

Tackling Anti-Social Behaviour in Licenced properties

A guide for Landlords and Managing agents



Introduction

Landlords and managing agents have a responsibility to ensure that they manage their properties effectively. This is particularly important when it comes to dealing with complaints of anti-social behaviour concerning their tenants in houses in multiple occupation, where the issues can be more extreme due to the number of tenants being accommodated.

What is Anti-social Behaviour?

The law defines anti-social behaviour as: ‘any behaviour which causes or is likely to cause harassment, alarm or distress to one or more persons not of the same household’

It includes but is not limited to:

- noise nuisance such as the playing of loud music at **any time of the day or night**, but particularly between 11.00pm and 7.00am
- shouting, screaming and swearing in the property, garden, communal or public areas;
- allowing the build-up of refuse in the property and/or garden/yard;
- threatening or abusive behaviour towards neighbours or other members of the public.



Your responsibility as a landlord or managing agent

All landlords and managing agents have a responsibility to manage their properties and their tenants properly. As a landlord or manager, you play a vital role in tackling anti-social behaviour. It's your responsibility to respond to complaints about the behaviour of your tenants and their visitors. Depending on the type of anti-social behaviour, this may involve either issuing a warning directly to your tenants or working with the council to assist Officers to take action against them.

What are my duties as a licence holder?

There are specific licence conditions which require all licence holders to take steps to deal with ASB, and failure to demonstrate you are taking all reasonable steps is a breach of your condition, which can result in the Authority considering enforcement action against you. In addition to taking reasonable and practical steps to prevent or reduce anti-social behaviour there is a specific licence condition requiring you as a licence holder to put in place written ASB procedures detailing how complaints will be dealt with.



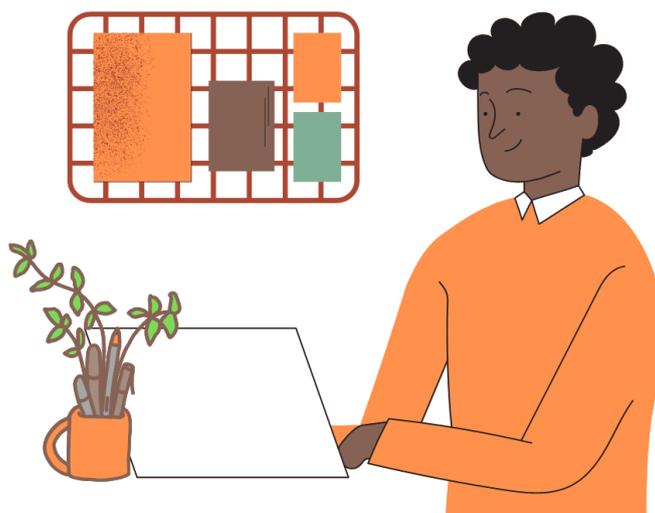
How can I prevent anti-social behaviour taking place?

Landlords and Managers have a range of options to help prevent Anti-Social Behaviour (ASB). Below are some examples of what you may want to include in your ASB procedure:

- Prospective tenant referencing. This might highlight any previous inappropriate behaviour when deciding to offer accommodation.
- Include clauses relating to ASB and waste in written tenancy agreements. This will set boundaries and expectation for your tenant's behaviour at the outset and provide an enforcement mechanism for you, leading up to eviction for breach of the contract terms.
- Brief tenants at the start of the tenancy on what is expected of them and the possible sanctions for inappropriate behaviour. Give them an Information pack for the property as per your licence conditions detailing your ASB procedure.
- Undertake regular inspections every six months as per your licence conditions and throughout the term of the tenancy and hold conversations with the tenants about ASB prevention.
- Introduce yourself to neighbours of the property and let them know that you are the landlord and/or manager, give them your name and contact details so that they can contact you at an early stage should your tenant cause a nuisance.

What action should I take to deal with an incident of ASB?

In many cases, ASB can be stopped when challenged early on and nipped in the bud by the landlords or manager.



Landlords/managers are expected to:

- Set up a meeting with their tenants and have an honest discussion about any complaint that has been made.
- Give practical advice about limiting noise, keeping windows closed, relocating noisy household appliances such as TVs etc., holding parties away from the house at local pubs and clubs rather than at home.
- For waste, again give advice and checking tenants have the correct containers and they have information about collection days and how to store and present refuse and recycling in the Information Pack.
- Send tenants a 1st letter, reminding them of their obligations in the tenancy agreement and ask them to modify their behaviour accordingly. Set out any agreed actions, send a copy to each tenant and keep a copy yourself, should the Authority ask for this.
- Write to any guarantor(s) asking them to have discussion with tenants if their behaviour has contributed to reports of ASB.
- Seek and provide support for perpetrators where appropriate (e.g., where they are vulnerable or at risk)
- If your tenants are students contact the University to provide support and ensure the students are following their code of conduct whilst at University.
- If there is a recurrence of ASB, arrange a further meeting, and issue a 2nd warning letter advising tenants that their tenancy is at risk, and further incidents are likely to result in an eviction notice.



How should I evidence the action I have taken?

Even at an early stage of receiving a complaint of anti-social behaviour, it is good practice and advisable to keep records of the complaints you receive. Keep any evidence you have of bad behaviour by the tenants as you may need this to satisfy your licence condition or if you have to go to court to evict your tenants.

It is advisable to keep detailed and clear records of when and how you have tried to speak to or contacted your tenants in a reasonable way.



It is usually advisable to follow up conversations or attempts to contact the tenant, by emailing or writing, so that there is a clear record of your attempts to resolve things. If you contact your tenants via text messages or messaging services, ensure you keep records of these as well.

The Council will as a matter of routine when investigating a complaint, ask the licence holder/manager to demonstrate that they are and have taken all reasonable and practicable steps to try to resolve the complaint and to mitigate against any future recurrence. If you and/or your manager do not keep records, the Council will consider this as a management failure, and this could be used as evidence against you in your future role as licence holder or manager.

Landlords Written Warnings

If reasoning with the tenant does not help, and there is clear evidence of the problems continuing you could consider sending a warning letter to your tenants, see **Appendix 1** as an example letter. It is important to keep a copy of all correspondence sent, a record of how and when you sent it and if you had a response. If this does not have any effect, you should consider sending a final warning letter, see **Appendix 2** for an example letter.

Warning letters should clearly state:

- What tenancy condition has been breached
- How occupiers have broken them
- What they should do to prevent further action being taken
- The consequences of continuing to breach the tenancy conditions.

Landlords Caution

A Caution falls somewhere between a warning letter and eviction proceedings because it is a more formal warning about breach of tenancy conditions. This is not a legal document.

The Caution should list the previous warnings that the tenants have received and detail the specific incidents that have happened which have caused the breach of their tenancy conditions. Cautions should only contain factual information, for example:

“On 1st September 2021 you and your household members or guests, caused a disturbance to your neighbours by playing loud music between 9.35pm and 12.45am”.

Cautions should be used in cases where a warning letter does not appear to have worked but you do not feel the case is serious enough to serve Notice. They should not be used in serious cases where a formal Notice to leave would be more appropriate. An example of a caution can be found in **Appendix 3**.

Legal Remedies for Landlords agents

Issuing court proceedings to evict tenants for breach of tenancy conditions is a last resort and should only be considered where informal action has failed, and the problem persists. The court would need to be satisfied that there is strong evidence to show there has been persistent and/or serious instances of ASB, and your informal actions have failed. It is always recommended that legal advice is sought before issuing proceedings to evict a tenant because it is essential to follow the legal steps and issue a valid notice.

Although a last resort, licence holders and managers need to be prepared to take this action where the situation demands it. In extreme ASB cases it may be possible to apply to the courts for an Injunction to specifically prohibit a tenant(s) from engaging in conduct causing or likely to cause ASB, by using the premises for immoral or illegal purposes, entering the premises or being found in the locality.

Local Authority Arrangements

The Council recognises that dealing with ASB can be difficult. The Council and its partners will often try to assist you in dealing with any ASB. This may involve a joint visit or contacting the tenants, advising them of their responsibilities and that there will be continued monitoring of the situation. The Council may also liaise with the complainants and encourage them to keep a log of any incidents.

If tenants have a single shared tenancy agreement, you should make them aware that even if a single tenant is responsible for ASB, all the tenants can be held liable for that person's behaviour under the terms of the tenancy.

Community Protection Officers, will first investigate reports of noise nuisance and waste complaints and take enforcement action where possible with the tenants and forward the complaint to the HMO Licensing & Compliance teams. They will also investigate any reports of fly-tipping, this includes where tenants are not following the rules and placing refuse out too early. If evidence of fly-tipping is found they can refer this for further enforcement action.

The **Licensing, Housing & ASB Officer** will then make contact with the licence holder and advise them of the complaint and ask them to take action in accordance with the licence conditions. If the nuisance is occurring in a student property, again the licence holder will be notified of any reported nuisance & the Officer will also liaise with the University. The Officer can provide some support and further advice, however licence holders should be competent to take appropriate action and maintain records. In some more serious cases the Officer will work with other Council teams, the Police or other support partners.

If a tenant is at risk of losing their tenancy due to ASB and is vulnerable, **Housing Aid** will be able to provide the information of housing support providers you can refer them to.

Nottingham City Council Contacts

You can report a problem with Anti-Social Behaviour or waste issues here - <https://www.nottinghamcity.gov.uk/reportit>

Nottingham City Council has many useful documents for landlords on our website and you can find them by following this link:

<https://www.nottinghamcity.gov.uk/information-for-residents/housing/private-rented-accommodation>

Contact the Housing Licencing & Compliance Team: HMO@nottinghamcity.gov.uk

Contact the Selective Licencing Team:

Selective.Licensing@nottinghamcity.gov.uk

Other Useful Contacts

Landlord's Accreditation Bodies

There are three accreditation bodies operating within Nottingham City boundaries and each caters to different types of properties. Accreditation bodies can provide training and support to their members.

- Unipol Student Homes: www.unipol.org.uk/Home
- DASH Services: www.dashservices.org.uk/Accreditation
- ANUK Accreditation: www.anuk.org.uk/

Nottinghamshire Police Neighbourhood Policing Team

- www.nottinghamshire.police.uk/neighbourhoods

Nottinghamshire Police Non-Emergency

- www.nottinghamshire.police.uk/101

Nottingham Trent University Community Liaison Team

- Tel: **0115 8484666**
- Email: communtyliaison@ntu.ac.uk
- Off Campus Patrol officers (24 Hours)

University of Nottingham Community Engagement Team

- Email: CommunityEngagement@Nottingham.ac.uk
- www.nottingham.ac.uk/YourCommunity

DOCUMENT VERSION CONTROL & CHANGE HISTORY				
Revision Date	Version No.	Author of Changes	Summary of Changes	Approved
07.07.2017	Published V3.1	Julie Liversidge	First Version	Head Of Service David Walker
05.04.2023	Published V9.0	Julie Liversidge Ed Casswell	Reviewed and updated	Communities Environment & Resident Services - Senior Leadership Team

Appendix 1: First Warning Letter Example

Name & Address of Occupier

Date

Dear

Re: Anti-social Behaviour / nuisance

I/we have received complaints that your behaviour is causing harassment, alarm and/or distress to others or is a nuisance and annoyance to others.

It is alleged that or It was reported that (details of the allegation/incident that has taken place) took place on (date) at (time) at (location).

This kind of behaviour breaks your tenancy conditions and would be a breach of the following conditions; (List tenancy conditions which have been breached)

I /we hope that having received this letter you understand that your behaviour is causing distress to other people and you will stop such activities in future. I/We will continue to monitor the situation, and should I/we receive further complaints, I/we may consider taking legal action against you. For example: applying for possession of your home.

If you would like to discuss this further with me/us, please do not hesitate to contact me/us on (tel number)

Yours sincerely

Landlord

Landlords contact details.

Appendix 2: Final Warning Letter Example

Name & Address of Occupier

Date

Dear

Re: Anti-social Behaviour / nuisance

Despite previous warnings on (Date) we have received further complaints/information

that you have continued to behave in an anti-social manner.

It is alleged that or It was reported that (details of the allegation/incident that has taken place) took place on (date) at (time) at (location).

This kind of behaviour breaks your tenancy conditions and would be a breach of the following conditions; (List tenancy conditions which have been breached)

I/we hope that having received this letter you understand that your behaviour causes harassment, alarm or distress to other people and I/we expect you to stop this behaviour immediately. Please take this as a final warning that your behaviour is being monitored and should we receive further complaints we will consider starting legal action against you and apply for possession of your home.

You should also be aware that if you lose your home because of anti-social behaviour,

then this is likely to affect any right you may have to be rehoused by the Council.

If you would like to discuss this further with me/us, please do not hesitate to contact me/us on (tel number)

Yours sincerely

Landlord

Landlord Contact details:

Appendix 3: Caution Letter Example

CAUTION FOR BREACH OF TENANCY CONDITIONS

Name of Tenant:

Address:

As a tenant of (insert landlord name(s)) you signed a tenancy agreement with us/me. You have an obligation to abide by these conditions. If you break the conditions you may lose your home.

Despite warning you previously; (include date and details of behaviour)

by Letter

by

I/We believe that you are continuing to breach the conditions of your tenancy.

THE CONDITION(S) BREACHED ARE:

(Insert the relevant conditions)

Details of Alleged Breach(es)

It is alleged that:

- 1.
- 2.
- 3.

This is a formal warning to notify you that unless the breach(es) stop. I/we (insert landlord(s) name) may commence legal proceedings against you.

Signed: (landlord) Date: