



Lewisham Council's House
in Multiple Occupation
(HMO) Landlords and
Managing Agents Model
Anti-Social Behaviour (ASB)
Management Policy

What is Anti-Social Behaviour (ASB)?

Anti-Social Behaviour (ASB) includes a wide range of unacceptable behaviour that affects the quality of life for residents and others living or working in the community. ASB at its lowest level, can be actions that are deemed a nuisance or annoyance to others, and up-to *'behaviour by a person which causes, or is likely to cause, harassment, alarm or distress to persons not of the same household as the person'*. As ASB can affect persons in different ways, with some people being affected more than others, we always look at the individual's experience and the impact the behaviour has had on the individual.

The types of anti-social behaviour can be designated into the following groups: a) personal (where an individual or group is the subject of the anti-social behaviour); b) nuisance (this occurs where there is trouble or nuisance affecting more than one person) and c) environmental (in which a person's actions impacts the environment, public space or building).

The following acts we consider anti-social and is not exhaustive but includes:

- Hate-related incidents (e.g. based on race, sexual orientation, gender, disability or belief)
- Violence (e.g. Domestic or Physical)
- Verbal abuse, harassment, intimidation or threatening behaviour
- Vandalism and damage to properties
- Prostitution, sexual acts or kerb crawling
- Criminal behaviour (e.g. Use of the accommodation for unlawful purposes, such as selling or using drugs)
- Misuse of communal areas, public areas (e.g. unsightly rubbish, litter or discarded items left around the property and its exterior) or loitering
- Noise Nuisance (e.g. Hosting noisy parties, having music or television turned up very loud or otherwise causing a noise disturbance)

What is not Anti-Social Behaviour (ASB)?

It is useful to note that behaviour which results from day-to-day living and different lifestyles may not be considered excessive or unreasonable. However, each complaint will be dealt with on a case-by-case basis to determine whether or not this is a course of conduct that includes other antisocial behaviour and to assess the overall impact.

The issues listed below are generally not considered to be antisocial behaviour:

- Cooking smells
- DIY in reasonable hours
- Young people gathering socially

- Someone parking lawfully outside your home
- Low-level neighbour disputes

ASB Policy

Finding that the actions of an individual or group of persons may have gone beyond what can be termed reasonable behaviour, causing you to feel targeted or intimidated, is unpleasant and unacceptable. This is compounded when the anti-social behaviour is caused by a tenant/s with whom you share a property; leaving you further isolated and distressed in your own home.

The complaint process is not only to highlight unacceptable behaviour but that this behaviour must cease immediately. However, where the problem/s or behaviour have escalated, or you have been threatened, verbally abused, or personally targeted, it is more than likely that the police will need to be involved. You will be advised of the plan of action and given, as a complainant, the various range of options available.

Making/Receiving Complaints

Tenants can report ASB using (info@siriestates.com) or calling ([02081067676](tel:02081067676)).

If the ASB is ongoing or serious, tenants are also encouraged to report this to the police.

And/Or

To the Council on 0208 414 7237 or by email to CER@lewisham.gov.uk

The ASB Complaint is received:

Incidents of ASB will be acknowledged by telephone call, text message or email within **24hours** of being reported. The person submitting a complaint is known as a 'complainant'; the person causing the anti-social behaviour as the 'perpetrator'.

The complainant should be advised that they will be contacted within **3 working days** for an interview, and that they should collate any relevant supporting evidence/information.

Complainant interviews:

This section applies to all complainants. This includes neighbours and other members of the public as well as tenants.

The complainant must be contacted for an interview (phone or face-to-face) within **3 working days** of the incident being reported. An Action Plan should be completed with the complainant within **3 working days** of the incident being reported.

- Details of the allegation must be recorded in full. An action plan will need to be agreed with the complainant and the agreed actions should be issued in writing. The action plan must outline any proposed actions and the timeframe for them to be completed. The complainant should be advised how to notify you of any further incidents should they occur whilst the matter is being investigated.
- In the first instance, and only in cases where there has been no threats, violence or harassment, the best course of action may be to suggest that the complainant contact the alleged perpetrator directly to try to resolve the issue. In many cases, this may be considered the best way to resolve issues at an early stage. An example of the types of matters when this may be appropriate, is a complaint about noise.
- If intervention is required, the complainant should be informed that when the alleged perpetrator is contacted, the complainant's name will not be given, but that their details may need to be disclosed to the alleged perpetrator in order for them to engage in certain remedial options such as mediation.
- The complainant will need to be notified if any independent enquiries will need to be made to assist with your investigation, e.g. contacting other residents or witnesses regarding the alleged incident.

Contacting the alleged perpetrator; 1st report of ASB against them

The alleged perpetrator should be contacted within **4-5 working days** of the incident being reported. Warning Letters should be issued within **10 working days** of the incident being reported, if appropriate.

- After agreeing an action plan with the complainant, the alleged perpetrator will be contacted and notified of the ASB allegations.
- If the alleged perpetrator accepts that they have caused a problem, and if it is appropriate (very minor cases), they can be asked cease causing a nuisance and be warned that if they do so, they will be issued with a 1st warning letter.
- Equally, if the alleged perpetrator accepts the allegation made against them, it may be appropriate to issue them with a 1st written warning, highlighting the tenancy agreement conditions that have been breached, what action has been taken and a warning that further action will be taken if the behaviour persists.
- If the alleged perpetrator denies that they have caused a problem and there is no other evidence to support the complaint, no further action can be taken. If there is other evidence to support the complaint, the a perpetrator should be issued with a 1st warning letter, highlighting the tenancy agreement conditions

that are alleged to have been breached, what action has been taken and a warning that further action will be taken if the behaviour persists.

- If the alleged perpetrator makes counter-allegations, these may also need to be investigated. Depending on the outcome of your investigation, both parties may need to be issued with warning letters.
- Mediation is a useful tool to help resolve some ASB disputes. This option should be discussed with both parties as a potential step towards a resolution. Both parties should be asked whether they agree to mediation within **3 working days** of it being established that there is a dispute. Mediation could be provided by [The Property Resolution Service](#) or [UK Mediation Network](#) or another mediation provider of your choice. Depending on the outcome of the mediation, letters will be sent confirming the resolution and warning that further action will be taken if the issue persists.
- In some cases, depending on the severity of the problem, you may need to take immediate action to resolve the situation, e.g. termination/removal of the tenant. The tenancy will be brought to an end by serving the requisite notice and going through the court to evict the perpetrator. Where there are concerns for the safety and wellbeing of other residents and neighbours, we will seek their protection by applying for a restraining order. Where appropriate the court will be asked to order the perpetrator pays the costs including those of the court applications.

Contacting the alleged perpetrator; 2nd report of ASB against them

The alleged perpetrator should be contacted within **4-5 working days** of the incident being reported. Warning Letters should be issued within **10 working days** of the incident being reported.

- If a 2nd report of ASB will trigger another investigation (see above). If the alleged perpetrator accepts the allegation, then a 2nd warning letter will be issued. This letter will refer to the 1st warning letter and highlight the conditions of the tenancy agreement that have been breached. The letter will confirm that any further ASB allegations that are found to be true will result in them being issued with a final warning letter and the termination of their tenancy.
- If the alleged perpetrator denies the allegations and there is no other evidence to support the complaint, no further action should be taken. However if there is other evidence to support the complaint, the perpetrator should be issued with a 2nd warning letter. This letter will refer to the 1st warning letter and should highlight the conditions of the tenancy agreement that have been breached. The 2nd letter needs to confirm that any further ASB allegations that

are found to be true will result in them being issued with a final warning letter and an application to Court for termination of their tenancy.

- If the alleged perpetrator makes counter-allegations these may also need to be investigated. Depending on the outcome of your investigation, both parties may need to be issued with warning letters.
- You may find that mediation is a useful tool to help resolve some ASB disputes. This option should be discussed with both parties as a potential step towards a resolution. Both parties should be asked whether they agree to mediation within **3 days** of it being established that there is a dispute. Mediation could be provided by [The Property Resolution Service](#) or [UK Mediation Network](#) or another mediation provider of your choice. Depending on the outcome of the mediation, letters should be sent confirming the resolution and cautioning that further action will be taken if the issue persists.
- In some cases, depending on the severity of the problem, you may need to take immediate action to resolve the situation, e.g. termination/removal of the tenant. If ASB puts tenants or neighbours at risk, the tenancy will be brought to an end by serving the necessary notice and evicting perpetrator through court action. The safety and wellbeing of other residents and neighbours will be protected by applying for a restraining order. The court will be asked to order that the perpetrator pays the costs of these court applications.

Contacting the alleged perpetrator and pursuing eviction proceedings; 3rd report of ASB against them

The alleged perpetrator should be contacted within **4-5 working days** of the incident being reported. Warning Letters should be issued within **10 working days** of the incident being reported

- If a 3rd report of ASB is made against a perpetrator, there will be another investigation following the steps outlined above. If the alleged perpetrator accepts the allegation then they will be issued with a final warning letter. This letter will refer to the 1st and 2nd warning letters and highlight the conditions of the tenancy agreement that have been breached. The final letter will confirm that the ASB process has been exhausted, and they have subsequently been found in continuous breach of their tenancy agreement. The eviction procedure and the next steps you will be taking should be clearly set out in the letter.
- If the alleged perpetrator denies the allegations and there is no other evidence to support the complaint, no further action should be taken. However if there is other evidence to support the complaint, the perpetrator should be issued with a Final Warning Letter. This letter will need to refer to the 1st and 2nd warning letters and highlight the conditions of the tenancy agreement that

have been breached. The final warning letter needs to confirm that you have exhausted the ASB process and that they have subsequently been found in continuous breach of their tenancy agreement. The eviction procedure and the next steps you will be taking should be clearly set out in the letter.

- If the alleged perpetrator makes counter-allegations these may also need to be investigated. Depending on the outcome of your investigation, both parties may need to be issued with warning letters. The alleged perpetrator should be warned that they have exhausted the ASB process, and if the investigation concludes that they have broken the terms of their tenancy agreement, they may well be evicted even if others have been shown to have broken their agreements as well.
- If the investigation concludes that no breaches of the tenancy agreement have been proved, then the alleged perpetrator and complainant will be contacted and informed of this.
- If the investigation concludes that the perpetrator has breached the tenancy agreement, they should be informed of this in writing. This letter will inform them that the next step is the court eviction process.
- Court proceedings to evict the perpetrator will commence following a third substantiated ASB complaint.