



HOMES **FIRST**

Anti-Social Behaviour (ASB) and Hate Crime

Frequently asked questions

What is Anti-Social Behaviour (ASB)?

Anti-social behaviour (ASB) includes a range of nuisance and criminal behaviours that cause distress to others. Whether someone's actions can be classed as ASB depends on the nature, frequency, intensity of the behaviour involved, and the impact this has on individuals and the community.

Our response and the actions we can take will depend on the impact the offending behaviour is having on individuals and the community. We aim to work with all affected parties to reduce the impact and enable everyone to have the ability to appreciate the quiet enjoyment of their home and neighbourhood.

Noise related ASB complaints can be common, but are not always classed as ASB.

What is a hate crime?

A hate crime is defined as any criminal offence which is perceived by the victim or any other person to be motivated by hostility or prejudice based on a person's actual, or perceived characteristics, including disability, age, race, religion, sexual orientation, gender or transgender identity. There is no legal definition of the word 'hostility' but it can cover actions driven by ill-will, spite, contempt, prejudice, unfriendliness, antagonism, resentment and dislike.

A hate incident is any act which the victim, or anyone else, thinks is based on someone's prejudice towards them because of their disability, age, race, religion, sexual orientation, gender or transgender identity, but do not constitute criminal offences (i.e. no law is broken).



Why do I need to report ASB?

We take all reports of ASB seriously and will work with you and relevant agencies to try and resolve the issue, but we cannot do this without your help. Your reports give us the information and evidence that we need to take action to stop the ASB from happening.

Without this we are unable to understand what you are going through and how often something is happening. We can work with our partner agencies where appropriate to work together to investigate the problem. Any action we take is in line with our policy and procedures and we need evidence to take this forward.

Your reports also help us to understand if someone may need help or be at risk. It's important for our service to understand how our residents and communities are being affected.



How can I report ASB?

All reports of ASB made to Lewes District or Eastbourne Borough Council housing can be made through one of the following:

Telephone – call us at **01273 471600** or **01323 410000**

Email – email us at **customer.first@lewes-eastbourne.gov.uk**

Online – you can type into any search engine “report anti-social behaviour - Lewes or Eastbourne ASB” where you can complete an online form at: **www.lewes-eastbourne.gov.uk/report-anti-social-behaviour-noise-and-nuisance**

If you are experiencing ASB that involves a crime or is a risk to yourself or others then you need to report this to the police.

You can report ASB to the police by:

Calling 101 for a non-urgent matter.

Calling 999 if it's urgent and a crime is taking place.

Reporting online to the police through Sussex Police website at: **www.sussex.police.uk/ro/report/ocr/af/how-to-report-a-crime**

Should you feel at immediate risk and feel that it is unsafe to remain in your home you can approach any local authorities' Housing Solutions team.



What happens after an initial report of ASB is made?

If you make a report to the housing team, we aim to contact you within the timescales stated within our procedure. We initially assess each case on the information provided as high, medium or low. In cases we assess as high risk, we aim to contact you within one working day, medium risk cases we aim to make contact within five working days, and low risk cases we aim to make contact within 10 working days. Once we have made contact with you, we will gather more details and assess the risk again, which may involve the completion of a risk assessment (often referred to as a HARA). We will agree with you what next steps will be taken and when you can expect contact from us again. This is tailored to your needs and the risks involved.

Is anyone else informed about my report?

All reports are stored on our internal case management system and can only be viewed by internal staff. We can record anonymous reports but this will mean that our housing officer will not be able to update you on actions being taken to resolve the report and we may not be able to progress with an investigation.

If we make contact with an alleged perpetrator (person(s) causing ASB), they may assume where the report came from, but we will never disclose your details.

If we are concerned for your safety or for someone else's safety, we have a duty to make the relevant services aware of this, but we will always attempt to discuss this with you first. We regularly work with other partnership agencies, and where appropriate we may discuss details of any reports with them.

What actions do you take when I have a case open?

Your housing officer will speak with you first and agree initial actions such as further evidence gathering, door knocks to other residents, or speaking with relevant partners to determine any immediate risks and capture any reasonable adjustments that you may require to be put in place for us to be able to support you. The actions after this will depend on the information we have gathered, the risk to residents at that time and how frequent the issues

are happening.

If we have evidence that the ASB is taking place, your housing officer will try to resolve this by taking informal action. Legal action is always a last resort after all other attempts to resolve a case have been tried and failed, and the matter is so serious that legal action is agreed as necessary and proportionate.

If the council decide to proceed to court we will need to demonstrate not only that incidents have taken place but how that is impacting on other residents, before a judge will decide if a possession order can be awarded. If we are taking legal action for possession based on ASB the case is far more likely to be successful if we have witness statements from those impacted by the ASB being caused because they demonstrate real-life impact on the community. Whilst we can provide some anonymous witness statements they are far less impactful and only used if safety is a significant concern.

In the vast majority of cases, our early interventions are successful and the ASB is addressed without legal action. It is always important to provide the person causing nuisance the chance to change their behaviour, and just by bringing it to their attention can often stop the behaviour.

Early interventions may include:

- Warnings (Verbal or written)
- Visits with partners (for example, the police)
- Acceptable behaviour agreements (ABA)
- Mediation or conflict resolution referrals
- Practical deterrents such as lighting

Legal powers we take may include:

- An Injunction, which may include excluding someone from entering a specific location.
- Working with partners for a closure order or a partial closure order on a property.
- Tenancy enforcement including possession proceedings.

We have an agreed policy and procedure where you can find more information on our tools and powers at:

lewes-eastbourne.gov.uk/ASBpolicy



What's next?

Will I be updated about the actions during the case?

We will agree a method of contact (email/phone/in person) and how often you will have contact during the case, the frequency of contact will depend on the risks involved. If further incidents occur then these should be reported to us (and the police where appropriate) as soon as possible.

Our approach will take into account your personal circumstances and establish if you have any protected characteristics or support needs that may require reasonable adjustments to be made to aid investigations. We will look to identify any other agencies who can support you and check whether you are happy for them to be involved. We will complete any necessary safeguarding referrals based on the issues at hand. If you feel that a safeguarding referral is necessary, and we have not discussed this with you already, please speak to us for further advice.

How long is my case kept open?

We will keep your case open while we are actively trying to investigate and resolve your ongoing reports. Your case will also remain open for the duration of any legal proceedings, which can take a significant amount of time, but we will be in regular contact with you.

Where support is rejected by either the victim or the perpetrator, the ASB case will be reviewed to assess whether the case should continue, or whether alternative action is required.

When is my case closed?

Your case will be closed when we have resolved the ASB, we have reached a point where we are unable to progress with the case any further, the reports being made are no longer considered to fall under the criteria of ASB or when we are no longer receiving reports or any evidence. You will be contacted before your case is closed.

What happens if the ASB starts again after my case is closed?

We appreciate that you may be concerned about a problem starting again, but each case that is open on our system relates to that current incident or issue at that time. We cannot keep a case open continuously if all actions have been completed or the problem has stopped. Your case will remain on the system to view by internal staff even when it is closed. We can assure you that even if a case is closed, you can always contact us again to establish if it is necessary to reopen our investigations.

I am having problems with my neighbour, what can I do?

Complaints may arise around household noise such as children playing, doors closing and furniture being moved. In most cases, these issues are not considered ASB. At the start of these types of cases, you will be encouraged to try and resolve the problem yourself if you feel comfortable to. Some of these options may include: Using 'dear neighbour' cards. These are cards that can be collected from your nearest office, or downloaded from our website at: www.lewes-eastbourne.gov.uk/dearneighbour Your housing officer may be able to help you to speak to your neighbour about the problems if this is something you would like us to do. In these situations, we will look at this option on a case-by-case basis, we may also refer you for mediation (see below for more information on this service) or conflict resolution support.



What is mediation or conflict resolution?

We use an independent mediation service. Mediation is a process in which a neutral and independent trained person helps people in dispute work out an agreement. Conflict resolution is a service available to a single party to provide support on how to cope and build resilience when in a position of conflict.

If residents do not speak English, the mediators will try to match them with someone who speaks their own language.

The advantages are:

- It can help stop disputes early or prevent escalation, and can also help avoid more serious action being taken, including legal action.

- It can help neighbours understand each other.
- It can provide a speedy solution to disputes.
- It is provided at no cost to those involved in the dispute.

Where there is a case that could possibly be resolved through mediation, the officer speaks to both neighbours to get their agreement. Mediation is totally confidential and once it has started, no specific details of the mediation will be shared with housing staff unless you want it to be.



Is all noise considered Anti-Social Behaviour?

Complete silence is unrealistic and it is common for residents to hear their neighbours and children. Problems often arise when people act without thinking about their neighbours and other residents living nearby.

Reports about household noise such as children playing, doors closing, and furniture being moved would not be considered as ASB.

We encourage you to speak to your neighbour if you are experiencing noise, see 'I am having problems with my neighbour, what can I do?' for more details. There are also some tips

available on our website to keep noise down:

[lewes-eastbourne.gov.uk/ReduceNoise](https://www.lewes-eastbourne.gov.uk/ReduceNoise)



What types of things are evidence in an ASB case?

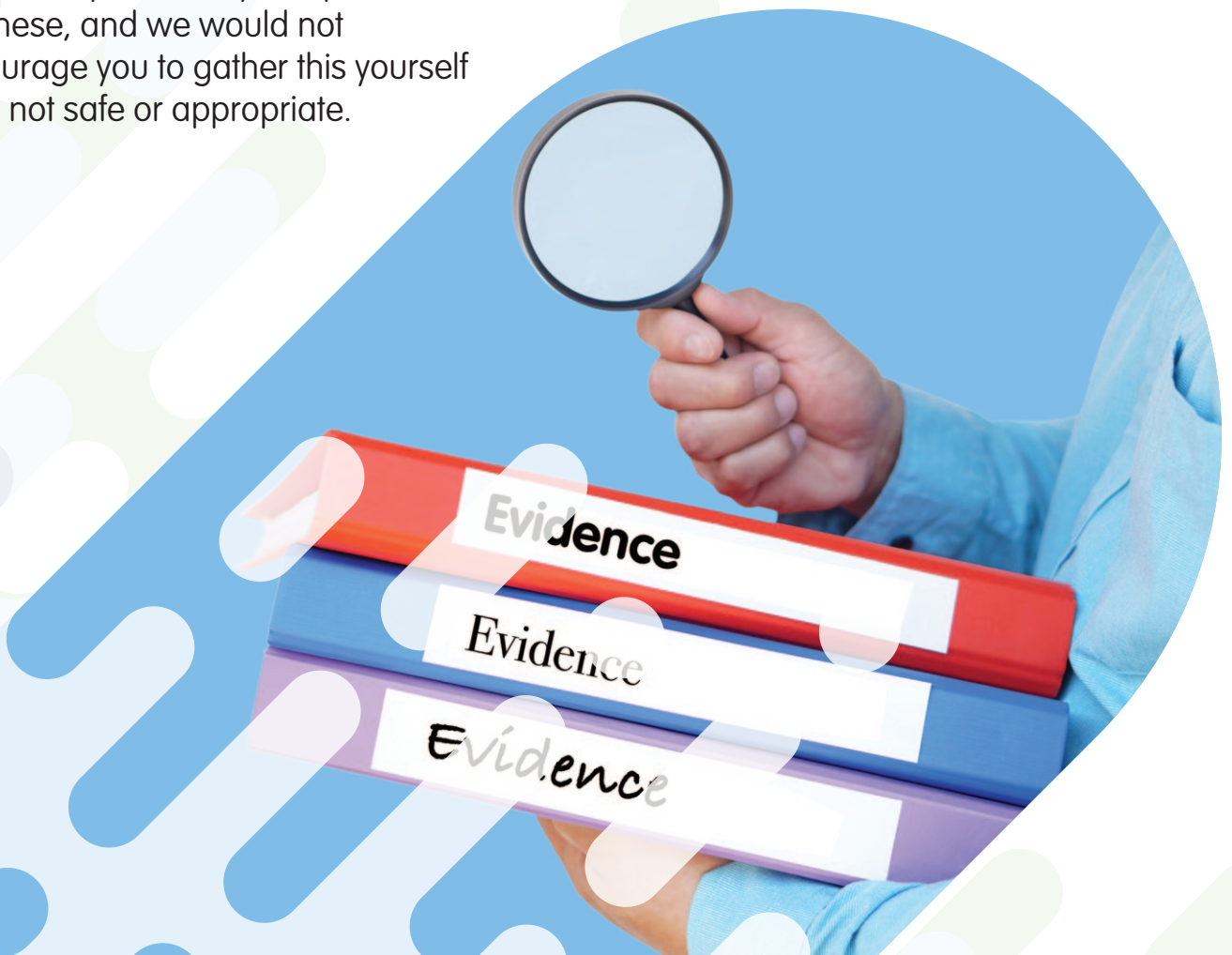
If you report ASB to us, you will hear us use the term 'evidence' quite a lot. For us to act against someone, we need to have evidence to show that the allegations made to us are true.

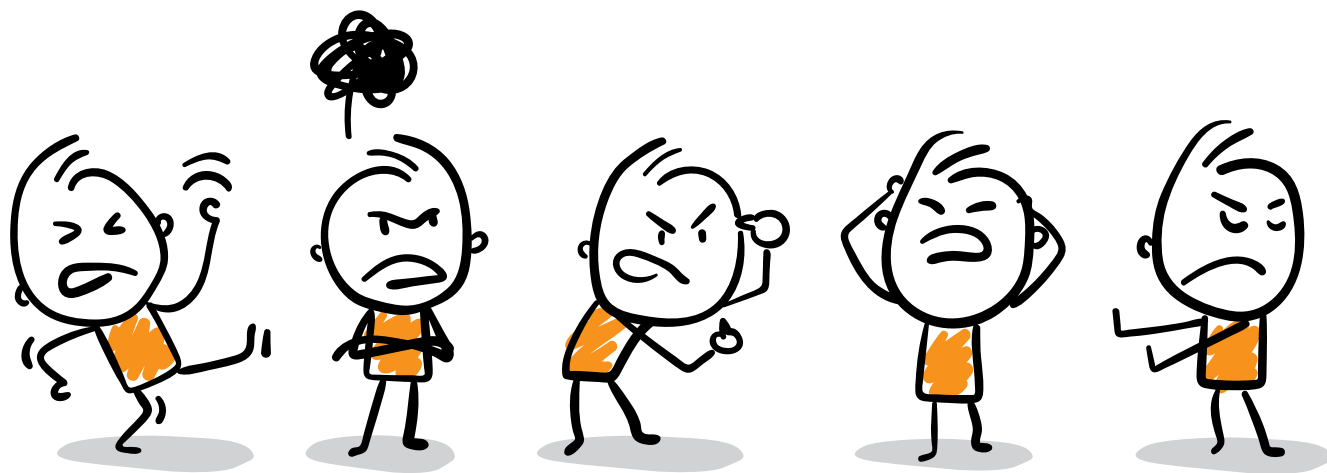
If nuisance is proven to be happening, we will explore all tools and powers available to take reasonable and proportionate action. Your housing officer will complete appropriate actions to gather evidence including speaking to our partners in the council and police.

When people think of 'evidence', they may think of, photos, videos, or recordings. Whilst these types of physical evidence are very strong in a case, it may not always be possible to get these, and we would not encourage you to gather this yourself if it is not safe or appropriate.

Other things that may give evidence include:

- Your housing officer speaking to other neighbours in the area to see if they also report similar issues or have any evidence.
- Neighbours reporting the same incidents and the same thing.
- Reports to other agencies and reference numbers that show that incidents have been attended and witnessed.
- Witness statements from professionals and neighbours who have witnessed the ASB.
- Noise recordings through our noise app.
- Information of the incidents from our wider estate teams





Can someone be arrested for causing ASB?

Yes, the police have the power to arrest someone and act where the behaviour is criminal. You must call the police if you witness a crime taking place, please see 'How can I report ASB?'. If the police arrest someone and that person is convicted, this gives your housing officer stronger grounds to act against them.

We take all ASB, especially behaviour that involves criminal activity on our estates or in our properties very seriously. We will explore all tools and powers available to take appropriate action.

Reporting online to the police at:
www.sussex.police.uk/ro/report/ocr/af/how-to-report-a-crime/?stepid=1&rid=545786

How do you work with the police?

Our housing officers work closely with Sussex Police. Housing officers meet regularly with partners to discuss high risk ASB cases across our estates. The police also work with housing officers to resolve ASB cases by attending visits to residents, estate patrols and door knocks.

Please visit www.sussex.police.uk for more information on who to contact in your neighbourhood.

Why am I asked for reference numbers?

Reference numbers help your housing officer with their investigation. When you make a report to other services such as the noise service or the police, they will provide you with a reference number and this can be used as evidence in your case. These reference numbers need to be provided to your Housing Officer as soon as possible. This helps us and the police to quickly manage the issues.

What is a CAD reference number?

When you make a report to the police, they will provide you with a CAD (Computer Aided Dispatch) number. As an example, it will look or sound like CAD 1234/ the date you reported it. This reference is created from the police incident management system and the number on the reference is the exact number of that call on that day. All information about the incident will be linked to the reference number and it can be easily searched on their system. CAD references can be used as evidence in your ASB case.

What other services do you work with?

We work closely with a range of other agencies and departments. These include the police, mental health teams, adult social care, children's services, and also partners outside of the council such as victim support and drug and alcohol services.

Part of our investigation is to find out if there are other agencies or partners that we can work with to try and resolve ASB. We organise case meetings with our partners so that we can all get around the table and talk about the details of the case to explore different options to try and tackle the ASB.

How can I record noise?

We encourage you to contact the noise service as detailed in 'How can I report noise nuisance' so that noise nuisance can be professionally witnessed.

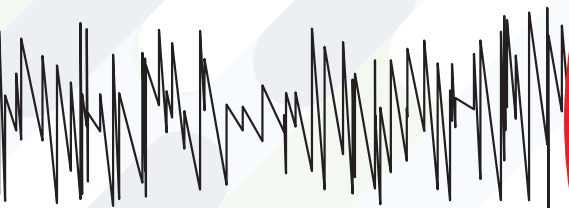
They will ask you to provide detailed information about the noise and how it is impacting you. This could be recording on a diary record,

sent in by email or by using The Noise App. In all cases they need to know:

- What noise nuisance are you experiencing?
- When did you experience the noise nuisance?
- Where can you hear the noise in your home?
- How did the noise nuisance impact you?

If you have a case open with the ASB team about noise nuisance and you have a smartphone or mobile device, you will be offered 'The Noise App'. This is an application that can be downloaded on your smartphone or mobile device, and it supports you to record short recordings of noise, it registers where the noise is being recorded from your property and sends it straight to the council to review.

For more information about The Noise App, please speak to your housing officer or regulatory services caseworker.





I don't feel safe in my home, can I move?

We will always work with you to ensure that you are safe at home. In very exceptional circumstances, for example where you are at a high risk of violence, the council has discretion to consider a managed move from your home. If you do not feel safe in your home, please contact the housing team as detailed in 'How can I report ASB?'

Should you feel at immediate risk and feel that it is unsafe to remain in your home you can approach any local authorities' Housing Solutions team.

Alternative routes for rehousing are below, please speak to your housing officer for more information:

- Apply for a transfer via the housing waiting list. If you are downsizing you will receive a priority and potentially an incentive payment
- Mutual exchange (via Homeswapper)
- Moving to retirement housing those over 60 years old

Details of these options can also be found at:

**[www.lewes-eastbourne.gov.uk/
CouncilTenants](http://www.lewes-eastbourne.gov.uk/CouncilTenants)**

What are my responsibilities?

You are responsible for the behaviour of every member of your household. This includes your children, any visitors, pets, lodgers, or sub tenants, while they are in your home, in any shared area around your home or the surrounding area.

This means that you will be held responsible for others who cause nuisance in your home and the surrounding areas if they are linked to you. Please refer to your tenancy handbook or our website for guidance at: www.lewes-eastbourne.gov.uk/TenantsHandbook

My neighbour's dog is causing nuisance. What do I do?

If a dog or any other animal is causing noise nuisance, please refer to '**How can I report noise nuisance?**' and '**I am having problems with my neighbour, what can I do?**'

We have a pet policy that requires permission to keep some pets and some accommodation where pets are not permitted. Please speak to your housing officer for more information, or visit our website: www.lewes-eastbourne.gov.uk/PetPolicy

If a resident has a pet that is causing nuisance other than noise, please ensure that the housing team are aware so they can investigate this further.

If you are concerned about a dangerous dog, you must report this to the police, please dial 999 in an emergency or 101 for a non-emergency.



What is cuckooing?

Cuckooing is a type of crime where criminal gangs exploit vulnerable people. The most common form of cuckooing is where drug dealers take over someone's home and use it to store, use or sell drugs. Signs that this is taking place can include; lots of people coming and going from the property at different times, intercoms and doorbells being rung, and an increase in ASB. If you think this could be happening please call the police and then notify your housing officer.

I can smell cannabis from another flat when I'm in my home. What can you do about it?

Recreational use of Cannabis is illegal, and the use outside of having a medical prescription or the supply of cannabis is a crime. All crimes must be reported to the police, details for the police can be found under 'How can I report ASB?'

If a resident is identified to be smoking or supplying cannabis in their home and this is witnessed by the police, your housing officer will explore enforcement action in line with that person's tenancy agreement.

Can you force my neighbour to move if they are causing ASB?

Moving tenants who cause ASB is not generally considered best practice – moving the perpetrator often just shifts the problem elsewhere rather than resolving it. It can fail to protect victims, as the behaviour may continue in the new location.

Whilst in some exceptional cases it may be appropriate to work with a tenant to secure a move, this can never be done without consent and the only way to force a tenant to leave their home is to seek to evict them via a court (see 'Can you evict my neighbour?')

Can you evict my neighbour?

Evicting a resident is always a last resort and will only be considered as an option for cases where there is evidence of serious ASB, and where all other means of resolving the issue have been tried and failed. Ultimately the decision to award the local authority possession of a property is one that can only be made by a judge via a court application process. Not only is the threshold for eviction extremely high, the process can take a significant amount of time.

I have been served with a notice of seeking possession. What does this mean?

A notice of seeking possession is the first step taken to take back possession of a property. Notices are served when there has been serious or continued ASB and they remain in place for 12 months from the date it is served. There are two different grounds that a notice can be served on:

Discretionary grounds – this means that the notice being served to you can be defended in court by you or a legal representative on your behalf, and a judge will decide whether to grant possession of your home back to the Council. To enforce the notice of seeking possession, your housing officer will need to instruct a solicitor to apply to a court for a hearing. A hearing will only be applied for if you continue to cause ASB following the notice being served to you.

Mandatory grounds – under the ASB, Crime and Policing Act 2014 landlords were given powers to ask the courts for mandatory possession if you or a member of your household has already been convicted of ASB in other court

proceedings. These are:

- A premises closure, or partial closure order being granted on the property.
- A noise abatement notice breached by the tenant and proven by the court.
- A civil injunction being breached by the tenant, proven by the court.
- A criminal behaviour order being breached by the tenant, proven by the court.
- The tenant has committed a serious offence as listed at:
www.legislation.gov.uk/ukpga/2014/12/contents

You have the right to request a review within seven days of this type of notice being served to you. The review will determine whether the notice continues to be served on mandatory grounds, or whether it should be re-served to you on discretionary grounds.

We encourage residents to seek their own independent legal advice if they are served with a notice of seeking possession.

I think my neighbour is unwell and I am concerned for their wellbeing. What can I do?

If someone is at immediate risk either to themselves or to someone else, you must call the police on 999. Even if there is no immediate risk, please also let your housing officer know so we can also follow up on any welfare concerns raised with the relevant services and agencies.

I do not feel like my reports are being taken seriously by agencies. Is there something I can do?

If you feel that you have reported three incidents of ASB in the last six months, to the police, your landlord or the wider council and you feel that no action has been taken, then you can request an ASB Case Review (formally referred to as a community trigger). The ASB case review enables victims of ASB to demand action and have a case review where persistently reported problems have not been addressed. Further information and access to the online form can be found on our website at www.lewes-eastbourne.gov.uk/ASBReview

You can only apply under the ASB case review process if:

- You have reported three separate instances of the same problem over the last six months, or
- At least five people have reported the same problem in the same location over the last six months.
- Each incident of ASB must have been reported within one month of it happening.

Case reviews are not able to start if these conditions are not met, but you can report fresh incidents to the housing officer, the wider Council or Sussex Police.

An ASB Case Review is separate to the complaints process, please see 'How can I make a complaint'.



How can I make a complaint?

If you are unhappy about how your reported ASB incidents have been handled, then you are entitled to make a formal complaint using the Council's two-stage complaints procedure. Details can be found on our website, along with an online reporting form at www.lewes-eastbourne.gov.uk/article/1960/Custom-er-complaints

Does the council seek feedback about the way my case was handled?

On a quarterly basis we engage an external surveying company to carry out a satisfaction survey on our services, including ASB. This provides an opportunity to feedback your personal experience and for us to seek to understand any service improvements.

We use our tenants satisfaction data to benchmark against other housing providers and seek best practice.



Further questions?

We hope these FAQs have helped answer any questions you had regarding how we respond to Anti-Social Behaviour within the council's housing service.

If there is anything you are unsure about or if you have any further questions, our full ASB Policy and Procedures can be found at:

**[www.lewes-eastbourne.gov.uk/
ASBpolicy](http://www.lewes-eastbourne.gov.uk/ASBpolicy)**



HOMES **FIRST**

**This leaflet is available in large print,
audio, or in another language upon request.**

Lewes District and
Eastbourne Borough Councils