

## **Good Practice tips for Licensed Landlords to help you reduce and resolve Anti Social Behaviour.**

**As a landlord you have made a substantial investment not only in the property you have bought but also in the community. If for no other reason than securing a return on your investment you also have a key role to play in developing and strengthening that community. Nothing devalues property and undermines the stability of a community faster than anti-social behaviour.**

**By taking steps to ensure you protect your tenancy from the start you can play a role in combating anti-social behaviour.**

**This guidance highlights:-**

- **Practices used by some of the most successful landlord in managing anti-social behaviour.**
- **What to do when you receive a complaint**
- **How to report antisocial behaviour**
- **Suitable wording for a tenancy agreement clause on anti-social behaviour**

### **Newcastle City Council offer landlords' free assistance to help reduce and resolve anti social behaviour including**

- **A free tenant referencing service which can include a check with Northumbria Police, social housing providers and other private landlords.**

**And**

- **Free tenancy agreements**

**For more information contact the selective licensing team**

**Telephone: 0191 211 6102**

**Email: [selectivelicensing@newcastle.gov.uk](mailto:selectivelicensing@newcastle.gov.uk)**

**Before you rent out your property and as a Licensed Landlord you must have potential tenants reference checked.**

Ask tenants to provide written references from previous landlords (with telephone numbers for verification) and 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 direct 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 your Tenancy Agreement has a clause about anti-social behaviour and be sure to provide a copy of signed agreement to the tenants.

You may want to let your tenants know at the beginning of the tenancy who they can contact to report Anti-social Behaviour.

Tip:-

Leave your contact details with a trusted neighbour/ local residents to ensure you are the first to know if any problems arise (or register your properties with Newcastle Private Rented Service).

**During the term of the tenancy try to respond quickly to any complaints received. The longer anti-social behaviour continues, the worse its effect could be. Please see our guide on what to do when you receive a complaint.**

Tip:-

Keep in regular contact with your tenant through quarterly /bi annual property inspections. If you live far away consider employing an 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: -

Check with 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**

This procedure is not a prescriptive protocol. It is simply a guide for landlords so that they can be aware of their roles and responsibilities when dealing with Anti-social Behaviour. The main purpose of the protocol is to make sure that there is communication between the landlords and the Selective Licensing Team (SLT) so as to avoid as far as possible any duplication of resources. It is to ensure a consistent and co-ordinated approach to tackling Anti-social Behaviour by the various 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(s) 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 so as to ensure it does not continue. In fact 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 then it is expected that the landlord will escalate this case to reflect the seriousness of the incident.

In some cases, for example, this will involve skipping step 1 and step 2 and going straight to step 3.

**Most importantly do not ignore the 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 FOLLOW 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 buying a property).
- 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 necessary call the police. Report any incidents to them and give them your details. They may monitor the situation and may want to contact you if something happens that you are not aware of.
- The Selective Licensing Team (SLT) should be kept informed of all complaints and may do their own investigation.

Tip: -

Consider following up any meeting/ conversation with a letter to your tenants. 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 the breach of the tenancy agreement.

**Step 2 – Approach the SLT for support. Provide details of complaints received and from whom; discuss what steps you have taken so far.**

The SLT may suggest a joint meeting between yourself your tenants and other relevant organisations to discuss the ongoing problems.

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).

Always support 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.

**Step 3 - Get tough**

You may have to consider ending the tenancy by serving a notice and gaining a possession order against your tenants.

Remember it is your property and they are your tenants and 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.

## Ways to report Anti-social Behaviour in Newcastle upon Tyne

### Criminal Behaviour

Report Criminal Behaviour to **Northumbria Police** – emergency number 999 or for non-emergency incidents please telephone your local station.

**03456043043**. Email: [benwellelswick.npt@northumbria.pnn.police.uk](mailto:benwellelswick.npt@northumbria.pnn.police.uk)

### 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. The Council operates a Night Time Noise Service, Nightwatch on 7 nights per week between 8pm and 4am. The team will respond to neighbour noise as quickly as possible.

If you are experiencing noise problems please ring the **24 hour Neighbourhood response line** and they can help you deal with your complaint. **0300 1000 101**

### Report Racist Behaviour

Report Racist Behaviour to **ARCH** – (Agencies Against Racist Crime and Harassment). ARCH is a group of organisations that work together to combat racism in Newcastle.

It provides a free 24-hour phone line to report any racist incident anonymously and confidentially. It operates 365 days a year, with live translation in over 100 languages.

Email: [arch@newcastle.gov.uk](mailto:arch@newcastle.gov.uk)

**08000 32 32 88, 0191 2777833**

### General complaints

For General complaints of Anti Social Behaviour you can contact the 24 hour **Neighbourhood Response Line on 0300 100 101** or during the hours of 8.30 until 4.30, contact the **Selective Licensing Team on 0191 211 6102**

**If you would like more information on any of these services or would like to discuss a complaint please contact the selective licensing team on 211 6102.** We will treat all incidences in confidence and may refer you to a relevant organisation which can offer you support in your situation.

## **Tenancy Agreement Clauses**

These clauses are agreed robust enough to cover most cases of ASB and make clear to tenants what is expected of them. The Newcastle Private Rented Service offers a FREE sign up service using tenancy agreements which include these below, however if you prefer to use your own you may wish to include the below.

- (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.**
  - **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.**
  - **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 Newcastle City Councils ASB guidance and I shall include terms and clauses in my tenancy agreement that covers ASB.**

**On receiving ASB 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\* <sup>1</sup> At this point I would contact the SLT for advice and provide copy of the letter to the SLT**
- **If I receive and Police to help tackle the ASB caused by my tenant (s) further complaints I will make a home visit\*<sup>2</sup> and issue a formal warning to my tenant**
- **Finally if the problem of ASB persists then I would seek advice<sup>3</sup> 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**

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<sup>1</sup> 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 Selective Licensing Team (SLT) and keep a record of all complaints. Standard warning letters to send to your tenant(s) are available upon request from the SLT

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

<sup>3</sup> Contact the SLT to seek advice on how to end the tenancy