

Guidance for Licence Holders, Managers and Officers Licensing of Houses in Multiple Occupation (HMOs) The Anti-Social Behaviour condition

The licence holder is ultimately responsible for the day-to-day running of the property and it is a condition of the licence that anti-social behaviour (ASB) is managed. To this effect the licence holder must ensure that any anti-social behaviour by residents or their visitors, to anyone else in the property, (or in its locality), is dealt with appropriately and effectively. In this regard, the licence holder or manager shall investigate complaints of noise and other possible sources of nuisance or anti-social behaviour, whether these complaints are made by the residents of the property, residents of neighbouring properties or other relevant persons. Where the landlord determines these complaints to be justified, they shall take all reasonable steps to resolve the problem.

ASB in this context is any behaviour that causes, or is likely to cause harassment, alarm or distress and is generally of a serious and/or persistent nature. Examples include, but are not restricted to noise, violence, abuse (racial or otherwise), threats and use of the property for illegal drugs.

It is also a condition of licences that the licence holder shall, if requested in writing, provide the Council with evidence of appropriate management practice and procedures to address any anti-social behaviour that may arise. The details should be provided within such reasonable time as may be specified by the Council.

The licence holder is encouraged to carry out adequate pre-letting checks, including the take up of suitable references (in addition to the statutory requirements for the 'right to rent'). This should minimise the risk of letting to someone who is likely to behave anti-socially and the Council strongly recommends that the tenancy agreement should include appropriate clauses concerning anti-social behaviour. Pre-letting checks and the inclusion of the appropriate tenancy terms concerning ASB may be considered along with other relevant material (described below), as evidence that the condition is being met and of good management practice and procedure.

Tenants should be instructed as to the standards of behaviour expected of them and of their obligations under the HMO management regulations.

The licence holder is required to provide the Council upon request, information regarding the tenants, including their names, the relationship between them if any, the parts of the property they each occupy, and the date upon which that occupancy began. This is contained in a separate condition of the licence concerning 'occupancy particulars'. Such information will assist investigations by the Council and subject to any data sharing agreements, other relevant authorities in the performance of their statutory functions where relevant.

The Licence Holder as a data controller, should issue the occupiers with notification

of the Licence Holder's duties to comply with the law and the requirements to share

data with the Council without the occupier's consent, either expressed through the tenancy agreement or where there is no such term in the existing agreement, in a statement to this effect in writing to the occupier.

In considering whether the ASB condition has been met, the Council will expect the licence holder or other relevant person, to demonstrate that they have undertaken an incremental approach to the investigation of any complaints made to them of ASB caused by their tenants or their visitors, and the action they have taken in response to them.

This process of investigation may involve evidence of one or more of the following:

- an appropriate response to a complaint from another tenant at the premises or member of the community, neighbour or another person, regarding the conduct of the licence holders' tenant(s) and/or the behaviour of their children or visitors
- that licence holder or manager has made tenants or others aware of the services available to them and how they can report nuisance and/or other forms of ASB where they are affected
- reports made directly to the appropriate authorities
- that the tenants have been reminded of the standards of behaviour expected of them and of the tenant's obligations under the HMO management regulations
- the sending of appropriate and proportionate warning letters
- a tenancy warning interview
- attendance at a case conference or any other appropriate meeting/multi-agency event, arranged by the Council or other relevant agency
- engagement with the Council, the police or any other agency involved and the provision of supporting information or evidence where the appropriate authority seeks a legal remedy and subject to data protection law
- service of a relevant notice to seek possession where all other interventions have failed and where this is the most appropriate course of action
- evidence of any other relevant matter

Suitable and authentic copies of any correspondence, documents, including legal documents and written records, will generally be accepted as evidence.

If a licence holder or manager is aware of, or suspects violence or drug-related activity, they should seek advice from the police before acting.