

Appendix D:

Social Landlord's – A summary explanation of the tools and powers for tackling social tenancy related ASB.

This summary provides a brief explanation of the key tools and powers available for **Social Landlords** used to tackle anti-social behaviour in points A-E below:

A. Warning letters

Warning letters are most often sent to individuals by their social landlords when they come to notice for low level anti-social behaviour. The warning letter will warn the individual in question against engaging in any further anti-social behaviour. The letter will indicate that further action may be taken if the behaviour does not cease. Where the person is under 18, the letter will usually be sent to the parent and tenancy holder for the home address.

B. Acceptable Behaviour Contracts or Agreements

Acceptable Behaviour Contracts (ABC's) are voluntary, written agreements between an individual who has been involved in anti-social behaviour and agencies including the Local Authority, the Police, Housing. The contract (or agreement) can specify a list of types of anti-social behaviour which the alleged perpetrator has been involved in and has agreed not to continue with. There is no formal sanction for breaching ABC's, however a refusal to sign, or a breach of the agreement would suggest more formal action should be taken against the individual, e.g., an application for a Criminal Behaviour Order, Injunction or Possession proceedings.

C. Housing Injunctions to prevent nuisance or annoyance

An injunction is a civil order obtained from the county court that under section 153 of the Housing Act 1996 and can be used to control and remedy anti-social behaviour.

An injunction can be applied for against tenants, owner-occupiers and non-tenants where conduct 'is capable of causing nuisance or annoyance to any person', and directly or indirectly relates to or affects housing management functions of the social landlord.

In serious cases where there have been threats of violence, actual violence or significant risk of harm, the defendant can be excluded from a specified area. If an injunction is breached it is dealt with by way of civil proceedings and if this is proven the court can impose a fine or commit the defendant to prison for a maximum term of 2 years.

D. Demotion Orders

A demotion order can be used to tackle anti-social behaviour being caused by the tenancy holder or members of their household and/or visitors.

A demotion order reduces the tenancy from a secure tenancy to a non-secure tenancy.

Where a demotion order is to be pursued the landlord must issue a notice of demotion and after 28 days of the service, can issue proceedings with the county court for the application of the order. This notice is valid for a period of 12 months and it is a discretionary power of the landlord if they wish to pursue the order through the court or not.

Where such an order is granted, the tenant must comply fully with their tenancy or risk eviction proceedings. If the demotion order is breached then the Court has no discretion but to make an outright order for possession, provided it is satisfied there has been no failure to comply with procedural requirements.

E. Possession Orders and Absolute Grounds for possession (AGP)

In serious cases Social Landlords may apply to the court for a possession (eviction) order on the grounds of anti-social behaviour. The anti-social behaviour may have been proven in another court; for example, a conviction for a public order, drug misuse/possession or violent offence.

As with a demotion order the landlord must issue a notice of seeking possession (NoSP) and after 28 days of the service can issue proceedings with the county court for the application of the order. This notice is valid for a period of 12 months; it is a discretionary power of the landlord if they wish to pursue the order through the court or not.

The absolute grounds for possession power is intended for the most serious cases of anti-social behaviour, and landlords must ensure that the grounds are only used selectively and where absolutely necessary.

The five grounds for such an application are as a result of:

- Conviction of serious offence
- The breach of an Injunction to prevent nuisance or annoyance
- The breach of Criminal Behaviour Order
- A Closure Order being imposed upon the premises
- The breach of a noise abatement notice