

A GUIDE FOR LANDLORDS  
AND MANAGING AGENTS  
**Tackling Anti-Social  
Behaviour in HMO Properties**

## Introduction

Landlords and managing agents have a responsibility to ensure that they manage their properties effectively. This is particularly important when it comes to dealing with complaints of anti-social behaviour concerning their tenants in houses in multiple occupation, where the issues can be more extreme due to the number of tenants being accommodated.

## What is Anti-social behaviour?

Anti-social behaviour (ASB) includes noise nuisance such as the playing of loud music at any time of the day, but particularly between 11.00pm and 8.00am. It also includes, but is not limited to, violence and criminal behaviour, domestic abuse, the supply and use of controlled drugs and intimidation or racial harassment. It could also include a failure to properly store and present refuse and recycling for collection. It can adversely impact the quality of life for individuals or the wider community.

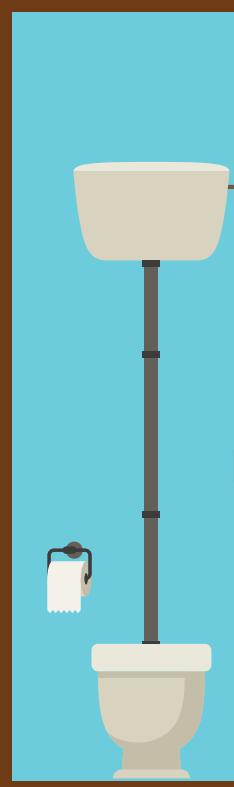
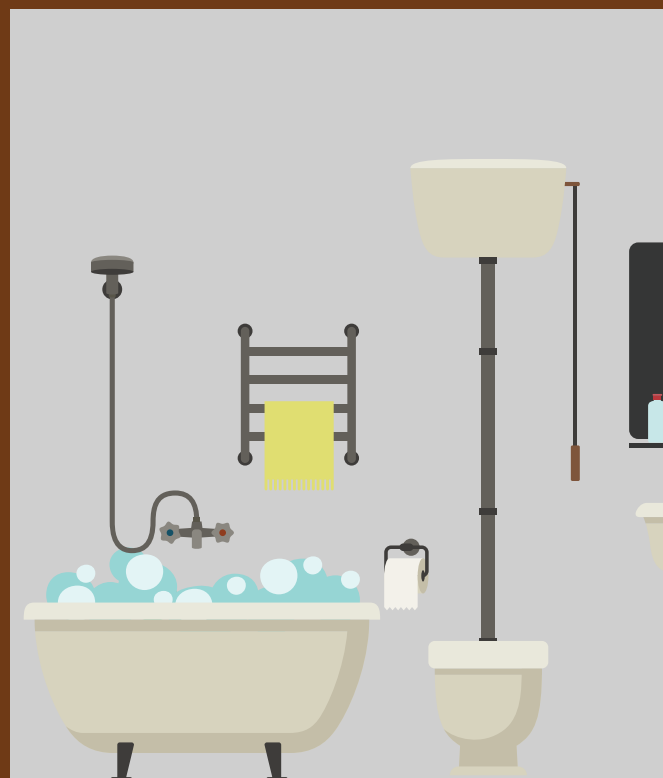
## What are my responsibilities as a landlord or managing agent?

All landlords and managing agents have a responsibility to manage their properties and their tenants properly. This includes activities at the start of the tenancy to prevent nuisance and set tenant expectations. During the tenancy landlords must thoroughly investigate complaints made against your tenants. Where evidence shows the nuisance is extreme or frequent, we expect the landlord to take legal action to bring the tenancy to an end.

## What action should I take to prevent ASB?

ASB prevention starts before your tenant even signs the tenancy agreement, it starts with proper referencing. Landlords have a range of options available to them.

- a) Prospective tenant referencing. This might highlight any previous inappropriate behaviour when deciding to offer accommodation.
- b) Include clauses relating to ASB and refuse in written tenancy agreements. This will set boundaries for behaviour at the outset and provide an enforcement mechanism leading to eviction for breach of the contract terms.
- c) Brief tenants at the commencement of the tenancy on what is expected of them and the possible sanctions for inappropriate behaviour.
- d) Undertake regular inspections throughout the term of the tenancy and hold conversations with the tenants about ASB prevention.
- e) Introduce yourself to the neighbouring properties and invite them to contact you if they have any concerns. Consider the message your management, property condition and maintenance regime send to the tenants. Does it send the message that the tenant should respect your property as you do?



## What are my duties as an HMO licence holder?

An HMO licence is awarded following a 'fit and proper person' test and an assessment of the applicant's management capabilities.

Should the licence holder be convicted of any offences covering matters such as housing law, e.g., in failing to properly manage ongoing ASB issues, their HMO licence term could be reduced, or the licence could be revoked.

There are specific licence conditions which require all licence holders to take steps to deal with ASB, and failure to demonstrate you are taking those steps is a breach of your conditions which can result in a prosecution or civil penalty.

If there are reports of ASB, the Council will expect you to be able demonstrate that you are taking the appropriate actions to deal with them.

## What action should I take to deal with an incident of ASB?

In many cases, ASB can be stopped when challenged early on and nipped in the bud. Landlords/managers are expected to:

- a) Set up a meeting with their tenants and have an honest discussion about any complaint that has been made.
- b) Give practical advice about limiting noise, keeping windows closed, holding parties at pubs and clubs rather than at home etc. For waste, checking tenants have the correct containers and they have information about collection days and how to store and present refuse and recycling.
- c) Send tenants a letter, reminding them of their obligations in the tenancy agreement and ask them to modify their behaviour accordingly. Set out any agreed actions, send a copy to each tenant and keep a copy yourself. See the appendix for template letters.
- d) Write to any guarantor(s) asking them to use their influence on the tenants.
- e) Seek and provide support for perpetrators where appropriate (e.g., where they are vulnerable or at risk)
- f) If there is a recurrence of ASB, arrange a further meeting, and issue a 2nd warning letter advising tenants that their tenancy is at risk, and further incidents are likely to result in an eviction notice.
- g) If there is evidence the ASB persists after a second written warning, seek legal advice on bringing the tenancy to an end. Provisions exist for recovering possession during the fixed term for ASB and breach of tenancy.

## How can I demonstrate the actions I have taken to the Council?

The Council will as a matter of routine expect the licence holder/manager to be able to demonstrate that they are taking all reasonable steps to try to resolve the complaint and to mitigate against any future recurrence.

Record keeping is essential, in connection with all the actions described above, and you will be asked for copies by the Council if you are an HMO licence holder. Where meetings have taken place with the tenants, the Council will verify this by consulting the tenants themselves.

For example we may ask to :

- \* Check your tenancy agreement for ASB clauses
- \* Request copies of correspondence with the tenants
- \* Attend meetings with you and your tenants to investigate nuisance
- \* Arrange a site meeting to review refuse storage

If you don't keep records, the Council will consider this as a management failure, and this could be used as evidence against you in your future role as licence holder or manager.

## Local Authority Assistance

The Council recognises that dealing with ASB can be difficult. It will often try to assist you in dealing with any ASB. This may involve contacting the tenants, advising them of their responsibilities and monitoring the situation. The Council will also liaise with the complainants and encourage them to keep a log of any incidents.

If tenants have a single shared tenancy agreement, you should make them aware that even if a single tenant is responsible for ASB, all the tenants can be held liable for that person's behaviour under the terms of the tenancy.

**Health and Community Protection** will investigate reports of noise nuisance and take enforcement action where possible. The complainant will be directed to record the nuisance using the Noise App and diary sheets.

The **ASB Officer** can provide support and further advice, and in some more serious cases, work with the Police or other support agencies.

If the nuisance is occurring in a student property, the **Student Housing Enforcement Officer** will contact the landlord and/or managing agent to notify you of any reported nuisance and record your intervention. They will also liaise with the University.

**Environmental & Operational Services** will investigate any reports of fly-tipping or refuse issues, this includes where tenants are not following the rules and placing

refuse out too early. If evidence of fly-tipping is found they can take enforcement action.

If a tenant is at risk of losing their tenancy due to ASB and is vulnerable, **Housing Advice** will be able to provide the information of housing support providers you can refer them to.

## Local Authority Sanctions

There are a range of sanctions available.

- a) the term of an HMO licence can be reduced from 5 to 2 years for management failures
- b) an HMO Licence can be revoked for the most serious management failures or if licence holder is no longer considered fit and proper.

The following can be used irrespective of whether the property is an HMO:-

- c) An Abatement Notice (Environmental Protection Act 1990) can be served once satisfied of a statutory nuisance. This would depend on an authorised officer witnessing the nuisance. A notice could be served on the person responsible for the nuisance and could include a landlord in some situations. Non-compliance can lead to prosecution and/or fixed penalty notice.
- d) a Community Protection Notice (Antisocial Behaviour Police and Crime Act 2014) can be issued where there is a recurrent ASB issue including refuse issues, again this can be served on tenants and/or the landlord. Non-compliance can lead to prosecution and/or fixed penalty notice.
- e) A Closure Order (Antisocial Behaviour Police and Crime Act 2014) can be made in the most extreme cases, usually involving criminal behaviour at the premises.

## Legal remedies for Landlords and managing agents

Issuing court proceedings to evict tenants for breach of tenancy conditions is a last resort and should only be considered where informal action has failed, and the problem persists.

The court would need to be satisfied that there is strong evidence to show there has been persistent and/or serious instances of ASB, and informal actions have failed. It is always recommended that legal advice is sought before issuing proceedings to evict a tenant because it is essential to follow the legal steps and issue a valid notice.

Although a last resort, licence holders and managers need to be prepared to take this action where the situation demands it.

In extreme ASB cases it may be possible to apply to the courts for an Injunction to specifically prohibit a tenant(s) from engaging in conduct causing or likely to cause ASB, using the premises for immoral or illegal purposes, entering the premises, or being found in the locality.



## Letter 1 – Arrange meeting to investigate ASB/Nuisance Report

Landlords Name & Address

xxxxxxxxxxxx

xxxxxxxxxxxx

xxxxxxxxxxxx

xxxxxxx

Tenants Names & Address

xxxxxxxxxxxx

xxxxxxxxxxxx

xxxxxxxxxxxx

xxxxxxx

Date

Dear (tenants names)

**[Anti-social Behaviour] [Noise Nuisance] [House Party] [Refuse Issues]**

HMO Address:

I/we have received complaints of [anti-social behaviour] [noise nuisance]  
[a house party] [refuse issues] at the above-named address.

The incident is alleged to have occurred on (insert date) and has caused distress or nuisance to members of the local community. It may also constitute a breach of your tenancy agreement.

As [landlord] [managing agent] I/we take all complaints seriously and are required to investigate to establish the facts and take any necessary steps to prevent a recurrence.

Please be assured that I am keen to hear your account of the incident before deciding on any further action. I propose to meet with you all at the property on [xx xxxxx] at [xx am/pm].

Yours sincerely,

[Landlord] [Managing Agent]

**CC: Private Sector Housing, Warwick District Council**



## Letter 2 – 1st Warning letter to tenants

Landlords Name & Address

XXXXXXXXXXXX  
XXXXXXXXXXXX  
XXXXXXXXXXXX  
XXXXXXX

Tenants Names & Address

XXXXXXXXXXXX  
XXXXXXXXXXXX  
XXXXXXXXXXXX  
XXXXXXX

Date

Dear (tenants names)

**Re: Breach of tenancy conditions due to [Anti-social Behaviour]  
[Noise Nuisance] [House Party] [Refuse Issues]**

**HMO Address:**

Following our meeting on (Insert date) I have determined that there is sufficient reason to believe that nuisance, alarm, or distress has been caused by tenants of the property to others due to **(details of the allegation/incident that has taken place) took place on (date) at/between (time) at the property.**

This kind of behaviour breaches your contractual obligations as tenants, [for which you are jointly and severally liable]. I refer you to the following clauses in your tenancy agreement which set out the conduct expected of you.

**(List tenancy conditions which have been breached)**

In order to prevent further nuisance occurring and to adhere to your contractual obligations as a tenant you are required to.

**(Insert instructions as necessary to prevent the reported nuisance occurring again, see examples below)**

Noise/Party

- Ensure that no music or loud noise is audible from outside your property at any time
- To remove from the property any professional/ hobby sound equipment that is likely to cause nuisance in a domestic setting, including but not limited to DJ controllers, amplifiers and loudspeakers
- Not to host any further parties/large gatherings at the property
- Not to host any event at the property that conflicts with it's use as a domestic dwelling (e.g. marketed or ticketed events, business activities, promotion of a society or organisation, or the sale/provision of alcohol)
- Not to play music at the property after xxx pm
- Not to gather in the garden/yard during the hours of 10.30pm-7am or play loud music in the garden/yard
- Not to allow guests to congregate on the frontage during the hours of 10.30pm-7am

Refuse

- Not to place refuse bags or bins out onto the pavement any earlier than 7pm on the evening before collection.
- To visit [www.warwickdc.gov.uk](http://www.warwickdc.gov.uk) to check refuse collection arrangements for your property
- To bring any refuse containers back onto the property as soon as possible on collection day to ensure they do not block the pavement for other residents
- Not to permit refuse to accumulate outside of any refuse/recycling bin or box.
- To take any refuse that accumulates outside the refuse/recycling bins or bin store for disposal to the nearest Recycling Centre – e.g. Princes Drive in Leamington Spa.

I/we hope that having received this letter you understand that your behaviour has caused distress to other residents, and you will refrain from such activities in future. I/ We will continue to monitor the situation, and should I/we receive further complaints, I/ we may consider making a formal complaint to **[Warwick University] [Your Guarantor]** or taking legal action against you, such as applying for possession of your home.

If you would like to discuss this further with me/us, please do not hesitate to contact me/us on (tel number/email address)

Yours sincerely,

[Landlord] [Managing Agent]

**CC: Private Sector Housing, Warwick D**

## Letter 3 – Final Warning letter to tenants

Landlords Name & Address

XXXXXXXXXXXX  
XXXXXXXXXXXX  
XXXXXXXXXXXX  
XXXXXXX

Tenants Names & Address

XXXXXXXXXXXX  
XXXXXXXXXXXX  
XXXXXXXXXXXX  
XXXXXXX

Date

Dear **(tenants names)**

**Re: Second Breach of tenancy conditions due to [Anti-social Behaviour]  
[Noise Nuisance] [House Party] [Refuse Issues]**

**HMO Address:**

Following our meeting on **(Insert date)** and warnings given on **(insert date)**

It has been reported that further nuisance has occurred on date/time.

**(Provide details of the allegation/incident that has taken place)**

You will already be aware of the [nuisance/ alarm/distress] that your behaviour has caused to the local community and have been advised on preventing a repetition.

This kind of behaviour breaches your contractual obligations as tenants, [for which you are jointly and severally liable]. I refer you to the following clauses in your tenancy agreement which set out the conduct expected of you.

**(List tenancy conditions which have been breached)**

In order to prevent further nuisance occurring and to adhere to your contractual obligations as a tenant you are required to.

**(Insert instructions as necessary to prevent the reported nuisance occurring again, see examples below)**

#### Noise/Party

- Ensure that no music or loud noise is audible from outside your property at any time
- To remove from the property any professional/ hobby sound equipment that is likely to cause nuisance in a domestic setting, including but not limited to DJ controllers, amplifiers and loudspeakers
- Not to host any further parties/large gatherings at the property
- Not to host any event at the property that conflicts with its use as a domestic dwelling (e.g. marketed or ticketed events, business activities, promotion of a society or organisation, or the sale/provision of alcohol)
- Not to play music at the property after xxx pm
- Not to gather in the garden/yard during the hours of 10.30pm-7am or play loud music in the garden/yard
- Not to allow guests to congregate on the frontage during the hours of 10.30pm-7am

#### Refuse

- Not to place refuse bags or bins out onto the pavement any earlier than 7pm on the evening before collection.
- To visit **[www.warwickdc.gov.uk](http://www.warwickdc.gov.uk)** to check refuse collection arrangements for your property
- To bring any refuse containers back onto the property as soon as possible on collection day to ensure they do not block the pavement for other residents
- Not to permit refuse to accumulate outside of any refuse/recycling bin or box.
- To take any refuse that accumulates outside the refuse/recycling bins or bin store for disposal to the nearest Recycling Centre - Princes Drive in Leamington Spa.

This is your second and final warning. **Should I/we receive any further complaints, I/we will issue you with a Notice Seeking Possession under Section 8 Housing Act 1988 requiring you to vacate the property before the end of your tenancy. This notice can be used to evict you during your tenancy under certain grounds including breaching your tenancy agreement (ground 12) and antisocial behaviour (Ground 14). Eviction may prevent you from renting privately in the future.**

I have contacted [your guarantor] [Warwick District Council] [University of Warwick] to advise them that a final warning has been issued.

If you would like to discuss this further with me/us, please do not hesitate to contact me/us on (tel number/email address)

Yours sincerely,

[Landlord] [Managing Agent]

**CC: Private Sector Housing, Warwick District Council / Guarantor/  
University of Warwick/ Coventry University**

## Contacts

### **Noise nuisance/Pests**

Health & Community Protection

Email. **[pollution@warwickdc.gov.uk](mailto:pollution@warwickdc.gov.uk)**

### **Anti-Social Behaviour Officer**

Health & Community Protection

Email. **[antisocialbehaviour@warwickdc.gov.uk](mailto:antisocialbehaviour@warwickdc.gov.uk)**

### **Refuse issues**

Environmental & Operational Services

Email. **[contract.services@warwickdc.gov.uk](mailto:contract.services@warwickdc.gov.uk)**

### **Student Housing Enforcement Officer**

Private Sector Housing

Email. **[privatesectorhousing@warwickdc.gov.uk](mailto:privatesectorhousing@warwickdc.gov.uk)**