

Housing and anti-social behaviour

A guide for residents



**RESPECT
STANDARD
FOR HOUSING
MANAGEMENT**



Give respect Get respect

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What is anti-social behaviour?

- 1 Anti-social behaviour includes a wide range of problems. It can broadly be defined as **behaviour that is capable of causing nuisance or annoyance to an individual/s or the wider community.**

This type of behaviour can include:

- Nuisance neighbours
- Yobbish behaviour and intimidating groups taking over public spaces
- Vandalism, graffiti and fly-posting
- People dealing and buying drugs on the street
- People dumping rubbish and abandoned cars
- Begging and anti-social drinking
- The misuse of fireworks
- Reckless driving of mini-motorbikes.



Anti-social behaviour and housing

- 2 It is difficult to underestimate the fear and stress caused when people do not feel safe and secure in their own home or neighbourhood. One off incidents (for example a noisy party) can be a source of annoyance but it is often a series of incidents over time that can really upset and distress people. These need not each be major incidents in themselves but the build up over time can seriously hamper people's quality of life.
- 3 Local agencies have the tools and powers to tackle anti-social behaviour. That's why it is really important that people know who to turn to when they experience problems, and that they have faith that they will be listened to and their situation will be taken seriously. This is at the heart of the Respect campaign, a cross-Government strategy to tackle anti-social behaviour and nurture good. It is about everyone working together to build a society in which we can respect one another – where anti-social behaviour is recognised, is rare and tackled effectively and communities can live in peace together.



Who can help when cases of anti-social behaviour occur?

- 4 Action may be initiated by a number of agencies including the police, local authorities (for example environmental health teams) and social landlords (local authority landlords and registered social landlords (often known as housing associations)).
- 5 This guide is aimed at helping members of the public in making contact with sources of help and support. Readers should bear in mind that we can only provide general pointers. Naturally, the best way forward in reporting problems depends on the circumstances of each individual case.

The role of Government

- 6 Government has provided agencies (including local authorities and the police) with a wide range of tools with which to tackle anti-social behaviour. No matter what the situation or how long the problem has been going on there are things that can be done that work.
- 7 We are actively encouraging local agencies to put in place and deliver effective procedures for tackling anti-social behaviour which involves:
 - Prevention wherever possible
 - Early action to stop anti-social behaviour action as quickly as possible
 - Support for victims and witnesses
 - Support, where appropriate, for perpetrators to address its causes and prevent further damage to the community

- Taking action where people continue to break the rules or do not comply with conditions of action that has already been taken
 - Effective communication to let people know what action is being taken and why.
- 8** While the Government has set clear expectations and continues to support agencies in taking action it is up to each local service to design and deliver approaches which work best to address the different types of problems each community experiences.



Key agencies – who can help

THE LOCAL AUTHORITY

- 9** Local authorities (or 'councils') have a wide range of powers available to them for tackling a wide range of anti-social behaviour. All authorities have teams whose responsibility it is to deal with the following problems:
- Abandoned vehicles
 - Graffiti and fly posting
 - Damage to public property (street furniture, street lighting etc.)
 - Dumped rubbish/fly tipping
 - Noise.

- 10** Every area of England and Wales also has a local Anti-Social Behaviour Co-ordinator, specifically in place to help tackle local anti-social behaviour. To find out who your local co-ordinator is and to contact them go to:
www.respect.gov.uk/article.aspx?id=9082

THE POLICE

- 11** Some forms of anti-social behaviour may involve serious criminal activity and where this is the case, the Police should be notified immediately and in advance of other agencies who may have a role in helping. This is of particular importance where an incident has involved violence or the threat of violence. Other types of serious incident should also be dealt with in the first instance by contacting the Police including drug related activity or hate crime (for example racially motivated abuse).
- 12** By April 2008 every area will have a neighbourhood policing team focussed on tackling local problems like anti-social behaviour. Many neighbourhood policing teams hold regular meetings and all are out and about on the streets in communities. You can find details of your local Police and how to contact them at:
www.police.uk/forces/default.asp



Signposting sources of help

- 13 No matter what type of housing you live in and what type of housing those committing anti-social behaviour live in there are things that can be done to stop it. The ways and means of doing so can be different depending on whether you or the perpetrators live in social housing, rent accommodation privately or are home owners. We examine below what help is available in different situations to tackle anti-social behaviour in housing.
- 14 A table at the back of this booklet gives a quick summary of the key tools and powers available to tackle anti-social behaviour and who can access them.



SOCIAL LANDLORDS

- 15 Social landlords include local housing authorities, councils and registered social landlords (often referred to as housing associations).
- 16 If the person committing anti-social behaviour is a tenant of a social landlord, or lives with or visits a tenant of a social landlord then the person/s affected by this behaviour should give the landlord details of the problems first (unless as outlined previously it is a serious criminal matter where the police should be contacted first and the landlord subsequently informed). Action may be taken regardless of whether the person who complains is also a tenant of that landlord, renting from a private landlord or a homeowner.

- 17** Even if the landlord is not the best agency to tackle the problem they should be able to give you advice on the appropriate next steps to take. It is also important that they are made aware of any problems as they arise as this can often help in identifying solutions as quickly as possible.
- 18** Government expects landlords to publicise how to go about making a complaint – details should be readily available from the housing office or on the landlord’s web-site. Landlords are also encouraged to contact the community through flyers and newsletters to make sure everybody has the information they need to hand. Social landlords are also under a legal duty to publish their Policies and Procedures on anti-social behaviour and make a summary of them available free of charge to anyone who requests it. This ensures that the community are aware of the service which a social landlord undertakes to tackle anti-social behaviour.

What we expect of a good social landlord

- 19** The Government is encouraging social landlords to sign up to the Respect Standard for Housing Management to highlight their commitment to residents on tackling anti social behaviour. This voluntary Standard establishes an outline of the components which together deliver an effective response to anti-social behaviour and help create a culture of respect.
- 20** Strong housing management can make a real difference to the quality of lives of residents and the wider community. Often they will be the first to identify problems and the first agency people experiencing anti-social behaviour approach. An assertive response to problems combining support with sanctions where behaviour does not improve is critical to creating and protecting communities.

What powers do social landlords have?

- 21** More often than not it is not necessary to seek enforcement action through the courts to stop anti-social behaviour. Sometimes people just need to be told that their behaviour is not acceptable by way of a letter or a visit. Acceptable Behaviour Contracts (ABCs) often prove very effective. This involves an agreement between an agency and the person who has been behaving anti-socially. It is not legally binding but if somebody refuses to stick to what they have agreed then further action can be taken.
- 22** If other approaches are not effective or if there is a serious problem that demands a tough response then social landlords have a wide range of powers available to them through the courts that they can use to tackle anti-social behaviour. Powers include:
- **Housing Injunctions (known as ASBIs)**
court orders that prevent people from carrying out certain acts or behaviours.
 - **Demotion Orders**
court orders that reduce the security of peoples' tenancies so that it becomes easier for the landlord to evict a tenant if their anti-social behaviour continues.
 - **Possession Orders**
court orders that request authority to evict a tenant because of certain behaviour that is affecting others.
 - **Anti-Social Behaviour Orders (ASBOs)**
court orders that carry criminal sanctions if behaviour continues by the person they are taken out against.
- 23** It is important that social landlords and partner agencies use a twin track approach, using enforcement action as necessary but also running prevention and support activities.

For example, many social landlords run schemes for young people to engage them in positive activities and mediation services for neighbours engaged in disputes.

What to do if a case has been mishandled

- 24** If you are not satisfied with how a social landlord has dealt with a complaint about anti-social behaviour, the first port of call should be the landlord's own complaints procedure which the landlord must provide details of. If the problem is not resolved within a reasonable time then you may wish to consider contacting an Ombudsman for further assistance.
- 25** An Ombudsman will not 'take sides', they only consider if there is something that the landlord may have done wrong or failed to do in addressing the person's complaint. The service is free to use. If a complaint is about a:
- **Local housing authority** then the Local Government Ombudsman will deal with the complaint. Information is available: at www.lgo.org.uk or on **0845 602 1983**
 - **Registered social landlord** then the Housing Ombudsman Service will help. Information is available: at www.ihos.org.uk or on **020 7421 3800**

PRIVATE RENTED SECTOR

- 26** Private landlords are private individuals or companies who own property that is entirely independent of the local authority or housing associations. They range from small-scale buy-to-let landlords to large-scale landowners, companies or charities with professionally-run estates. Where the person committing anti-social behaviour is a tenant of a private landlord, or lives with or visits a

tenant of a private landlord then, where possible, the private landlord or the letting agent should be contacted, with details of the problems you are experiencing.

- 27** Private landlords have the power of the tenancy agreement to tackle anti-social behaviour in their properties. Responsible landlords do not want to house anti-social tenants as they are also likely to present other problems such as damage to the property, difficulties with paying the rent, and possibly threatening or abusive behaviour towards the landlord. Private landlords have the power to evict, if all other approaches don't stop the problem. We encourage private landlords to work closely with other agencies because while they cannot use tools such as ASBOs and ASBIs themselves they can seek the support of the local authority and the police in helping to solve problems.

What powers can be used against private landlords?

- 28** If a private landlord is avoiding his management responsibilities by refusing to take appropriate action to deal with his anti-social tenants there are enforcement measures available to the local authority. The steps that it takes will depend on the scale of the problem.
- They can make **Special Interim Management Orders** which tackle serious individual cases of anti-social behaviour from single houses which affect the community nearby. The landlord remains the owner of the property but the local authority take over management of the property to stop the anti-social behaviour.
 - They can make a **selective licensing scheme** if the problem is not confined to individual properties but involves an area suffering from significant and persistent

anti-social behaviour from several properties. Under this all landlords of privately rented properties are required to obtain a licence which can ensure that landlords and their managers in designated areas meet minimum management standards.

- Additionally there is provision for **mandatory licensing** of high-risk Houses of Multiple Occupation (HMO) (3 storeys and 5 or more occupants not of a single household) by local authorities to deal with particular problems locally.

Further information on these measures can be found at:
www.housing.communities.gov.uk

Many areas run accreditation schemes to highlight the best practice from the private sector landlords in their area.

OWNER OCCUPIERS

- 29** Families and private individuals who own their own home sometimes experience or perpetrate ASB and there are a range of powers that can be used to tackle these problems to protect the individuals and wider community.

What powers can be used against owner occupiers?

- 30** People often think that if a home owner commits anti-social behaviour there is little that can be done to stop it. This is not true as many enforcement mechanisms such as Acceptable Behaviour Contracts (ABCs), Anti-social Behaviour Orders (ASBOs), Parenting Orders/Contracts and injunctions are available regardless of whether the perpetrator is a home owner or not. A guide to some

tools and powers have been produced by the Respect Task Force and can be found at:

www.respect.gov.uk/article.aspx?id=9704



Other community support

COMMUNITY SUPPORT OFFICERS

- 31 Less serious but nevertheless annoying or disturbing incidents or behaviour should also be reported. Community Support Officers (CSOs) do not have the same powers as fully-fledged police officers, but CSOs spend much of their time on patrol in communities and can be approached with any questions or worries you have about anti-social behaviour or crime in your area. CSOs have a range of powers, for example they can issue fixed penalty tickets for minor anti-social behaviour and demand the name and address of a person acting in an anti-social manner. They may also confiscate alcohol being consumed in a public place and seize vehicles that are being used to harm other people.

NEIGHBOURHOOD WARDENS

- 32 Neighbourhood Wardens operate in many areas of the country, providing a highly visible, uniformed, semi-official presence in residential and public areas, town centres and high crime areas. Their overall purpose is to improve quality of life and contribute to the regeneration of an area. One of their key aims is deterring anti-social behaviour, in response to local needs. This may involve providing a visiting service for particularly vulnerable groups such as the elderly and victims of crime or assisting with environmental improvements such as litter, graffiti, dog fouling and improvements to housing.

- 33** We want the public to help to take a stand against all types of anti-social behaviour and to help create a culture of respect within their community. Agencies in your area should be taking a leading role but they can do so much more effectively where they have the help and support of the community. If you are suffering with problems you should do what you can to tackle the problem – for example asking a neighbour to keep the noise down late at night. This often works as often people may be unaware their behaviour is causing a nuisance to others and will be happy to co-operate. Of course sometimes people may be rightly reluctant to approach neighbours where they are fearful of how they might react in which case it is better to report to the relevant agency (eg local council, police or your housing office) so they can intervene.
- 34** But there's lots more that you can do to tackle these issues and promote a culture of respect in your community. Here are a few ideas to get you going:
- Ask your landlord to sign up to the Respect Standard or work towards doing so. Challenge them if they've signed up but are not delivering against the Standard.
 - Attend public meetings and other events organised by your landlord to hold them to account for their performance against the standard and to see what role you can play in tackling anti-social behaviour and building respect.
 - Write an article for your local residents group, local newsletter or community magazine about promoting a culture of respect in your neighbourhood.

- If you are a member of a local community group, including a residents group, why not prompt a discussion at your next meeting on how you can promote the Respect agenda in your neighbourhood. Organise a community event to encourage your neighbours and others to get involved in promoting respect.
- Organise a community led clean up of your estate or a local park. Ask local services to work with you.

See *Further Information* for how to get hold of the public and landlord guides on the *Respect Standard for Housing Management*.

Quick reference guide to key tools and powers available to tackle anti-social behaviour in housing and who can access them.

This list is not exhaustive.

Tools and Powers	Available to
Anti-social behaviour orders	Police Local Authorities Registered Social Landlords
Anti-social behaviour injunctions	Local Authorities Registered Social Landlords
Possession Orders	Local Authorities Registered Social Landlords Private Landlords
Demotion orders	Local Authorities Registered Social Landlords
Acceptable behaviour contracts	A wide range of agencies
Crack house closure orders	Police (with the co-operation of the local authority)
Dispersal	Police (with the co-operation of the local authority)
Parenting Contracts	Local Education Authorities, Schools and Youth Offending Teams



Further information

Communities and Local Government

- 35 Communities and Local Government can provide general information to members of the public on housing issues and anti-social behaviour policy but we cannot intervene in or provide advice on individual cases. If you want to obtain further information on anti-social behaviour policy you can find information available on the website helpful: www.communities.gov.uk

The Respect Task Force



Give respect Get respect

- 36 The Respect Task Force in the Home Office has overall responsibility for the Government's Respect drive. More information on their role and the Government's approach to creating a culture of respect can be found at: www.respect.gov.uk

Literature you may find of use

Further copies of this leaflet and *Respect Standard for Housing Management – A Guide for the Public* (06HC0485/A) and *Respect Standard for Housing Management – A Guide for Landlords* (06HC04085/B) are available from:

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