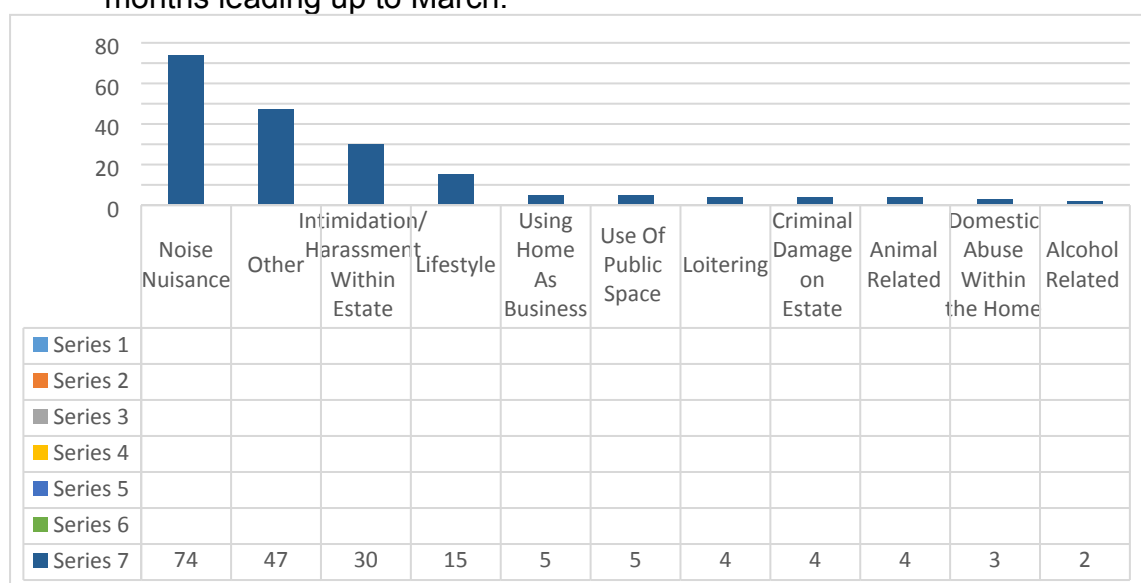
- 3.2 Brent Housing Management will pursue action against a tenant if they commit acts of ASB against other tenants, Council staff and other parties including contractors. This is contained and defined in the conditions of tenancy and various housing legislation.
- 3.3 The tenancy conditions provide clarity on what is expected of each tenant and where there is a breach, the Council has a published process it will follow in dealing with it.
- 3.4 When a report of ASB is received, this will usually be assessed initially by the Housing Officer in accordance with the ASB operating procedure, who will take the appropriate action against the perpetrator if it is reasonable and the acts of ASB can be proven to have occurred. An incremental approach is adopted in terms of the action that is usually taken against a tenant.
- 3.5 Officers will take a risk-based approach to intervention and will exercise their professional judgment when assessing the risk to complainants and considering how to respond. A risk-based approach requires that the time and effort put in to taking action in a case will be proportionate to the level of risk assessed. The corollary of that is that cases assessed as posing little or no risk will attract little or no intervention from the Council. This is likely to be the case in a neighbour dispute where the risk assessment and investigation reveals no aggravating factors.
- 3.6 The appropriate action that can be taken against a tenant can include the following:
- Issuing warnings to ensure the ASB stops and the behaviour of the tenant improves or is modified.
  - Agree an Acceptable Behaviour Contract (ABC). This is a voluntary agreement that is jointly agreed by the Council and the tenant. This document must be signed by the tenant outlining and agreeing to the kind of behaviour that is acceptable and now required for them to continue residing in the Council tenancy.
  - Serve a Notice of Possession Proceedings against a tenant. This is the first stage if any litigation action is to be taken against the tenant. This also allows the tenant one final opportunity to stop and resolve the ASB before the case proceeds to the County Court for resolution. Failure to resolve the ASB can lead to an application being made to the County Court to consider possession proceedings against the tenant.
  - Obtain an injunction in the Magistrates Court to stop the ASB or a specific act that is causing significant concern. A breach of an injunction can usually result in a heavy fine or even imprisonment.
  - For acts of Noise Nuisance, the Noise Nuisance Team also have powers to seize equipment.
  - Suspended Possession Order. This is an order obtained in County Court to stop and reduce the ASB in specific terms with possession of dwelling suspended as long as the terms of the order are complied with.
  - Possession Order. This is an order to seek possession of the dwelling and is usually reserved for very serious cases of ASB.

- Closure Order. This can be taken by the Police and this will mean that the dwelling will be closed for a fixed term and no one can reside in the dwelling during this period.

3.7 Serious cases of ASB are referred to the Council's Community Protection Team (CPT). Referrals are initiated by Housing Officers using a number of defined allocation rules as set out within the ASB operating procedure and Service Level Agreement between Housing Management and the CPT. The CPT will then investigate the case, work in partnership with other agencies and decide on the most appropriate action to take to reduce the ASB. The CPT deals with complex/ high risk Anti-Social Behaviour cases.

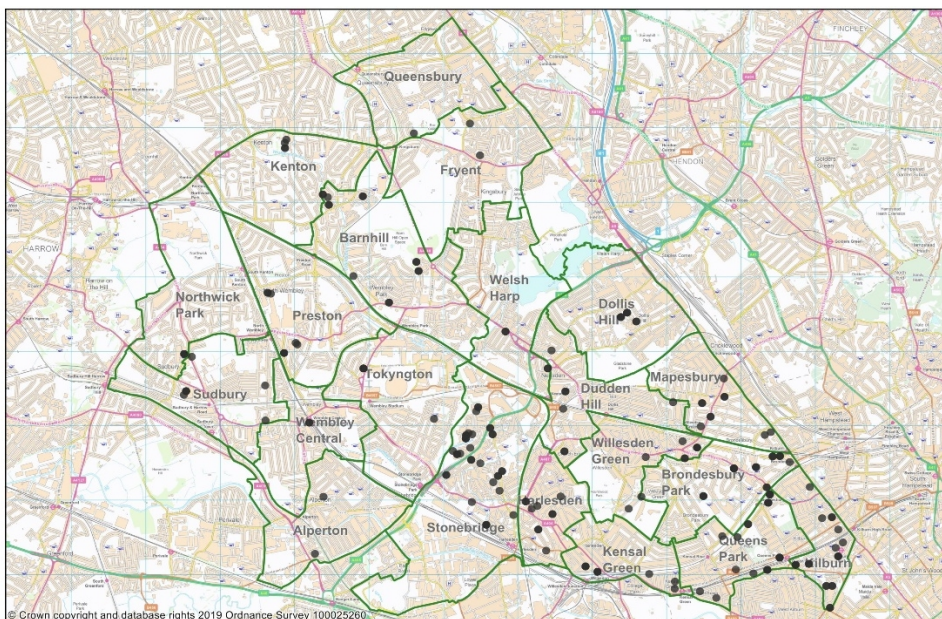
3.8 High level ASB matters include cases that involve those with mental ill health, vulnerability, drug and substance misuse, personal threat, high community impact/tension, families with complex histories and needs, high risk, serious and violent/sexual offenders, high risk victims or witnesses or any combination of these matters which require multi-agency co-ordination, management and progression.

3.9 The number of ASB cases reported over the six months' period leading up to 31 March was 193. An average of approximately 32 reported cases per month. The chart below provides a breakdown of ASB complaints received over the six months leading up to March.

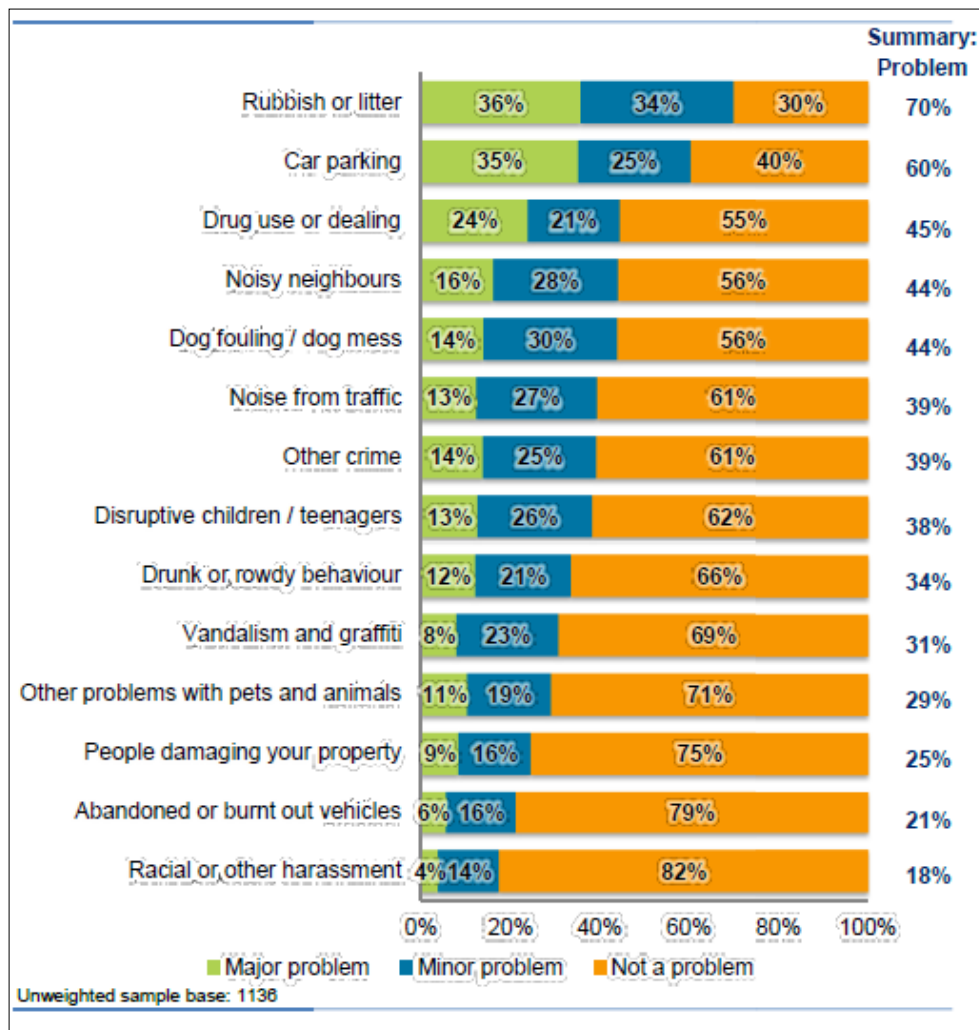


3.10 Noise Nuisance is the highest type of ASB that is reported. This represents 38% of ASB cases that are reported in this financial year. We work with the Council's Noise Nuisance Team to deal with statutory noise nuisance complaints.

3.11 The Ward with the highest amount of ASB is Stonebridge. This represents 16% of all reported ASB cases. The Ward with the lowest level of reported ASB is Fryent. This represents 1% of all reported cases. Figure 1 provides a view of ASB across Brent Housing estates by Ward



- 3.12 Severe ASB cases are also discussed with the Police and the normal process is that these will be discussed by the Brent Joint Action Group (BJAG). The Group is responsible for focusing on cases of ASB, including the incidents and local crime issues through a multi-agency approach. The Group also deal with perpetrators of ASB through the incremental approach together with focusing on ASB hotspot across the Borough.
- 3.13 Brent Councils' Multi Agency Risk Assessment Conference (MARAC) is used by Brent Housing to provide a victim focused information sharing and risk management approach for residents deemed to be at high risk. MARAC is attended by all key agencies, where high risk cases are discussed. The MARAC group helps to facilitate, monitor and evaluate effective information sharing to enable appropriate actions to be taken to increase public safety. The Group often makes recommendations to Housing Management for victims to be rehoused, either through the Council's Housing supply or through national schemes, in particular the Pan-London Housing Reciprocal.
- 3.14 The Council will take a problem-solving approach to complex ASB cases that affect the rights of residents to enjoy public space and will use all appropriate resources across key internal teams and Community Protection function in order to bring a resolution to bear. This includes the use of CCTV and its own powers of enforcement. It will also be positively disposed towards the use of Police powers (for example the use of Dispersal Orders) in areas burdened by repeated ASB, where evidence and good practice supports the use of such measures.
- 3.15 The above mentioned arrangements are extended to Registered Providers (RPs). RPs can also refer complex cases into BJAG, who are able to utilise enforcement tools and powers under the Antisocial Behaviour Crime and Policing ACT 2014.
- 3.16 The Table below details the results summarised when residents were asked "To what extent are any of the following a problem in your neighbourhood?" ASB Satisfaction information from BMG Customer Satisfaction Survey 2018



3.17 Seven in ten (70%) residents say that rubbish or litter is a problem in their neighbourhood. Over a third (36%) would consider this a major problem. The second most commonly cited neighbourhood problem amongst residents is car parking (60%). Following this are drug dealing/ use (45%), noisy neighbours (44%) and dog fouling/mess (44%). At the other end of the spectrum, four fifths (82%) of residents don't consider racial issues with people abuse or other harassment a problem. 79% say abandoned/ burnt out vehicles is not a problem whilst three quarters (75%) say there are no issues with people damaging their property in their neighbourhood.

3.18 The first meeting of the Customer Experience Panel took place during April. The Panel identified ASB Management as a key priority and have asked for a customer journey mapping exercise to be carried out to understand user experience, what are the pinch points and an improvement plan to address the same. This improvement plan will be provided later in the year.

## 4.0 Financial Implications

4.1 There no financial implications for this report.

## **5.0 Legal Implications**

5.1 There are no legal implications for this report.

## **6.0 Equality Implications**

6.1 This is an overview of existing services and for information only

## **7.0 Consultation with Ward Members and Stakeholders**

7.1 This is an overview of existing services and for information only

## **8.0 Human Resources/Property Implications (if appropriate)**

8.1 This is an overview of existing services and for information only

### **Report sign off:**

***Phil Porter***

Strategic Director of Community Wellbeing