

Landlord, Leaseholder and Tenant Guide to Anti-Social Behaviour in Private Sector Property Lettings

Anti-social Behaviour (ASB) in housing

Activities carried out by occupiers or their guests which adversely impact on the local community by causing nuisance, annoyance or distress is classed as Anti-Social Behaviour (ASB).

ASB can include:

- Noise – such as shouting, loud music and noisy parties
- Litter – dumping on the street, fly tipping
- Alcohol related nuisance
- Graffiti

Enforcement Options

Whilst it is hoped that all landlords will monitor and control the use of their properties, the Council has a number of tools available to it to take action against those who cause or permit anti-social behaviour in their property.

The Anti-Social Behaviour, Crime and Policing Act 2014 (the “Act”) brought in new tools and powers available to Local Authorities, Police and other relevant organisations. Putting victims at the centre of the response to ASB, the Act allows these agencies to use powers that are flexible and robust enough to deal with a wide range of issues affecting communities.

This is the link to the Act:

<http://www.legislation.gov.uk/ukpga/2014/12/contents/enacted>

Community Protection Notices (CPNs)

CPNs can be issued by the Council, Police and, if granted designated authority, Social Landlords to tackle ASB of any type. CPNs are designed to stop a person aged 16 or over, a business or organisation, from committing anti-social behaviour which is persistent, unreasonable and has a detrimental effect on the community’s quality of life.

A CPN can require a person to stop doing something, such as making noise and/or require them to take action e.g. clear 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 or visitors at their properties.

Breach of a CPN is a criminal offence and a fixed penalty notice can be issued up to £100. Should an individual fail to comply the courts could issue a fine up to £2500 or £20,000 for a business or organisation. Other disposal options include remedial action, a remedial order, forfeiture order or seizure.

Civil Injunctions

Councils, police and social landlords are able to apply for an injunction where the conduct of any person over the age of ten is capable of causing nuisance or annoyance to a person in relation to that person's occupation or residential premises.

The injunction can also be used in situations where the perpetrator has allowed another person to engage in anti-social behaviour, as opposed to actively engaging in such behaviour themselves. For example, in a case where another person, such as a visitor or lodger, is or has been behaving anti-socially, the injunction could be used against the problem visitor, lodger or owner if applicable.

Breach of a civil injunction is a contempt of court with unlimited fine or up to two years in prison.

Closure of Premises

Closure powers allow the council or police to quickly close premises which are being used, or likely to be used, to commit nuisance or disorder. The power comes in two stages: the closure notice and closure order.

A closure notice can be issued by the council or police without going to court. It can last for a maximum of 48 hours, closing the premises to everyone except owner or those who habitually live there.

Once a closure notice has been issued, an application must be made to magistrates' court for a closure order; this application must be heard within 48 hours or the order must be cancelled.

A closure order can be made for a maximum of three months; this can be extended by magistrates' court for a maximum six months. The order can exclude everyone from a premises, including the owner.

Breach of closure notices and orders is a criminal offence, punishable by up to six months in prison or an unlimited fine.

Reporting Anti-Social Behaviour

If anti-social behaviour is affecting you, your family or someone you know, you can expect the relevant council department and the police to treat the problem seriously, take action and then report back to you what they have done.

In an emergency always call 999 or textphone 18000

For non-emergency situations and anti-social behaviour call the police on 101 or textphone 18001 101

The Council's ASB team can be contacted Monday to Friday during working hours by email: commsafe@rbkc.gov.uk

When you report ASB we will ask you questions about what happened, when and where it happened and by whom. We will use this information to decide whether the matter is personal, environmental or nuisance anti-social behaviour and who is the best agency to deal with it.

Environmental ASB

To report noise nuisance

Call: 020 7361 3002

Email: environmentalhealth@rbkc.gov.uk

To report litter, fly-tipping or graffiti

Call: 020 7361 3001

Email: Streetline@rbkc.gov.uk