

**PREVENT and REDUCE**

**CRIME and  
ANTI-SOCIAL  
BEHAVIOUR**

**IN OUR NEIGHBOURHOODS**



# **ANTI-SOCIAL BEHAVIOUR**

**A self-help guide  
for private landlords  
in Sandwell**





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## 1. What is anti-social behaviour?

- 1.1. Unfortunately, there is not one legal definition of ASB; different definitions are used in law depending on the legal tool that is being used. You may therefore hear lots of different words being used to define ASB.
- 1.2. Commonly, housing providers will use the following definition: **“any behaviour that is capable of causing housing related nuisance or annoyance to any person”** or **“Behaviour likely to cause harassment, alarm or distress”**.
- 1.3. However, another definition is contained in the Crime and Disorder Act (1998). This being **“Acting in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as (the defendant)”**.
- 1.4. Different tests may apply when using different tools and powers to resolve issues, so this can be confusing for landlords who may encounter these terms. So, a common-sense approach is recommended.
- 1.5. The following activities are things you might generally treat as anti-social behaviour if they cause harassment, alarm, distress or significant nuisance and annoyance to others:
  - Unacceptable Noise
  - Alcohol/drug-related incidents
  - Pets and animal nuisance
  - Litter, rubbish, fly-tipping
  - Threats of Violence
  - Drug Dealing/Cultivation/Production
  - Verbal abuse
  - Misuse of shared areas/public space
  - Nuisance from vehicles
  - Vandalism/Criminal Damage
  - Physical Violence/Assault
  - Malicious Communications
- 1.6. However, behaviour that annoys one person may not annoy someone else. In each individual case, consider whether certain incidents are ASB. These are some examples of behaviour we generally don't consider to be ASB:
  - The sound of children playing or a baby crying
  - Everyday living noises, such as toilet flushing, closing doors, vacuuming
  - Minor personal disputes and differences
  - Young people gathering socially unless they are being intimidating
  - Being unable to park outside your home (where there are no lawful restrictions in place)
  - DIY and car repairs unless they are taking place at unsocial hours (for example late at night or in the early hours)
  - Civil disputes between neighbours (e.g. shared driveways)





## 2. The role of Private Landlords

- 2.1. The role of private landlords is an essential one in tackling anti-social behaviour effectively; and it is also recognised that ASB can have a huge impact on private landlords. It may be that your tenants are experiencing anti-social behaviour, leading to increased tenancy turnover and loss of good tenants; or it may be that you have tenants who are engaging in ASB resulting you receiving complaints about their behaviour.
- 2.2. This guide aims to provide landlords with short, concise guidance on tackling ASB effectively and where to escalate matters when needed.
- 2.3. Most landlords include in their tenancy agreements a general clause to prohibit nuisance behaviour; others include specific terms covering pets, violence and offensive language. However, landlords may not however, impose unfair terms on tenants.
- 2.4. If you are about to rent a property or renew a tenancy, the government provides a 'Model Agreement' for an Assured Shorthold Tenancy; with accompanying guidance. This agreement includes anti-social/nuisance behaviour clauses and can be downloaded from the [link](#) found at [APPENDIX A](#) of this Pack.
- 2.5. There are a range of things a Private Landlord can do to assist in cases of ASB, either where their tenants re victims and also if their tenants are perpetrators of ASB. We will discuss this later on in this guide and the council will try to assist you where you experience problems.




## 3. Keeping Records

- 3.1. Regardless if your tenants are experiencing anti-social behaviour or if they are perpetrators of it. Good record keeping is essential. This can greatly assist other agencies like the Council or Police if they need to become involved.
- 3.2. Even if you send a report to a third party, it is wise to keep a copy for your own records. This is extremely useful if you need to deal with another agency whom you have not dealt with before and can greatly assist you as a Landlord if you need to serve notice.







3.3. Keep these records as safely and as securely as you would with any other personal data for one of your tenants

3.4. When something is reported to you, should look to record information (I as much detail as practicable) detailing the **5 W's**:

**Who:** was involved (was it the tenants, their family, visitors to the address etc)

**What:** happened. Try to be descriptive, avoid vague words like **“Noise Nuisance”** in relation to specific incidents. Describe the actual nuisance i.e. **“Loud Bass Music in the bedroom”**. Similarly avoid vague terms like **“Verbal Abuse”** and **“Harassment”**, as what is abusive/harassing to one person may not be abusive/harassing to another. Use quotes if possible, if foul language is used, do not shy away from writing it down.

**When:** was this reported and when did the incident actually occur (they may be significantly different). If an exact date and time is not known, try and provide dates between.

**Where:** did the incident occur, remember not all ASB occurs between neighbours at the home address; and if it does, try and identify where i.e. **“Front Garden”**.

**Why:** Is this is first incident or was there an existing dispute ort argument that may have precipitated this incident.

3.5. If you need to contact the police, call 999 in an emergency. If it is not an emergency, consider using the Police Online Webchat facility, as this facility allows you to receive an email detailing the conversation, what was discussed, what was reported, any advice given, and any reference numbers provided.


## 4. What to do if your tenants experience ASB

### 4.1. Noise

4.2. Research has shown that the most commonly reported type of ASB (in both private tenancies and social housing is Noise). If you or your tenants an issue with a noisy neighbor, an [information leaflet](#) is available at [APPENDIX B](#) of this pack, which will tell you how the council can deal with these issues.

4.3. Where you have a noise problem, the best approach is for you to speak to your neighbours first to try and resolve the matter. The leaflet gives advice on how to do this. If approaching your neighbour has not worked, you can report [Noise Nuisance online](#) at [www.sandwell.gov.uk/noise](http://www.sandwell.gov.uk/noise)



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- 4.4. Residents reporting noise will probably be required to keep diary sheets detailing the noise and how it is affecting them. These can be provided by post or email, if they register a complaint about noise (or if you make such a complaint on their behalf).
  - 4.5. It may be advisable for you or your tenants to keep copies of these evidence diaries in case you need to speak to another agency or to take your own action.
  - 4.6. If the council are unable to assist with a noise problem, or if you do not wish to involve them, you or your tenants can complain direct to the Magistrates Court under s82 of the Environmental Protection Act (1990). Information about making such a complaint can be found at [APPENDIX C](#) of this pack.

#### 4.7. Verbal Abuse

- 4.8. It is important to consider that 'Verbal Abuse' is a vague term and may mean many things, including potentially Hate Crime and other criminal offences. If incidents of verbal abuse are reported to you, then you should contact West Midlands Police for advice and assistance.

#### 4.9. Drug Dealing

- 4.10. Reports regarding drug dealing are another common report received by Landlords. If you receive such reports from your tenants, then you can direct them to contact West Midlands Police or you can make a report on their behalf.

#### 4.11. Cannabis Cultivation

- 4.12. Crimestoppers have produced a short [video](#) that takes you through the signs to spot, that might indicate a cannabis factory. This includes:

- Regular noise from fans, and often at strange times
- Birds gathering on the roof, especially in cold weather
- Windows blacked out or covered
- A strong smell coming from the windows (or into other properties)
- Condensation on windows, no matter the weather
- People regularly entering the property
- The absence of snow on the roof after snowfall



- 4.13. If you suspect a cannabis factory, notify the police on 101; contact [Crimestoppers](#) to report information anonymously at [www.crimestoppers-uk.org/](http://www.crimestoppers-uk.org/) or on 0800 555 111. Always dial 999 in an emergency.





## 5. What to do if your tenants are perpetrating ASB

5.1. Landlords are often unsure what to do if they receive reports about, or indeed experience ASB From, their own tenants. This section aims to help and guide you with this.

5.2. A proportionate response is encouraged and there are a number of tools that Landlords can use to rectify ASB caused by their tenants.

### 5.3. Verbal Warnings

5.4. Speak to your tenant/s at an early stage. In some cases, you may be able to deal with the situation by simply advising the tenant that their behaviour is causing problems. Draw their attention to the tenancy agreement and particularly behaviour clauses (if you have them). If required, point out the clause in the tenancy agreement and explain that if this behaviour continues they could be evicted. Keep a record of all conversations.

5.5. Alternatively, if you are unable to make contact verbally with your tenant you could consider sending a 'contact letter' asking your tenant to contact you to discuss the complaint of anti-social behaviour. ([APPENDIX D](#))

### 5.6. Written Warnings

5.7. If reasoning with the tenant does not help, and there is clear evidence of the problems continuing you could consider sending a warning letter to your tenants ([APPENDIX E](#)). It is important to keep a copy of all correspondence sent, and a record of how and when you sent it. (Text messaging tenants is not advisable).

5.8. If this does not have any effect, or the breach is particularly serious, you should consider sending a final warning letter. ([APPENDIX F](#))

Warning letters should clearly state;


- What tenancy condition has been breached
- How occupiers have broken them
- What they should do to prevent further action being taken
- The consequences of continuing to breach the tenancy conditions.

### 5.9. Acceptable Behaviour Contracts

5.10. If your tenants are engaging but need more clarity around their behaviour, you could meet with the person or persons who are causing the problem and agree an acceptable behaviour contract (ABC) with them.

5.11. A template can be found at [APPENDIX G](#); however, the councils ASB Team may be able to assist you with drawing up a contract if you need additional help. They can be contacted via the councils Call before you





serve team at Email [cb4ys@sandwell.gov.uk](mailto:cb4ys@sandwell.gov.uk) or via the dedicated line – **07586 622202** .

5.12. The terms and conditions of the ABC will be discussed and agreed before it is signed so that they help everyone in the process. That includes the person who is behaving antisocially, other people in the neighbourhood and perhaps the police, the council and other organisations who are involved such as the social work department.

5.13. You should be able to discuss things openly round a table when trying to work out the terms of an ABC. It's not a case of blaming or having a go at anyone. The idea is to sort out differences and find a solution that helps everyone involved.

5.14. Everyone involved in negotiating the ABC should get an opportunity to read it and ask any questions or make any changes before signing it.

### 5.15. Good Neighbour Agreements

5.16. Good Neighbour Agreements can be used by Landlords in many ways, but notably, they can help to achieve the following:

- reinforce the tenancy agreement;
- present a statement of desirable or positive behaviour and what it means to be a good neighbour;
- promote a shared set of community standards and expectations around behaviour and highlight the rights and responsibilities of tenants and residents (including children and young people),

5.17. Good Neighbour Agreements are usually voluntary agreements between landlords and their tenants, but they can also be used by other agencies. Good neighbour agreements can be used in response to complaints about the conduct of a tenant/tenants; or can even be issued at the point of sign up to reinforce expectations around behaviour and adherence to tenancy conditions. A sample Good Neighbour Agreement can be found at [APPENDIX H](#) of this help pack.


### 5.18. Serving Notice

5.19. If you have made a decision to serve notice and end the tenancy, this begins by serving notice.

5.20. Ending a tenancy can be a drawn out and expensive proposition. Once you have tried initial steps to resolve an issue with your tenants, you should consider contacting Sandwell's **Call Before you Serve** team before serving notice. You can contact them via email [cb4ys@sandwell.gov.uk](mailto:cb4ys@sandwell.gov.uk) or alternatively you can call a dedicated line – **07586 622202**





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- 5.21. You can evict tenants who have an assured shorthold tenancy using a [Section 21 Notice](#), a [Section 8 notice](#), or both. Typically, you will use a Section 8 notice if your tenants have broken the terms of the term of the tenancy (i.e. Behaviour or Rent Arrears)
  - 5.22. You can use a Section 21 notice to evict your tenants either:
    - after a fixed term tenancy ends - if there's a written contract
    - during a tenancy with no fixed end date - known as a 'periodic' tenancy
  - 5.23. There are additional rules around where you can use a [section 21 notice](#). [Further advice and information](#) is available from the UK Government by visiting <https://www.gov.uk/evicting-tenants/section-21-and-section-8-notices>
  - 5.24. If you are starting eviction proceedings, always try to refer your tenants to their local authorities Local Housing Options or Homelessness Service; as they may be able to assist you and your tenants.

## 6. Support for Tenants and Landlords

- 6.1. Sometimes problems happen because the occupier cannot cope in the accommodation without support. If so, it can help to put them in contact with someone who could provide support and help. This sort of help for the occupier can have very positive benefits for you as a landlord. Assistance may be available with practical problems of looking after the property, budgeting or paying bills and getting Benefits and payment support. Also, it can encourage a responsible approach from the occupier. A list of useful contacts can be found at [APPENDIX I](#). You could also refer them to the Citizens Advice Bureau.
- 6.2. There are a number of organisations you may consider approaching for further advice as a landlord in relation to tackling ASB. The Citizens Advice Bureau – CAB (<https://www.citizensadvice.org.uk>) and the law centre ([www.lawcentres.org.uk](http://www.lawcentres.org.uk)) are just two of a number of national organisations that may be able to offer some legal advice and information to assist you further.
- 6.3. At any time, you may wish to contact your local authority for advice
- 6.4. Victims of ASB (or persons acting on their behalf) can also [contact ASB Help](#) for independent support and advice at [www.asbhelp.co.uk/](http://www.asbhelp.co.uk/) (please note, ASB Help are unable to offer legal advice).
- 6.5. Victim Support (National) – some areas have a dedicated service
- 6.6. The Office of the Police and Crime Commissioner may be able to assist you through the provision of specific commissioned services in your area. You can [find and contact](#) your local OPCC by visiting [www.apccs.police.uk/find-your-pcc/](http://www.apccs.police.uk/find-your-pcc/)






## 7. Mental Health Services

- 7.1. Where a tenant appears to be having severe difficulties coping, perhaps because of mental health problems, or where there are concerns about the young or elderly, it might be appropriate for Social Services to be involved. Information about how to report concerns about a vulnerable adult or child can be found in [APPENDIX I](#).
- 7.2. The independent charity [MIND](#) provides lots of information to help people understand and manage their mental health; they also provide [emergency advice](#), [crisis coping tools](#) and an [Information/Legal line](#). Please visit [www.mind.org.uk/need-urgent-help/using-this-tool](http://www.mind.org.uk/need-urgent-help/using-this-tool) for more information.
- 7.3. There may be other local support services within your area
- 7.4. Persons suffering with mental health issues should also be encouraged to visit their GP, who can also refer them into appropriate mental health services

## 8. Cannabis Cultivation

- 8.1. There is a growing problem with Cannabis Cultivation in residential properties in the UK. Such activities can cost private landlords significant amounts of money, particularly as some setups include significant damage and alterations to the property.
- 8.2. Private landlords are extremely well placed to spot the signs of cannabis factories and to liaise with police to tackle them. Crimestoppers have produced a short [video](#) that takes you through the signs to spot, that might indicate a cannabis factory. This includes:
  - Regular noise from fans, and often at strange times
  - Birds gathering on the roof, especially in cold weather
  - Windows blacked out or covered
  - A strong smell coming from the windows (or into other properties)
  - Condensation on windows, no matter the weather
  - People regularly entering the property
  - The absence of snow on the roof after snowfall
- 8.3. There are additional signs that you may see, that might only see as a landlord; these include:
  - Cash only Payments
  - Cash paid in advance, sometimes significantly in advance
  - Suspicious/fraudulent identity documents
  - Complaints about a cannabis smell from other residents
  - Refusal to allow access for inspections or repairs



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- 8.4. If you suspect a cannabis factory, notify the police on 101; contact [Crimestoppers](http://www.crimestoppers-uk.org/) to report information anonymously at [www.crimestoppers-uk.org/](http://www.crimestoppers-uk.org/) or on 0800 555 111. Always dial 999 in an emergency.
  - 8.5. While anonymous reporting still provides vital information, it is always preferable if the police are able to contact you if more information is needed. As a landlord the additional information you can provide may be essential.
  - 8.6. Cuckooing is a practice where people take over a (usually vulnerable) person's home and use the property to facilitate exploitation. It takes the name from cuckoos who take over the nests of other birds. This practice is being seen more commonly in the UK. The most common form of cuckooing is where drug dealers take over a person's home and use it to store, cultivate or distribute drugs. If you have concerns about this, you should contact [West Midlands Police](http://www.westmidlands.police.uk/) or [Crimestoppers](http://www.crimestoppers-uk.org/) without delay.

## 9. Hoarding

- 9.1. It's widely estimated that between 2% - 5% of the population may have symptoms of a hoarding disorder. A hoarding disorder is where someone acquires an excessive number of items and stores them in a chaotic manner.
- 9.2. It's considered to be a significant problem if:
  - (a) the amount of clutter interferes with everyday living and
  - (b) the clutter is causing significant distress or negatively affecting the person's quality of life or their family.

- 9.3. It's really important to encourage a person who is hoarding to seek help, as their difficulties discarding objects can not only cause loneliness and mental health problems but can also pose both a fire and a health and safety risk, depending on the nature of the hoarding.



- 9.4. Specialist support is available in Sandwell, through the Sandwell Hoarding Framework, a partnership approach developed between West Midlands Fire Service, Sandwell council, Sandwell Adults Safeguarding Board and a wide range of other agencies.





## 10. Extra Support for Landlords

- 10.1. Sandwell has a specialist Private Landlord Advice service, known as Call before you serve!
- 10.2. This is a great option for landlords to contact us before serving an eviction notice – allowing the council to assist with Homelessness Preventions and to focus on support to the landlord.
- 10.3. Support can include:
  - A personalised support plan agreed with the tenant
  - Support and advice if tenant has rent arrears looking at all areas of help that might be available
  - A financial assessment of tenants to maximise income
  - Referrals and signposting to specialist services for more long-term support should the need be identified
  - A mediation service between landlords, tenants and support
  - Support to ensure evictions are carried out legally
- 10.4. You can contact them by Email us on [cb4ys@sandwell.gov.uk](mailto:cb4ys@sandwell.gov.uk) or alternatively you can call the dedicated line – 07586 622202







## 11. Useful Documents and Appendices

### **APPENDIX A**

[Model Assured Shorthold Tenancy Agreement](#)

### **APPENDIX B**

[Domestic Noise Information Pack](#)

### **APPENDIX C**

[Advice on 82 Environmental Protection Act \(1990\)](#)

### **APPENDIX D**

[Sample contact letter for tenant \(Perpetrator of ASB\)](#)

### **APPENDIX E**

[Example Formal Warning](#)

### **APPENDIX F**

[Example Final Warning](#)

### **APPENDIX G**

[Example Acceptable Behaviour Contract \(ABC\)](#)

### **APPENDIX H**

[Example Good Neighbour Agreement \(GNA\)](#)

### **APPENDIX I**

[List of useful services \(Sandwell\)](#)

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