

## Factsheet 9

# Anti-social behaviour in housing

February 2023

### About this factsheet

This factsheet is about anti-social behaviour that takes place in the home or neighbourhood. It includes information on noisy neighbours, hedge disputes, and harassment.

It is primarily aimed at people experiencing anti-social behaviour. There is information if you are accused of anti-social behaviour in section 12.

The information in this factsheet is applicable in England only. If you live in Wales, Scotland or Northern Ireland, contact Age Cymru, Age Scotland or Age NI for information relevant to those nations. Contact details can be found at the back of this factsheet.

Contact details for any organisation mentioned in the factsheet can be found in the *Useful organisations* section.

# Contents

<b>1</b>	<b>Introduction</b>	<b>3</b>
<b>2</b>	<b>Approaching a neighbour</b>	<b>4</b>
<b>3</b>	<b>Mediation and other informal options</b>	<b>4</b>
<b>4</b>	<b>Common problems and who to contact</b>	<b>5</b>
4.1	Noise and other ' <i>statutory nuisances</i> '	5
4.2	Other common problems	6
4.3	Neighbourhood wardens	8
<b>5</b>	<b>Harassment</b>	<b>8</b>
<b>6</b>	<b>What the police can do</b>	<b>9</b>
6.1	Police Community Support Officers (PCSOs)	10
<b>7</b>	<b>What landlords can do</b>	<b>11</b>
7.1	Moving to alternative accommodation	12
<b>8</b>	<b>What a local authority can do</b>	<b>13</b>
<b>9</b>	<b>The Community Trigger</b>	<b>14</b>
<b>10</b>	<b>Complaints</b>	<b>15</b>
<b>11</b>	<b>Private legal action</b>	<b>16</b>
<b>12</b>	<b>I've been accused of anti-social behaviour</b>	<b>16</b>
12.1	Security of tenure	16
12.1.1	Probationary and demoted tenancies	17
12.1.2	Eviction	17
12.2	Getting social housing	19
	Useful organisations	20
	Age UK	23
	Support our work	23

# 1 Introduction

Anti-social behaviour is defined in law as conduct that has caused, or is likely to cause, harassment, alarm, or distress to any person.

The law also gives specific definitions of anti-social behaviour in housing:

- *‘conduct capable of causing nuisance or annoyance to a person in relation to [their] occupation of residential premises.’*
- *‘conduct capable of causing housing-related nuisance or annoyance to any person.’*

Housing-related nuisance or annoyance means behaviour that affects a local authority or social landlord’s ability to manage their housing.

Housing-related anti-social behaviour can include:

- loud noise from neighbours
- harassment such as verbal abuse or threats
- vandalism, property damage and graffiti
- fly-posting, dumping rubbish and abandoned cars
- animal nuisance.

If you experience problems, it is important to keep an up-to-date record of events, noting the day, date, time, and behaviour causing annoyance or distress. Log sheets may be available from your local authority.

This can help you to get some perspective on how often it happens. If you decide to take formal action at some stage, it can help others to see an established pattern of nuisance over a period of time.

When selling a property, you must declare information that might put a reasonable buyer off, such as a long-standing dispute with a neighbour.

There are various ways in which anti-social behaviour can be challenged. What is appropriate depends on your circumstances, your neighbour’s circumstances, and the severity of the problem.

## Serious anti-social behaviour

If you experience serious harassment or abuse or face violence or threats of violence, you should call the police immediately. More information about harassment is in section 5.

Women experiencing domestic abuse can contact Women’s Aid for support, including help finding emergency accommodation. Men experiencing domestic abuse can contact the Men’s Advice Line.

## 2 Approaching a neighbour

If a neighbour's behaviour is causing you annoyance or distress, try to think it through before you act.

**Is the problem due to difficulties in communication or differences in lifestyle?** Anti-social behaviour is defined in terms of the impact it has on others, but it is important to take a step back and consider the behaviour itself – is this unreasonable?

**Is your neighbour really at fault?** Excess rubbish or a poorly kept garden may mean they are having problems with their waste collection or landlord. They may be struggling to manage due to illness.

**Does your neighbour realise what they are doing or how it is affecting you?** A noisy neighbour may not appreciate that you have different schedules or poor sound insulation between your properties.

If you can, try to speak to your neighbour and explain what the problem is. Alternatively, you may feel more comfortable writing them a letter.

Try to be a good neighbour yourself and avoid action that might cause a nuisance to others, for example:

- do not carry out loud work (including repairs) at night
- do not play your television, radio, hi-fi, or musical instruments loudly, especially at night, or use headphones if you do
- if you are experiencing hearing loss, find out about aids and equipment from an organisation like Royal National Institute for Deaf People (RNID)
- keep your dogs and other pets under control
- dispose of your rubbish properly
- talk to your neighbours if you intend to have a party.

## 3 Mediation and other informal options

Mediation is a way of coming to an agreement without going to court, although it can take place after court action. An independent mediator listens to your views and your neighbour's views to help you reach an agreement or compromise.

To find a local service, contact your local authority or an advice agency such as Citizens Advice. Some local authorities and housing associations may offer free mediation services for local residents. Alternatively, you can ask a community or religious leader if they can act as an informal mediator, or use the search facility on the Civil Mediation Council website, which lists fee-charging mediation providers.

If you are a local authority (council) or housing association tenant, you can raise the issue at a residents' group meeting. This is particularly relevant if you think it might be affecting others. Contact your housing officer to find out if there is a group and when they meet.

## 4 Common problems and who to contact

If an informal approach to resolving anti-social behaviour fails to work or would not be appropriate given the severity of the problem, you may have to seek help from your (or your neighbour's) landlord, the local authority, or the police. We collectively call these the 'agency' or 'agencies.'

This section looks at common problems and who to contact in each case. Later sections look at the legal powers these agencies have in relation to anti-social behaviour.

### 4.1 Noise and other '*statutory nuisances*'

Your local authority has a legal duty to take action if it is satisfied that certain '*statutory nuisances*' exist or are likely to occur or reoccur in the area, under the *Environmental Protection Act 1990*. Statutory nuisances include:

- noise emitted from premises so as to be prejudicial to health or a nuisance
- any premises in such a state as to be prejudicial to health or a nuisance
- any accumulation or deposit which is prejudicial to health or a nuisance
- any animal kept in such a place or manner as to be prejudicial to health or a nuisance
- artificial light emitted from premises so as to be prejudicial to health or a nuisance.

If you report one of these problems to the local authority, it has a duty to take '*reasonably practicable*' steps to investigate your complaint. It is usually the Environmental Health team that does this.

If the authority is satisfied a statutory nuisance exists or is likely to occur or reoccur, it must serve an '*abatement notice*' on the person responsible (or on the owner of the property in question if the problem is caused by a structural defect). It may try an informal approach first, such as requesting that loud music is turned down.

An abatement notice requires steps to be taken to abate the nuisance or prevent it from occurring or reoccurring. It is a criminal offence to fail to act on a notice without good reason and a person who does this can be prosecuted.

Abatement notices can be served on tenants and owner-occupiers, but if the problem is caused by a structural defect in a local authority property, the authority cannot serve a notice on itself. It may serve an informal notice on its housing department, who may take the necessary steps to abate the nuisance, or it may be possible for you to take private legal action through the courts. This is covered in more detail in section 11, but bear in mind legal action can be complex and costly.

## When is noise a statutory nuisance?

There is no prescribed legal level above which a noise becomes a statutory nuisance. However, in basic terms, the noise must be unreasonable.

A local authority will not take formal action against ordinary domestic noise, such as footsteps, talking, or children playing. They will not require improvements to be made to your property's sound insulation if this is causing ordinary domestic noise to be an issue. This is because the courts have said that poor sound insulation cannot make a property '*prejudicial to health*' under the *Environmental Protection Act 1990*.

If ordinary domestic noise is affecting your health or quality of life, try to explore possible solutions with your neighbours. A degree of compromise may be necessary – most of us have to put up with a certain amount of noise from neighbours. If all else fails, you may wish to explore your housing options.

If your sound insulation is poor, you may wish to consider making improvements. If you rent, speak to your landlord in the first instance. Most tenants are entitled to a home that is '*fit for human habitation*,' and a property may be unfit if not reasonably suitable to occupy due to noise. For more information see factsheet 67, *Home improvements and repairs*.

## What other noise-related powers do local authorities have?

The *Noise Act 1996* gives local authorities powers to deal with residential noise that exceeds a certain permitted level between 11pm and 7am. Some local authorities have 24-hour teams who deal with noise complaints. Alternatively, the police may respond.

Local authorities also have powers to deal with noise from building sites and entertainment venues such as pubs and clubs. Speak to your local authority if you want to know more.

## 4.2 Other common problems

### Trees

If your neighbour's tree hangs over your property, you can ask them to trim it back. If this is not done, you have the right to trim the tree back to the boundary line, but you must offer the trimmings back to your neighbour.

Check with the local authority to see if the tree is subject to a tree preservation order before you start cutting. If it is, you could be fined for doing so. Trees in conservation areas are automatically protected.

Local authorities have powers to deal with trees on private property that are in a dangerous condition. If you are concerned about the condition of a tree, contact your local authority (usually the Environmental Health team).

## Hedges

You should not attempt to reduce the height of a neighbour's hedge without seeking advice. Talk through the problem with your neighbour if you can or try mediation.

A government leaflet, *Over the garden hedge*, has information on how to approach a neighbour about a problem hedge. Another leaflet, *High hedges: complaining to the council*, explains when the local authority can get involved and what action they can take if they agree a hedge is a nuisance. The local authority may charge you for this service.

## Parking spaces

If you live on a publicly maintained road, you do not have any rights to the section of road or pavement outside your property, unless there are local parking restrictions giving a right to a particular space. This means you do not have an exclusive right to park outside your property or prevent anyone else from doing so.

If someone else's car blocks access to and from your property, there are a number of steps you can take. If the driver is known, you could speak to them to ask that they move the vehicle. The local authority and the police also have general powers to remove illegally parked vehicles or those that are abandoned or causing an obstruction.

## Shared amenities

Responsibilities for the maintenance and repair of shared amenities such as drains, pipes, drives or the roof of a block of flats are usually outlined in the property's legal documents.

If a shared amenity needs repairing, try to find out who is responsible for it. The legal documents may not provide clear answers. If so, it is generally best to speak to your neighbours to agree a course of action and make arrangements for sharing costs.

You probably need a surveyor's report on the part of the property needing repairs and estimates from a builder. Consult and get the consent of other parties at every stage before costs are incurred.

## Planning permission

If you are concerned about proposed building works in your area or a building's change of use, contact the local authority planning team to make an objection. Check whether permission has been granted and, if so, whether terms and conditions have been complied with.

If you need advice on a boundary dispute or party wall issue, contact the Royal Institution of Chartered Surveyors. They run a helpline scheme, connecting you to a member firm for a free 30-minute consultation. Planning Aid England provides free email advice on all aspects of the planning system, including how to comment on planning proposals.

### 4.3 Neighbourhood wardens

You may be able to report anti-social behaviour to a neighbourhood warden if there is a Neighbourhood Warden Scheme where you live.

Wardens provide a uniformed, semi-official presence in residential areas. They have a duty to promote community safety and environmental improvements and can also support housing management. They may be able to investigate a complaint about anti-social behaviour and, if necessary, refer the matter to the police. Not all areas have a scheme. Ask your local authority or local police whether there is one in your area.

## 5 Harassment

Harassment is prohibited under the *Protection from Harassment Act 1997*. It is not defined in the Act, except that it can involve causing another person alarm or distress.

Harassment can be verbal abuse, threats, vandalism specifically directed against you, racial harassment, or homophobic harassment. The perpetrator must have done this at least twice (although not necessarily to you each time) and must have known, or ought to have known, their behaviour amounted to harassment.

If you are being harassed, report each incident to the police as it occurs to build up evidence.

If you or the perpetrator are living in rented housing you can also contact your landlord and/or their landlord, as described in section 7, to raise your concerns.

If you or the perpetrator are a local authority or housing association tenants, the landlord may be able to help you deal with the harassment, explore if there has been a breach of tenancy, or assist you with moving if this is what you want, and it would resolve the problem.

Section 7.1 has information about how your landlord can help you to move. Section 8 has information on social housing allocations, homelessness, and anti-social behaviour.

Under the Act, you can also take your own civil action in cases of harassment. You can apply to the court for an injunction against the person or people responsible.

For information about homophobic and transphobic harassment and crime and how to report it, see the Age UK Guide *LGBT+*

For information about landlord harassment, see factsheet 68, *Preventing evictions*.



## 6 What the police can do

In certain circumstances, it may be appropriate to contact the police about anti-social behaviour. They are responsible for dealing with anti-social behaviour that constitutes a criminal offence, for example vandalism, graffiti, or harassment. They have a range of additional powers under the *Anti-social Behaviour, Crime and Policing Act 2014*.

### Community Protection Notices (CPNs)

These are legal notices that require a person or a body (*'the perpetrator'*) to stop behaving in an anti-social manner which unacceptably affects victims and the community. They can only be issued to a person aged 16 years or over and only if all the following conditions are met:

- the perpetrator has been given a Community Protection Warning about their behaviour and enough time to make the necessary changes
- the police are satisfied on reasonable grounds that the behaviour is having a detrimental effect, of a persistent or continuing nature, on the quality of life of people in the area
- the police are satisfied on reasonable grounds that the behaviour is unreasonable.

A perpetrator who fails to comply with a CPN commits an offence.

### Injunctions

The police can apply for an injunction to be made against someone who has behaved in an anti-social manner (*'the perpetrator'*). This is a court order prohibiting them from doing something or compelling them to do something. A court may issue an injunction against a perpetrator aged 10 years or over if two conditions are met. The court must:

- be satisfied, on the balance of probabilities, that they have engaged or threatened to engage in anti-social behaviour
- consider it just and convenient to grant the injunction for the purpose of preventing the behaviour.

If the court decides anti-social behaviour has involved violence or threats of violence or the perpetrator presents a significant risk of harm to others, a power of arrest can be attached to a condition of the injunction. Harm includes *'serious ill-treatment or abuse, whether physical or not.'*

If a power of arrest is attached and a police officer has reasonable cause to suspect a relevant condition has been breached, the perpetrator can be arrested without a warrant. Whether a power of arrest has been attached or not, the police can apply for a warrant for the perpetrator's arrest if they think any of the injunction's provisions have been breached.

In certain circumstances, the court has the power to grant an injunction excluding an adult from their home. It can do so if the application was made by the police force responsible for the area where the property is.

## **Criminal behaviour orders**

Criminal courts have the power to make a criminal behaviour order (CBO) when someone has been convicted of an offence. The CBO is made in addition to the sentence or conditional discharge order. The police can ask the prosecution to apply for a CBO. The court can make a CBO if two conditions are met. They must:

- be satisfied, beyond reasonable doubt, that the offender has engaged in behaviour that caused or was likely to cause harassment, alarm, or distress to any person
- consider that making the order will help in preventing the offender from engaging in such behaviour.

There does not have to be a direct link between the incident(s) that led to the person being brought before the court and the anti-social behaviour the order aims to prevent.

Breach of a CBO is a criminal offence. If you have a secure or assured tenancy, you can be evicted if someone living in or visiting your property breaches the terms of their CBO. See section 12 for information on evictions.

## **Dispersal powers**

The police can direct people to leave an area for up to 48 hours if they are behaving in a way which has caused, or is likely to cause, harassment, alarm, or distress.

## **Closure powers**

The police can issue a closure notice to close premises or prevent access to land for up to 48 hours if they believe this is necessary to prevent nuisance or disorder from continuing, recurring, or occurring.

An application must be made to a magistrates' court for a closure order. Unless the closure notice is cancelled, the court must hear the application within 48 hours and can issue a closure order prohibiting access to premises, part of the premises, or land for up to three months.

## **6.1 Police Community Support Officers (PCSOs)**

PCSOs are employed by the police and focus on lower-level crime, disorder, and anti-social behaviour. They are uniformed and spend most of their time on patrol in communities.

Approach them if you have questions or concerns about anti-social behaviour. They have a range of standard powers, for example they can issue fixed-penalty tickets and confiscate alcohol consumed in public places and may also have locally determined powers.

## 7 What landlords can do

All landlords can take action against anti-social behaviour but social landlords, such as local authorities and housing associations, are more likely to act and have more powers. Social landlords can apply for injunctions, although non-local authority landlords, such as housing associations, can only apply if the behaviour directly or indirectly relates to, or affects the management of, their housing.

If an injunction is made, the landlord can apply for a warrant for the perpetrator's arrest, or a committal proceeding, if they think a provision has been breached. The court has the power to grant an injunction excluding an adult perpetrator from their home if it is made on the application of a local authority or the social landlord that manages that property. A local authority landlord can ask the prosecution to apply for a CBO in criminal proceedings.

It is for the landlord to decide how best to use its powers and what action to take. If you are a social housing tenant, ask your housing officer for help with housing-related anti-social behaviour. If you are not a social tenant but the perpetrator is, you can contact their housing officer, tell them about the problems you are experiencing and ask for their help.

A housing officer should investigate the alleged anti-social behaviour before deciding on appropriate action. This may involve contacting the person you have complained about. If the alleged perpetrator is vulnerable, for example due to a mental health problem, they may involve other agencies such as social or mental health services.

All social landlords must publish policies and procedures for dealing with anti-social behaviour under the *Anti-social Behaviour Act 2003*. You can inspect a copy of these and request a copy for a reasonable fee, or a summary free of charge.

If the person causing you problems is a private tenant and you know who their landlord or the letting agent managing the property is, contact them to let them know about the anti-social behaviour. If you are a social tenant, ask your housing officer for help. Social landlords can apply for injunctions against any perpetrator, not just their own tenants.

Private landlords have the power to evict tenants behaving anti-socially if other steps do not resolve the problem. They cannot apply for an injunction, but they can involve the local authority or the police, who can.

## 7.1 Moving to alternative accommodation

You may want to move to alternative accommodation rather than try to resolve the problem, particularly if you are at risk of violence or are afraid of retaliation.

### Social tenants (local authority and housing association)

If you are a social tenant, your landlord may agree to re-house you in another property. This only happens in the most serious cases. Check your landlord's anti-social behaviour policies and procedures and discuss your situation with them to explore if a transfer would be considered.

Regardless of your tenure, it may be possible to join your local authority housing waiting list if you want to move. Alternatively, you can make a homelessness application if it is no longer reasonable for you to occupy your property. See section 8 for more information.

If you are offered alternative accommodation, check what type of tenancy you would have and whether this comes with the same security and rights. See factsheet 68, *Preventing evictions*, for more information.

### Mutual exchange

Social tenants can swap homes with other social tenants under 'mutual exchange' schemes. However, it can take a long time to arrange a suitable swap.

You might get a new tenancy when you carry out a mutual exchange, so check before you swap. Make sure you are happy with the new security of tenure and other rights. For more information, see factsheet 8, *Council and housing association housing*.

### Private tenants

It is extremely unlikely a private landlord will re-house you if you are subject to anti-social behaviour. However, private tenancies tend to be granted for short periods of time with limited security of tenure. This gives you more flexibility if you experience anti-social behaviour, as you should be able to move quickly and without needing to consider your security.

If your tenancy is within a fixed term, check whether the agreement contains a break clause allowing you to leave early. If not, ask your landlord if they agree to you 'surrendering' the tenancy. If they refuse, you may be liable to pay rent for the duration of the fixed term, even if you leave the property.

See factsheet 63, *Finding private rented accommodation* for more information.

**Note:** some older private tenancies give tenants stronger rights and should not be given up without very careful consideration.

## 8 What a local authority can do

Your local authority may be able to help even if it is not your landlord or the perpetrator's landlord. It can issue a Community Protection Notice, apply for an injunction against the perpetrator, or request a CBO if they are in court on a criminal charge for example. It also has a range of powers and duties in relation to specific anti-social behaviour issues, as outlined in section 4.

### Allocations

The local authority is responsible for '*allocating*' social housing in your area. This means selecting someone to be a council tenant or nominating them to be the tenant of accommodation owned by another social landlord. In most areas, there is high demand for social housing and a waiting list of people wanting an allocation (the '*housing register*').

The local authority must have a policy on who can join its housing register and how applications are prioritised, known as its '*allocation scheme*.' It must publish a summary of the scheme and, if requested, provide you with a free copy. Read this carefully and give the authority as much information as possible to evidence why you meet the criteria to join.

### Reasonable preference

Authorities must ensure that '*reasonable preference*' on the register is given to certain groups of people. This includes people who are homeless, people living in '*unsatisfactory housing conditions*,' and people who need to move on medical or welfare grounds.

You may be able to argue your property is unsatisfactory because of anti-social behaviour, or that you need to move as it is affecting your health and wellbeing. See overleaf for more information on homelessness.

Authorities can set policies giving '*additional preference*' to people in the reasonable preference groups who have urgent housing needs.

Government guidance says this can include people needing to escape serious anti-social behaviour or domestic violence. Note, in some areas the demand for social housing is so high that you may not be re-housed quickly, or at all, unless your case is particularly serious.

Local authorities in England can set policies disqualifying individuals (for example people not living locally) from their registers, but they must ensure reasonable preference is still given to the groups mentioned above. They should have a policy on dealing with exceptional cases.

Seek advice if your application is refused but you think you should be given reasonable preference, or if the authority will not consider making an exception for you. For more information, see factsheet 8, *Council and housing association housing*.

## Homelessness

You can be treated as being homeless if it is not reasonable for you to remain in your property. It is not reasonable for you to remain if it is probable this would lead to you or a member of your household experiencing violence or domestic abuse.

Violence includes threats of violence likely to be carried out. Domestic abuse has an even broader meaning and includes psychological, physical, sexual, financial, or emotional abuse, as well as coercive control.

Being treated as homeless gives you reasonable preference on the housing register, but it is also possible to make a homelessness application to a local authority. Do not leave a property or terminate a tenancy without getting advice, as you may be considered '*intentionally homeless*'.

Local authorities can re-house homeless households in private rented accommodation, which has more limited security of tenure. For more information, see factsheet 89, *Homelessness*.

## 9 The Community Trigger

If you have reported anti-social behaviour and are not getting any respite, you may be able to use the '*Community Trigger*.' This entitles you to a multi-agency review of your case if a certain threshold is met.

A published local policy should explain how case reviews are conducted, outline timescales, and give a point of contact for reporting anti-social behaviour. The charity ASB Help also has an online contact point directory.

The review threshold is determined locally, must be set at no greater than three reports within a six-month period. You can make a report yourself, or it can be made by a third party (with your consent). You should make each report as soon as possible after each incident occurs.

You may be invited to the first part of the review to explain the impact of the anti-social behaviour, or you can submit a written statement if you prefer.

The agencies involved - local authorities, the police, Integrated Care Boards, and local social landlords, will share information related to the case, review what action has previously been taken and may make recommendations to tackle the issue.

If further action is needed, they should discuss and devise an action plan with you to help resolve the anti-social behaviour.

## 10 Complaints

If you want to complain about how an agency has handled a report of anti-social behaviour, the procedure depends on the agency in question.

### Complaints about social landlords

Social landlords must have a clear procedure for dealing with complaints. If you are dissatisfied with a social landlord's response to your complaint, you can refer the complaint to the Housing Ombudsman, for their consideration.

### Complaints about local authorities

If you are unhappy with how a local authority has handled your case, you can make a formal complaint. Ask the authority about its complaint procedure. If you are dissatisfied with their response, you can escalate your complaint to the Local Government and Social Care Ombudsman.

You must give the authority a reasonable amount of time to deal with your complaint before escalating it. Generally, you must complete the complaints procedure, which may have several stages. If you have not received a '*final viewpoint*' letter after 12 weeks, you can go straight to the relevant Ombudsman.

If the Ombudsman finds the authority was at fault, it may make recommendations about what it should do. For example, it may recommend the authority reviews its policies and procedures or awards compensation. The Ombudsman cannot tell the authority to move your neighbour or start legal proceedings against them.

If you think an authority has acted unlawfully by deciding not to take up your complaint, you can apply for a judicial review. However, courts usually intervene only in exceptional cases. Take advice if considering this course of action as legal costs are potentially significant.

If you want to complain about how a local authority has acted as a landlord, you should complain to the Housing Ombudsman. The Housing Ombudsman can conduct joint investigations with the Local Government and Social Care Ombudsman in certain circumstances.

### Complaints about the police

You can complain if you experience or witness inappropriate behaviour from a police officer or member of police staff, or have been adversely affected by the conduct of a police officer or member of police staff. Police forces are expected to take all complaints seriously, to listen to you, and to act in a fair and balanced way to seek to put things right.

Contact the relevant police force as soon as possible. The police can decide not to deal with a complaint received more than 12 months after the incident in question. If your complaint is outside this timeframe, give reasons for the delay.



Within 15 working days, the police should tell you whether they have ‘*recorded*’ your complaint. If your complaint is recorded, the police decide whether to deal with it locally or involve the Independent Office for Police Conduct (IOPC).

Some serious complaints must be referred to the IOPC. You can appeal to the IOPC about decisions taken at a local level, including a decision not to record your complaint. The IOPC has a guide to the police complaints system, available on its website.

## 11 Private legal action

If the nuisance is a statutory nuisance (see section 4.1) and you wish to take action yourself, you may be able to do so through a magistrates’ court under section 82 of the *Environmental Protection Act 1990*. This involves prosecuting the perpetrator for a criminal offence. It is essential you seek legal advice and, if possible, legal representation before bringing a prosecution.

You can take civil action if a neighbour uses their property unreasonably and this affects your use and enjoyment of your home, or if they have been arrested under the *Protection from Harassment Act 1997*. You must usually prove you have suffered some damage or harm because of the anti-social behaviour. Cases are usually heard in a county court and the available remedies are compensation for the damage or harm suffered and/or an injunction against the perpetrator.

Court action can be complex and costly, so take advice before you proceed. If the case fails, you normally incur your own costs and may incur the costs of the other party. For more information, see factsheet 43, *Getting legal and financial advice*, or speak to an advice agency like Citizens Advice.

## 12 I’ve been accused of anti-social behaviour

This section explains how your security of tenure, ability to join the local authority housing register, and other housing rights may be affected if you are accused of anti-social behaviour.

### 12.1 Security of tenure

Security of tenure means how easy or difficult it is to evict you. Social landlords can give new tenants probationary tenancies with limited security and downgrade existing tenants’ security if they engage in anti-social behaviour.

They can take steps to evict you if you are accused of anti-social behaviour or your property is used for anti-social, immoral, or illegal purposes. See factsheet 68, *Preventing evictions*.



### 12.1.1 Probationary and demoted tenancies

Some local authorities grant probationary tenancies, called '*introductory*' tenancies, to new tenants. These normally run for a 12-month period, during which time the tenancy can be terminated if the landlord is concerned about the household's behaviour.

The landlord can do this without having to prove in court that they have a good reason for evicting, but they must follow the correct procedure and you may be able to argue that eviction would be unfair, discriminatory, or would breach your human rights.

Other social landlords, such as housing associations, may grant 12-month '*starter*' tenancies to new tenants. These are assured shorthold tenancies and have limited security.

Both introductory and starter tenancies can be extended by a further six months to a total of 18 months if the landlord is not satisfied with the household's rent record or behaviour during the first 12 months.

Social landlords can apply to court to have your existing social tenancy '*demoted*' if they believe you (or someone living with or visiting you) have engaged in anti-social behaviour. A demotion order downgrades your security of tenure. Demoted secure tenants have similar security to introductory tenants and demoted assured tenants become assured shorthold tenants.

A court may grant a demotion order if you (or someone living with or visiting you) have used, or threatened to use, the property for illegal purposes, or have behaved, or threatened to behave, anti-socially.

**Note:** This is a complex area, seek housing advice immediately if your landlord is proposing to terminate your introductory or starter tenancy or demote your secure or assured tenancy.

### 12.1.2 Eviction

There are specific grounds (or reasons) that landlords can rely on in court if they want to evict you for anti-social behaviour. Evictions are usually considered only in the most serious cases, as a last resort.

Other measures such as mediation, demotion of tenancy, or applying for an injunction should be attempted first. In some cases, possession can only be sought if anti-social behaviour has been proven in another court.

Landlords must be careful not to unlawfully discriminate against perpetrators who have a '*protected characteristic*' such as disability, race, sexual orientation, or religious belief, under the *Equality Act 2010*.

See factsheet 79, *Equality, discrimination and the Public Sector Equality Duty* for more information.

## Secure and assured tenancies

In certain circumstances, the court has discretion over whether to allow eviction, even where the landlord can prove anti-social behaviour. This is if you (or a person living with you) have been convicted of a riot offence or where you (or a person living with or visiting you) have been:

- guilty of conduct causing or likely to cause nuisance or annoyance to a person residing, visiting, or otherwise engaging in a lawful activity in the area
- guilty of conduct relating to or affecting the landlord's housing management where this conduct has caused, or is likely to cause, nuisance or annoyance to the landlord or their employee, or
- convicted of:
  - using the property or allowing it to be used for immoral or illegal purposes.
  - an arrestable offence committed in the property or in the nearby area.

There is an '*absolute*' ground a landlord can use to seek possession of a property let on a secure or assured tenancy. This means the court has no choice but to allow eviction if it is satisfied that one of the following conditions has been met:

- you (or someone living in or visiting the property) have been convicted of certain serious offences that took place nearby, against someone who lives nearby, or against the landlord or someone employed in connection with the landlord's housing management functions
- a court has found that you (or someone living in or visiting the property) have breached a provision of a relevant injunction (except a provision requiring you or them to participate in a particular activity)
- you (or someone living in or visiting the property) have been convicted of a breach of a CBO prohibiting you from doing something in the area
- a closure order has been made on your property and access has been prohibited for more than 48 hours
- you (or someone living in or visiting the property) have been convicted of an offence under the *Environmental Protection Act 1990*, having breached an abatement notice or court order relating to noise nuisance.

If the landlord is a local authority, they must comply with certain specific notice and review requirements.

If you have an assured shorthold tenancy, your landlord can take steps to evict you without having to prove a ground to the court after six months have passed or any longer fixed term has elapsed.

## Protected and statutory (regulated) tenancies

The court may grant an order for possession where you (or any person residing or lodging with you or any sub-tenant) have been guilty of conduct which is a nuisance or annoyance to adjoining occupiers, or have been convicted of using the property or allowing the property to be used for immoral or illegal purposes.

Instead of making an order, the court may agree to accept a formal undertaking from you not to commit any further breaches of the tenancy agreement. Alternatively, the court may decide it is not reasonable to make an order, or may '*suspend*' an order on terms that you will not engage in further acts of anti-social behaviour.

## 12.2 Getting social housing

You may find it more difficult to get social housing if you have been accused of anti-social behaviour in the past. You may be excluded from your local authority's social housing waiting list ('*housing register*') or given less priority than other applicants. For more information on social housing allocations, see section 8.

### Reasonable preference

One factor a local authority can take into account in deciding whether you have reasonable preference for social housing is your behaviour, or the behaviour of a member of your household if this affects your suitability as a tenant. This means you can be given lower priority than someone else with reasonable preference, because you or someone living with you has a history of anti-social behaviour.

You should be able to request a review of the level of priority you are given – there is likely to be a deadline by which you must do this.

### 'Qualifying' people

Social housing can only be allocated to '*qualifying*' people. A local authority has powers to decide which groups of people qualify to join its housing register and may decide to adopt a policy excluding people with a history of anti-social behaviour.

If so, any decision to disqualify should be based on evidence such as a previous eviction or injunction, how long ago the behaviour occurred, and whether you have been able to hold a satisfactory tenancy since.

If the authority has reason to believe your behaviour was due to a disability or mental health problem, it should consider whether you could maintain a tenancy, if appropriate support were given.

If you have applied to join your local authority's housing register and been told that you do not qualify because of previous anti-social behaviour, seek advice immediately. You have a right of review against the decision – there is likely to be a deadline by which you must do this.

## Useful organisations

### **ASB Help**

[www.asbhelp.co.uk/](http://www.asbhelp.co.uk/)

Charity offering advice and support to victims of anti-social behaviour. They have an online Community Trigger Directory to help you find the point of contact for using the trigger in your area.

### **Citizens Advice**

[www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

Telephone 0800 144 8848

National network of advice centres offering free, confidential, independent advice, face to face or by telephone.

### **Civil Mediation Council**

[www.civilmediation.org/](http://www.civilmediation.org/)

Telephone 01707 594104

Provides online directory listing local and national civil and commercial mediation providers, accredited by the Civil Mediation Council.

### **Department for Levelling Up, Housing, and Communities**

[www.gov.uk/government/collections/high-hedges](http://www.gov.uk/government/collections/high-hedges)

Produce leaflets on problem hedges.

### **Galop**

[www.galop.org.uk](http://www.galop.org.uk)

Telephone 020 7704 2040

London's lesbian, gay, bisexual, and transgender (LGBT) community safety charity; offering advice and casework and factsheets.

### **Gov.uk**

[www.gov.uk/guidance/noise-nuisances-how-councils-deal-with-complaints](http://www.gov.uk/guidance/noise-nuisances-how-councils-deal-with-complaints)

Government website with information on various subjects/services, with specific information on how local authorities deal with noise complaints.

### **Home Office (The)**

[www.gov.uk/government/publications/anti-social-behaviour-crime-and-policing-bill-anti-social-behaviour](http://www.gov.uk/government/publications/anti-social-behaviour-crime-and-policing-bill-anti-social-behaviour)

Their website has information on anti-social behaviour, including how to report it. The statutory guidance document for frontline professionals, *Anti-social Behaviour, Crime and Policing Act 2014: Reform of anti-social behaviour powers*, contains useful information about recent changes.

**Hourglass**

<https://wearehourglass.org/>

Telephone 0808 808 8141

Works to protect and prevent the abuse of vulnerable older adults. They operate a 24-hour helpline, providing advice and support to those affected by the abuse of older people.

**Housing Ombudsman Service (The)**

[www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk)

Telephone 0300 111 3000

Investigates complaints about landlords made by tenants. Social landlords registered with the Social Housing Regulator, must be members of the scheme.

**Independent Office for Police Conduct (IOPC)**

<https://policeconduct.gov.uk/complaints-and-appeals/make-complaint>

Telephone 0300 020 0096

Responsible for overseeing the police complaints system in England and Wales. They investigate certain serious complaints against the police and appeals in relation to complaints that are managed locally.

**Local Government and Social Care Ombudsman**

[www.lgo.org.uk](http://www.lgo.org.uk)

Telephone 0300 061 0614

Investigates complaints about maladministration by local authorities.

**ManKind Initiative**

[www.mankind.org.uk](http://www.mankind.org.uk)

Telephone helpline 01823 334244

Charity for male victims of domestic violence and abuse. Helpline provides confidential information and support.

**Planning Aid England**

[www.rtpi.org.uk/planning-advice/](http://www.rtpi.org.uk/planning-advice/)

Provides free email advice on all aspects of the planning system, including how to comment on planning proposals.

**Royal Institution of Chartered Surveyors (RICS)**

[www.ricsfirms.com/helplines/](http://www.ricsfirms.com/helplines/)

Telephone 0870 333 1600

The RICS Helpline Scheme enables you to access up to 30 minutes of free advice from a member firm on boundary disputes or party walls.

**Royal National Institute for Deaf People (RNID)**

[www.rnid.org.uk/](http://www.rnid.org.uk/)

Telephone 0808 808 0123

National organisation offering information and support to people who are deaf or hard of hearing.

**Shelter**

[www.shelter.org.uk](http://www.shelter.org.uk)

Telephone 0808 800 4444 (free call)

National charity providing telephone advice to people with housing problems on tenancy rights, homelessness, repairs, and housing benefit.

**Victim Support**

[www.victimsupport.org.uk](http://www.victimsupport.org.uk)

Telephone 08 08 16 89 111

Supports people affected by crime.

**Women's Aid**

[www.womensaid.org.uk/](http://www.womensaid.org.uk/)

Telephone 0808 2000 247

National domestic violence charity that helps up to 250,000 women and children every year. 24-hour national domestic violence helpline is run in partnership with Refuge: 0808 2000 247 (Freephone).

## Age UK

Age UK provides advice and information for people in later life through our Age UK Advice line, publications and online. Call Age UK Advice to find out whether there is a local Age UK near you, and to order free copies of our information guides and factsheets.

### Age UK Advice

[www.ageuk.org.uk](http://www.ageuk.org.uk)

0800 169 65 65

Lines are open seven days a week from 8.00am to 7.00pm

### In Wales contact

#### Age Cymru Advice

[www.agecymru.org.uk](http://www.agecymru.org.uk)

0300 303 4498

### In Northern Ireland contact

#### Age NI

[www.ageni.org](http://www.ageni.org)

0808 808 7575

### In Scotland contact

#### Age Scotland

[www.agescotland.org.uk](http://www.agescotland.org.uk)

0800 124 4222

## Support our work

We rely on donations from our supporters to provide our guides and factsheets for free. If you would like to help us continue to provide vital services, support, information and advice, please make a donation today by visiting [www.ageuk.org.uk/donate](http://www.ageuk.org.uk/donate) or by calling 0800 169 87 87.

## Our publications are available in large print and audio formats

### Next update February 2024

The evidence sources used to create this factsheet are available on request. Contact [resources@ageuk.org.uk](mailto:resources@ageuk.org.uk)

This factsheet has been prepared by Age UK and contains general advice only, which we hope will be of use to you. Nothing in this factsheet should be construed as the giving of specific advice and it should not be relied on as a basis for any decision or action. Neither Age UK nor any of its subsidiary companies or charities accepts any liability arising from its use. We aim to ensure that the information is as up to date and accurate as possible, but please be warned that certain areas are subject to change from time to time. Please note that the inclusion of named agencies, websites, companies, products, services or publications in this factsheet does not constitute a recommendation or endorsement by Age UK or any of its subsidiary companies or charities.

Every effort has been made to ensure that the information contained in this factsheet is correct. However, things do change, so it is always a good idea to seek expert advice on your personal situation.

Age UK is a charitable company limited by guarantee and registered in England and Wales (registered charity number 1128267 and registered company number 6825798). The registered address is 7<sup>th</sup> Floor, One America Square, London, EC3N 2LB. Age UK and its subsidiary companies and charities form the Age UK Group, dedicated to improving later life.