



Anti-social Behaviour

Good practice for
private-sector landlords



Nottingham
City Council

Good Practice tips for Private Sector Landlords to help you reduce and resolve Anti-social Behaviour (ASB).

As a landlord you have made a substantial investment not only in the property you have bought but also in the community of Nottingham.

If for no other reason than securing a good return on your investment you have a key role to play in developing and strengthening your neighbourhood. Nothing devalues property and undermines the stability of a community faster than ASB.

By taking simple steps to ensure you protect your tenancy from the start to finish you can play a vital role in combating ASB.

This guidance highlights:

- **The Nature of ASB in Housing**
- **Reporting Anti-social Behaviour**
- **Landlord Good Practice**
- **Reasonable Steps to Combat and Reduce ASB**
- **ASB and Large Scale Parties**
- **Enforcement Options**
- **Landlord's ASB action plans**

Nature of Anti-social Behaviour (ASB) in Housing

Activities carried out by occupiers or their guests which adversely impacts on the local community by being a source of nuisance, annoyance or distress is classed as ASB. It can happen at any time of the night or day.

ASB can include:

- Domestic noise – such as shouting, loud music, DIY, dogs barking etc.
- Buildup of rubbish causing foul smells and overflowing bins
- Fly-tipping
- Graffiti

When this occurs, the landlord has a responsibility to ensure persons he has permitted to reside in his property do not continue to cause this type of annoyance, nuisance or distress to others in the neighbourhood.

Reporting ASB in Nottingham City

ASB may be reported by:

Calling the Community Protection Service Centre on 0115 915 2020
(Monday to Friday 8am to 5pm)

or email us at: cpservicecentre@nottinghamcity.gov.uk

If affected by domestic noise outside of these hours call the Police non-emergency number 101.

Further information about reporting anti-social behaviour can be found on the Council's website at <http://www.nottinghamcity.gov.uk/community/community-protection/reporting-antisocial-behaviour/>

Landlord Good Practice

The following good practices examples are used by some of the most successful landlords in Nottingham to help manage and prevent anti-social behaviour:

Always ask your tenants to **provide written references** from previous landlords (with telephone numbers for verification) and check them out in person, don't just believe what has been written or take their word for it.

Ask tenants to list their previous addresses in the last 3 years; ask for employment status and their details. Most importantly ask how the rent is going to be paid - by Housing Benefit, direct by cash or bank transfer. Credit-check your tenants and/or require a guarantor.

Ensure your tenants are **aware of their responsibilities** before and once they have signed the tenancy agreement and be very clear about any possible consequences of them breaching the conditions.

Provide a tenant's information pack. This can be made available to all tenants at the start of their tenancy and a copy of this guide could be displayed in a prominent place within the property.

The pack can include:

- prescribed information such as a copy of the "How to Rent"
- how to avoid anti-social behaviour,
- details about local amenities, local doctors dentists etc.
- instruction booklets how to use the heating & hot water and other facilities
- what to do if you get locked out,
- operating instructions & security codes for alarms,
- details of local available services such as bulky waste collections, bin collection dates etc.,
- and most importantly a number for reporting ASB

Ensure your Tenancy Agreement has a **clause about anti-social behaviour** and be sure to provide a copy of the signed agreement to the tenants. These terms should make ASB a breach of the tenancy agreement. The following clauses are examples which might be included in your tenancy agreements:-

- A. *You must make sure that you and those who live with or visit you do not harass, annoy or cause a nuisance or do anything likely to harass, annoy or cause a nuisance to:*
- *anybody, because of his or her race or ethnic background.*
 - *anybody, who lives or works in the local area.*
 - *any of the landlord's employees, the landlord themselves or people acting on behalf of the landlord.*

B. You must make sure that you do not, and make reasonable effort to ensure that your visitors or members of the family are not:

- *Using or allowing the use of the premises for immoral or illegal purposes.*
- *Committing any serious or arrestable offence.*
- *Using illegal drugs or other controlled substances.*

C. The tenant shall occupy the premises as principally a domestic residence only and shall not carry out or permit to be carried out any profession, trade or business on the premises, or do anything which is likely to cause nuisance or unreasonable disturbance to neighbours or users of the locality.

Ensure that the **details of the person/company responsible for managing the property are clearly displayed** so anyone experiencing problems knows who to complain to. This could be done by displaying a notice in the window and examples of this can be seen in the Lenton area of the city.

These details should include, as a minimum, a name and telephone number that can be contacted to discuss issues relating to the property or the occupants or letting of the property.

Where the person/company responsible for managing the property is a limited company or a professional property management agency, the displayed details should also include the name of the company, a correspondence address and an email address if available.

Leave your contact details with a trusted neighbour or local residents to ensure you are the first to know if any problems arise.

Landlords should **keep in regular contact** with their tenants through quarterly/bi-annual property inspections. If you live away consider employing an agent to do this for you. More regular visits may be appropriate where there have been past issues with ASB.

Reasonable Steps to Combat and Reduce ASB

Landlords should be willing and able to deal with complaints about any occupier's behaviour promptly and effectively. Landlords should report back to the person making the complaint what action has been taken, or is intended to be taken.

Where ASB has been established a first step in less serious cases would be to ask the occupier to refrain from or stop the conduct and the landlord giving a verbal warning about of the potential consequences of not doing so. If the tenants are students, landlords can contact their local university who take ASB in the community very seriously and can support landlords. In extreme cases the university can exclude students from their studies.

If the problems persist the landlord should give the occupier a written warning and consider calling on other agencies for support, such as the local authority and/or police.

If there are no improvements, or the problem is very serious, the landlord should take his own enforcement action against the occupier. This could include starting possession proceedings in more serious and persistent cases.

Please note; if the property is licenced, the licence may be at risk if appropriate preventative steps are not undertaken in a timely manner by the licence holder and/or manager of the property to stop the ASB.

The following condition appears on all HMO licences issued by Nottingham City Council and breach of the condition may result in financial penalty, prosecution and/or revocation of the licence;

The licence holder shall ensure that all reasonable and practical steps are taken to prevent or reduce anti-social behaviour by the occupants and all persons visiting the house. The licence holder shall put in place written tenancy management arrangements that have been, or are able to be made to prevent or reduce anti-social behaviour by persons occupying or visiting the property. Copies of these must be provided within 7 days of the Council's demand.

A good example of written tenancy management arrangements can be found at the end of this document in the landlords ASB action plan section.

ASB and Large-scale Parties

Large-scale parties have the potential to cause serious nuisance to other residents within the locality. If landlords, managers or agents should become aware of large-scale parties or other such activities likely to cause ASB to the neighbourhood then they should immediately call 101 and report this.

Appropriate action can then be taken by partners such as the Police, Council or the University to prevent the party from becoming a problem. It is not the intention of the Police or Council to stop tenants engaging in the quiet enjoyment of their homes.

The Council will consider the pro-active use of Closure Notices (as detailed below) to prevent planned events from taking place within HMOs or other premises where there is evidence that those events are likely to cause nuisance to other residents in the locality.

The Council will also seek longer term Closure Orders in respect of premises that repeatedly cause serious nuisance to others in the neighbourhood and these would obviously have a significant impact on both Landlords and their tenants.

Enforcement Options

Whilst it is to be hoped that all landlords will appropriately monitor and control the use of their properties, the Council has several tools available to it to take action against those who cause or permit problems to arise in connection with their property.

Whilst criminal offences may be committed and prosecuted where there is, for example, a breach of licence conditions or other legislation controlling the management of HMOs, the Council has other powers which it may use, especially where ASB is occurring.

The Anti-social Behaviour, Crime and Policing Act 2014 (the "Act"), represented a significant reform of the tools and powers available to Councils, the Police and partner agencies to tackle ASB. The reforms contained within the Act were designed to put victims at the heart of the response to ASB and to give those agencies that have responsibility for tackling such behaviour the flexibility they need to deal with any given situation.

Community Protection Notices (CPNs)

CPNs can be used by the Council, the Police and appropriately delegated social landlords, to tackle low level ASB of any type. CPNs can be used where the behaviour of any person aged 16 and over, business, or organisation, is **persistent, unreasonable** and is having a **detrimental** effect on the quality of life of those in the locality. A CPN can require a person to stop doing something

(such as stop making a noise) and/or require the recipient to do something (such as clear accumulated waste from their garden).

The Act states that conduct on, or affecting premises that a person owns, leases, occupies, controls, operates or maintains is treated for the purposes of CPNs as conduct of that person. This allows the Council or Police to issue CPNs against Landlords in respect of the behaviour of their tenants/visitors at their properties.

Breach of a CPN is a criminal offence. It may result in the offender being issued with a Fixed Penalty Notice or being prosecuted.

Civil Injunctions

A Civil Injunction is a formal court order that can be used to tackle more serious and/or persistent cases of ASB. The Council, Police or a social housing provider may apply for an injunction against any person who is aged 10 years or over, where that person has engaged or threatens to engage in ASB; which is defined as conduct that has caused, or is likely to cause, **harassment, alarm and distress** to any person or conduct capable of causing **nuisance or annoyance** to a person in relation to that person's occupation of residential premises. Breach of an injunction is a contempt of court and is imprisonable.

Closure of Premises

The Act allows the Council and/or the Police to seek to close premises that are connected with nuisance and disorder. There are two stages to Closure – a Closure Notice followed by a Closure Order.

A Closure Notice can be issued by the Council or the Police, **without the need for a court order**, if the use of the premises has resulted in or is likely soon to result in nuisance to members of the public, or, where there has been, or is likely to be, disorder near those premises associated with the use of those premises.

A Closure Notice can last for a maximum of **48 hours** and it can close premises to everyone **except** those who habitually live on the premises and/or the owner of the premises.

Once a Closure Notice has been issued, an application must be made to the Magistrates Court for a Closure Order and this application must be heard within 48 hours **or** the Closure Order must be cancelled.

A Closure Order can be made for a maximum initial period of 3 months, although this can be extended to a maximum of 6 months in certain circumstances. It can exclude **ALL** persons from the premises including the owner.

Breach of Closure Notices and Closure Orders are both criminal offences and can be punishable by fine and/or imprisonment.

ASB Plans

In light of the above issues and responsibilities it is good practice for all landlords to prepare an ASB plan which is given to those occupying their property.

The following is an example of the type of plan that you may wish to consider to comply with your licence conditions if your property is licenced. The Council may request a copy of your ASB plan at any time.

“On receipts of an anti-social behaviour complaint the Licence Holder, Landlord and/or managing agent will adhere to their ASB plan”

- 1. I/We will investigate the nature of the complaint and its accuracy. Where possible we will identify the basis of the complaint and its implication in relation to the property and the tenants. If the complaint is considered reasonable and not false or malicious the complaint will be recorded.*
- 2. Dependent on the nature of the complaint the tenants will be contacted as soon as possible via post, email or if this option is not available we will visit the property. Where the tenants do not speak English as a primary language an interpreter will be made available. If the matter relates to criminal behaviour or social services the relevant body will be contacted and informed of the incident.*
- 3. Upon receipt of the notification the tenants will have 7 days to acknowledge the complaint and respond to us accordingly. Representation will be accepted in writing or email. We will also accept representation from suitable parties if the tenant is unable to represent themselves.*
- 4. On receipt of representation the landlord/managing agent will consider potential solutions to the problem;*
 - If the tenant accepts the issue occurred and will ensure that no further issues will arise then the matter may be closed and the incidence recorded on file. No further action will be undertaken unless the matter resumes and then the escalated procedure will be observed.*
 - If the nature of the anti-social behaviour is sufficiently serious the relevant authorities will be contacted. This may include the Police, Council and University.*
 - In addition the landlord will reserve the right to terminate the contract under section 8 of the Housing Act 1988 & 1996 if required.*
 - The Landlord may decide not renew tenancies for tenants who have breached the level of social behaviour required by a tenant.*

5. *If I/we decide that the complaint is not reasonable or that it is believed to be false.*
 - *I/We will send a letter to the complainant, which sets out the reason(s) for not upholding the complaint, and give the complainant the opportunity to make representations and/or submit further evidence to support their complaint.*
 - *I/We will justify and explain my/our reasons for not upholding a complaint in writing. This letter will be held on record for the duration of the tenancy and will be used as evidence to justify my/our action(s).*
6. *I/We will escalate persistent breaches of anti-social behaviour and document our actions. Where possible the complainant will be contacted and advised of any steps that are being undertaken. This will be combined with documentation to the tenants advising them of the implications of their actions. In particular the breach of the tenancy terms will be enforced with a section 8 notice and combined with possible sanctions from related parties. This may include a visit from the student community officer and the sanctions permitted within that mechanism.*
7. *With non-student tenants I/we will consider termination of tenancy within the most expeditious method available within the law. I/We will also advise tenants that these actions may well affect their ability to gain a tenancy within the future.*
8. *As the case proceeds the complainant and relevant parties will be advised of the progression of the case and the steps undertaken by us to resolve the matter. This process will continue until the behaviour ceases or the tenancy is terminated.*
9. *I/We will at all times work within the framework of the law and will co-operate with any relevant authorities that have a genuine interest in the case until resolution; including the Council, Police, universities and neighbours.*
10. *Any future tenants will be advised of potential issues to prevent a re-occurrence of the issues that have presented before within the ambit of the Data Protection Act.*