Summary

- The ability of private landlords of long leaseholders and their agents to deal with anti-social behaviour as landlords is limited by the terms of leases and legal restrictions on the action landlords can take.
- There is however a range of other remedies available to lessees for different types of anti-social behaviour.
- Unless there are exceptional circumstances ARMA recommends that the lessee suffering the anti-social behaviour is better advised to take initial action him/herself.

Forfeiture (a procedure to seize the flat from the lessee) is not an easy route for landlords requiring a tribunal and then, if successful, a court appearance. It will be extremely costly; and will not produce quick results. However, the threat of forfeiture may well produce a response to some problems.

Injunctions may be a quicker remedy but will be very costly.

Finally remember that your agent is just that, an agent. The agent must take instructions from the client landlord or resident management company or right to manage company before taking any action.

Practical first steps

The majority of anti-social behaviour complaints in blocks of flats arise from noise, from DIY, music at the wrong times of day or night or dogs. Many arise from sub-tenants.

- Unless you are dealing with serious or violent behaviour e.g. racial harassment, it is often better to start with practical steps yourself.
- Approach the other lessee or his/her tenant causing the problem amicably. He/she may not be aware that their behaviour is causing you a problem.
- Mediation works well for noise, dogs, parking and boundary disputes. There may well be a local scheme available free or at low cost you can use. To find the nearest mediation service contact the National Mediation Helpline on 0845 6030 809 or www.nationalmediationhelpline.com. LEASE also offers a mediation service.

What Lessees Can Do

- Take action themselves by approaching their neighbours unless there is a threat of violence.
- Suggest that the neighbour goes with the lessee to a local mediation service about the dispute.
• Approach the local authority direct to deal with noise nuisance or pet problems.
• Approach the local authority or police for assistance with anti-social behaviour in the local area and common parts.
• Ask the local Citizens Advice for specialist advice.
• As a last resort consider his/her own legal action against the ones causing the anti-social behaviour.

What the Local Authority Can Do

All local authorities must have anti-social behaviour policies and procedures which you can ask about and seek advice.

• In most areas there are Crime and Disorder Reduction Partnerships which include the police and local authority. Find out if they can help.
• In many areas there are ASB co-ordinators. Ask for their help.
• Apply to the court for an ASBO to stop behaviour on behalf of any tenant, lessee or owner occupier.
• Use environmental health powers to tackle noise and other nuisances.
• Tackle harassment or intimidation because of race or disability or religion.
• Many local authorities now have 'Envirocrime' units that are partnerships with the police to deal specifically with litter and street cleaning, graffiti, fly tipping, dog fouling, fly posting and abandoned cars.

What the Police Can Do

Take action for any ASB which is a criminal offence including:
• Someone who has attacked another person.
• Someone who has wilfully damaged another’s property.
• Harassment or intimidation.
• Inciting racial hatred.
• Close down properties being used by drug dealers.

And the police can also apply to the courts for an ASBO at their discretion.

And if there is ASB in or near a scheme ask the police for help and advice. Local community support officers will assist and patrol more often or speak to residents about incidents.

Noise

Lessees are encouraged to resolve neighbour noise themselves unless there is a threat of physical violence - see ARMA LAN06 on noise problems.
Anti-social Behaviour Orders (ASBO)

Any member of the public can ask the police or local authority to apply to a magistrates’ court for an ASBO against someone causing alarm, distress or harassment. ASBOs are civil orders that prohibit a person from specific anti-social acts and from entering a defined area on a map. They are used to tackle more serious anti-social behaviour, including families with patterns of behaviour leading to verbal abuse and intimidation.

Injunctions

Local authorities can use powers under the Local Government Act 1972 to obtain an injunction in a county court to prevent a public nuisance. These injunctions have been used to prevent begging, drug dealing and prostitution. Injunctions can be quicker than obtaining a criminal prosecution and use civil rules of evidence. Courts can also attach a power of arrest to the injunction.

Premises Closure Orders

The courts can temporarily close any premises, including common parts of flats, associated with significant and persistent disorder or nuisance. This power is for use as a last resort after other measures have failed and can be applied for by the police or local authority. The sort of problem it could help with would be prostitution, drinking dens or violent offences committed in the premises.

Abandoned Vehicles

Please report an alleged abandoned vehicle to your agent. Remember that an agent has to be cautious about removing abandoned vehicles; they often turn out not to be.

Obstruction of Common Parts

Report this to your agent. Please get the facts first about who caused the obstruction.

Damage to Common Parts

Lessees or their tenants may damage carpets and decorations by misuse leaving stains and refuse behind. Most leases will contain clauses that provide that lessees will pay for any damage they cause to the common parts. There would have to be clear evidence to identify a culprit not circumstantial.

Harassment

Harassment may be dealt with in the same way as other anti-social behaviour by a direct approach and/or mediation unless there is a risk of physical violence. If there is a threat of violence you should report it to the police. It is a criminal offence to make someone believe that violence will be used against them. An ASB order may be applicable.

Further Information

- The Government has a website devoted to anti-social behaviour issues [www.respect.gov.uk](http://www.respect.gov.uk)
- You can search for a local mediation service on [www.nationalmediationhelpline.com](http://www.nationalmediationhelpline.com)
- LEASE mediation service can be found at [www.lease-advice.org](http://www.lease-advice.org) or ring 0845 345 1993.
- There is an action help line on anti-social behaviour issues - the Respect action line - 0870 220 2000.
- Free Leaflets on high hedges include ‘Over the Garden Hedge’ and ‘High Hedges: complaining to the council’. Download from [www.communities.gov.uk/treesandhedges](http://www.communities.gov.uk/treesandhedges).
- Hedgeline is an independent advice line on hedge problems. Go to [www.hedgeline.org](http://www.hedgeline.org) or tel. 0870 2400 627.
- Drugs - national drugs help line 0171 928 8900
- Find your local CAB Citizens Advice at [www.adviceguide.org.uk](http://www.adviceguide.org.uk).
- Dogs: [www.dogstrust.org.uk](http://www.dogstrust.org.uk).

ARMA Sources

LAN 06 Noise from [www arma org uk](http://www arma org uk)

Association of Residential Managing Agents Limited (ARMA)
178 Battersea Park Road, London SW11 4ND
Tel: 020 7978 2607 Fax: 020 7498 6153
Email: info@arma.org.uk Website: [www arma org uk](http://www arma org uk)

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