



Tackling Anti-social Behaviour

**Selective Licensing
Conditions 9 & 10**

Version 2



this is Redcar & Cleveland

Introduction

Following the issue of a licence there are a number of conditions associated with the licence that are binding on the licence holder. The information in this guide provides further details regarding the requirements relating to Conditions 9 & 10 concerning anti-social behaviour (ASB).

Anti-social behaviour is any activity that impacts on other people in a negative way. The successful implementation of selective licensing is a vital tool in addressing problems of ASB in the private rented sector.

Licensing requires landlords take reasonable steps to tackle ASB perpetrated by their tenants. This does not mean that landlords are responsible for the behaviour of their tenants, but rather are responsible for the initial investigation following complaints regarding the behaviour of their tenants. 'Reasonable steps' involves investigating any incidents of ASB regarding tenants and taking appropriate action where necessary.

It is recommended that a licence holder is familiar with the licensing conditions and the associated implications. It is a criminal offence for a licence holder to breach licensing conditions. On conviction, a licence holder could face an unlimited fine per condition that has been breached.

What is Anti-social Behaviour?

Anti-Social Behaviour is behaviour that causes harassment, alarm, or distress to others including neighbours. Examples include:

- Noise nuisance;
- Criminal damage/vandalism;
- Graffiti;
- Drug dealing/substance misuse;
- Hate crimes;
- Abandoned cars;
- Litter/rubbish;
- Intimidation/harassment;
- Racial friction;
- Street drinking;
- Vehicle related nuisance; and,
- Animal related problems.

It is a condition of each licence that the holder must take reasonable action to prevent and reduce anti-social behaviour.

This guidance highlights:

- Practices used by some of the most successful landlords in managing anti-social behaviour;
- What to do when you receive a complaint;
- How to report anti-social behaviour; and,
- Suitable wording for a tenancy agreement clause on anti-social behaviour

Good Practice

Selective Licence Condition 6 requires that you obtain valid references from persons who wish to occupy your property in order to make an informed decision regarding letting of the property.

Ask tenants to provide written references from previous landlords (with telephone numbers for verification). Check them out in person, don't just believe what has been written. Ask tenants to list their previous addresses in the last 3 years. Ask for employment status and how rent is going to be paid such as Housing Benefit or cash.

Ensure your tenants are aware of their responsibilities once they have signed the agreement and be clear about any possible consequences of them breaching the conditions. Ensure the tenancy agreement has a clause about anti-social behaviour and be sure to provide a copy of the signed agreement to the tenants.

You should let your tenants know at the beginning of the tenancy who they can contact to report anti-social behaviour (Contact details are provided at the end of this guide).

Tip: Leave your contact details with a trusted neighbour/local resident to ensure you are the first to know if any problems arise.

During the tenancy try to respond quickly to any complaints received. The longer any anti-social behaviour continues, the worse its effect could be.

Tip: Keep in regular contact with your tenant through quarterly/bi annual property inspections. If you live far away consider employing a local agent to do this for you.

At the end of tenancy, if appropriate, provide a written reference for your tenants. Include your contact details so any prospective landlords can check the validity of the reference.

Tip: Speak to neighbours. Make sure they weren't suffering in silence. Many residents who have experienced ASB for a long time simply stop complaining and just accept the situation. This does not mean there is not a problem.

What to do when you receive a complaint

Facilities must be in place to receive and respond to initial complaints about your tenants' behaviour.

The procedure outlined in this guide is not a prescriptive protocol. It is simply for landlords to follow so they can be aware of their roles and responsibilities when dealing with anti-social behaviour.

The protocol aims to develop dialogue between landlords and the Housing Standards Team to avoid duplication of resources and ensure a consistent and co-ordinated approach to tackling anti-social behaviour by all agencies involved.

The 3-step process is not set in stone and does not have to be followed precisely in every single case, it is meant to be relative to the particular behaviour of the individual or individuals concerned.

Landlords should assess each case on its own merits and exercise discretion as to the most appropriate course of action to address the behaviour to ensure it does not continue. Where an individual engages in serious anti-social behaviour, or behaviour that has caused unreasonable harassment, alarm or distress to the victim, and it is the first time this individual has come to the attention of the agencies, it is expected that the landlord will escalate this case to reflect the seriousness of the incident. In some cases, this will involve skipping steps 1 and 2 and going straight to step 3.

Most importantly do not ignore a complaint. Be aware that ASB can take many forms and have different levels of severity. What you may consider a minor nuisance may have considerable negative affects on the quality of life of the complainant.

THESE STEPS ARE A GUIDE AND DO NOT NECESSARILY NEED TO BE FOLLOWED IN SEQUENCE, ANY ONE OF THE STEPS BELOW MAY BE USED DEPENDING UPON EACH INDIVIDUAL CASE/ COMPLAINT.

Step 1 – Inform your tenants that you have received a complaint regarding their behaviour.

- A person cannot be expected to change their behaviour if they do not know that it is causing offence.
- You can inform your tenants that their responsibilities are stipulated in the Tenancy Agreement and that by them causing anti-social behaviour they are in breach of the terms and conditions of the agreement.
- It may be a good opportunity to remind them that they will need a reference from you when they leave (even if they are moving because they are buying a property of their own).
- You do not have to confront a tenant in person. You may feel it more appropriate to write or telephone the household or group of tenants.
- If you feel it is necessary, call the police. Report any incidents to them and give them your details. They may monitor the situation and want to contact you if something happens that you are not aware of.
- The Housing Standards Team should be kept informed of all complaints and may carry out their own investigation.

Tip: Consider following up any meeting/conversation you have your tenants with a letter. Keep a written record of any complaints received and what you have done to rectify the problem. You may find this essential evidence if problems persist. If the anti-social behaviour continues, you may wish take formal action regarding breach of the tenancy agreement.

Step 2 – Approach the Council’s Anti- Social Behaviour Officer for support. Provide details of complaints received, who they were from and discuss what steps you have taken so far.

- Landlords and Agents should seek advice from the Council’s Anti-Social Behaviour Officer as soon as they become aware of nuisance or antisocial behaviour being perpetrated by their tenants, people visiting or living with them. The ASB Officer will contact the Housing Standards Team to inform them that you are having problems.
- The Council may suggest a joint meeting between yourself your tenants and other relevant organisations to discuss the ongoing problems. The Council and partners will work with landlords and agents to develop an appropriate course of action for each case. This could include referral to mediation services, requesting action to regain possession of the property or the provision of a support service to the tenant. You may be asked to support your tenants in signing an Acceptable Behaviour Agreement (ABA). This makes it very clear to your tenants what the problems are, what is expected of them and what the consequences of further complaints will be (this may include the possibility of eviction). You should give your full support to whichever organisation is dealing with the case. Provide copies of tenancy agreement and written details of any complaints you have received since the start of the tenancy.
- In extreme circumstances, an Anti Social Behaviour Order against the relevant parties may be instigated.
- Should the Council not be included in these processes, and complaints against the property continue, licence holders will be requested to demonstrate that appropriate measures have been taken or risk a breach of licence conditions.

Step 3 - Get tough

- You may have to consider ending the tenancy by serving notice and gaining a possession order against your tenants. Remember it is your property and they are your tenants. You are therefore ultimately responsible to enforce any aspects of the Tenancy Agreement. There are many agencies available to support you and you are not expected to act alone, however all direction must come from the landlord.
- Allowing Anti-social Behaviour to go unchecked will not only affect local residents but property prices, rent levels and even your reputation as a landlord.
- Landlords and agents must always provide accurate and honest references to other landlords or agents on request. It should be noted that providing good references in order to move on a 'bad' tenant will be considered a breach of licence (not taking reasonable action to prevent antisocial behaviour) and may lead to revocation of the licence/s or prosecution of conditions.

Tenancy Agreement Clauses

It is strongly encouraged that landlords consider adding the following clause to their tenancy agreements. These clauses allow a landlord to take reasonable steps to tackle anti-social behaviour and are likely to be robust enough to cover most cases of anti-social behaviour. Licence holders or their nominated agents should explain these clauses to new tenants during the letting process.

- a. *You must make sure that you, 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; or,*
 - *Any of the landlord's employees, the landlord themselves or people acting on behalf of the landlord.*
- b. *You must make sure that you are not convicted of, and make reasonable effort to ensure that your visitors or members of the family are not convicted of:*
 - *Using or allowing the use of the premises for immoral or illegal purposes;*
 - *Any serious, or arrestable, offence committed in the local area; or,*
 - *Using controlled 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.*

ASB PROCEDURE FOR LANDLORDS

As a responsible landlord/agent I shall comply with Redcar & Cleveland Borough Council's Anti Social Behaviour guidance and I shall include terms and clauses in my tenancy agreement that covers Anti Social Behaviour.

On receiving Anti Social Behaviour complaints I shall take the following procedures to deal with the problem:

- *I shall contact my tenant either through letter, email, phone call or home visit within 48 hours of receiving a complaint.*
- *I shall find out the nature of the complaint and issue a letter to the tenant.*¹ At this point I would contact the Anti- Social Behaviour Officer for the Council for advice and provide copy of the letter to the Anti-Social Behaviour Officer.*
- *If I receive further complaints I will make a home visit*² and issue a formal warning to my tenant.*
- *Finally if the problem of ASB persists then I would seek advice on ending the tenancy and get help from agencies and the authorities for support*
- *I agree to meet and co-operate with officers from the local authority and Police to help tackle the ASB caused by my tenant.*

¹ *See guidance notes on 'what to do when you receive a complaint' follow up any meeting, conversation with a letter to your tenant, keep a written copy and forward a copy to the Anti- Social Behaviour Officer and keep a record of all complaints.*

² *Make sure you give at least 24 hour notice to your tenant prior to a home visit preferably in writing*

Ways to Report Anti-social Behaviour

Criminal Behaviour

Report criminal behaviour to Cleveland Police – emergency incidents telephone 999 or for non-emergency incidents telephone 101

Noise problems

Complaints about excessive noise are investigated by the local authority who can take action if the noise is considered to be a statutory nuisance. Telephone 01642 774774

General complaints

General complaints of anti-social behaviour in the South Bank area can be referred to Sue Atherton – ASB Officer. Telephone 01642 302634/07795 305943 or email sue.atherton@redcar-cleveland.gov.uk

If you would like more information on any of these services or would like to discuss a complaint please contact the Housing Standards Team. We will treat all incidences in confidence and may refer you to a relevant organisation which can offer you support in your situation.

Communication with other bodies/agencies

Licensed landlords may be required to attend a case conference or any other appropriate multi agency meeting arranged by Redcar & Cleveland Borough Council or any relevant agency to discuss the conduct of their tenants and agree action plans to address their tenants' behaviour. Licensed landlords will be expected to engage with Redcar & Cleveland Borough Council or any other agency involved in the case. This may involve providing supporting information or evidence where an appropriate authority seeks a legal remedy to curtail the anti-social behaviour, for example an Anti-Social Behaviour Order (ASBO). Licensed landlords will also be expected to serve a relevant notice to seek possession of their property where all other interventions have failed and where all parties agree that this would be the most appropriate course of action. The Council can offer support and assistance to both residents and private landlords in response to complaints about anti-social behaviour from private tenants. If you are concerned about the behaviour of one of your tenants or your tenants are experiencing anti-social behaviour from the private rented sector we will be happy to work with you to resolve the problem.

Contacts

Should you require any further guidance on selective licensing, please contact the Housing Standards Team:

Housing Services
Redcar & Cleveland House
Kirkleatham Street
Redcar
TS10 1RT

Tel: 01287 612455

Email: selective.licensing@redcar-cleveland.gov.uk

If you require specific information in relation to anti-social behaviour please contact:

Contact : Sue Atherton – Anti-social Behaviour Officer

Tel: 01642 302634 Mob: 07795 305943 E-mail: sue.atherton@redcar-cleveland.gov.uk