

Guidance for Landlords on drafting Anti-Social Behaviour “ASB” Plans

Blackpool Council’s Selective and Additional Licensing Schemes place a statutory duty ⁽¹⁾ on landlords to manage their properties and tenancies and as part of your application you are required to provide an Anti-Social Behaviour (ASB) Plan ⁽²⁾. There is no set format for such a plan but it should include the following sections:

- **Pre-Tenancy Checks** – In this section you should outline your tenancy selection process.
- **Tenancy Agreement** – Your tenancy agreement should be clear and easy to understand. It should include provision in terms of how you will deal with anti-social behaviour and include a risk management plan if a high level of risk is identified.
- **During Tenancy** – In this section you should outline your procedures to deal with Anti-Social Behaviour and how you monitor and record ASB and any remedial action taken.
- **Post Tenancy** – This section should include details of your processes for supplying references.

1. Pre-Tenancy Checks – An Outline of your Tenancy Selection Process.

By identifying the level of risk associated with an individual tenant when they apply and assessing the demands of managing that risk, you will be better equipped to make an informed decision as to whether or not to offer a tenancy. Your tenancy application process will form part of your risk assessment and it needs to address the following areas:

- Tenant’s referees – e.g. employers, past landlords
- Whether the applicant has local connection - family, friends, social networks.
- Housing history for previous twelve months.
- Two forms of ID – one with a photograph, showing date of birth and the most recent address.
- Does the applicant have any mental health issues? If so, are they in receipt of any support services?
- Is there a history of drug, alcohol or substance misuse?
- ASB - History of Previous Convictions: is the applicant prepared to reveal details of any previous offences? If so, would the nature of the offence make it inappropriate to offer a tenancy i.e. sex offender residing with children or other vulnerable persons.
- Finances – Affordability: is the applicant employed or receiving benefits sufficient to cover the rent and other living costs?
- Does the applicant have arrears from a former tenancy, or have a history of non-payment?
- Does the applicant have professional support in relation to any issues? Will this support continue if the applicant is granted the tenancy?
- Some information may be openly available on the internet e.g. newspaper and local courts websites.

You should use a tenancy application form and require the applicant to sign the same. There are examples of tenancy application forms online.

2. Tenancy Agreement

- This section of your ASB Plan should state in a language and format suitable for the individual tenant the type and terms of the tenancy.

- Your tenancy agreement must include a clause about Anti-Social Behaviour “ASB” and clearly state what action will be taken in the event of any ASB issues.
- Where the initial information has highlighted specific needs an individual Risk Management Plan should form part of the tenancy agreement. This plan should be prepared in conjunction with any partner agencies which have specific knowledge of or interest in the prospective tenant and also outline the relationship between the landlord and third parties i.e. the local authority, NACRO, the Probation Service. If you have a risk management plan monitoring arrangements should be specified.

3. During Tenancy - Procedures to deal with Anti-Social Behaviour

This section should outline processes for monitoring and recording incidents of ASB and what measures you would take in terms of serving warning letters and notices if there were any ASB at the property. If you have a risk management plan in place for a tenancy you need to specify how you will monitor this. This section also needs to outline the relationship between you and the third parties such as the Council, Social Services, the Probation Service or NACRO.

4. Post Tenancy

This section should outline your processes for supplying references and include a further undertaking to work with partner agencies to identify those tenants who are persistent ASB offenders. The purpose of this latter condition is to enable prospective landlords to identify those tenants who present an enhanced level of risk.

Please note that this is a guidance document only and does not provide an exhaustive list of good practice. An example of an ASB plan is also available for guidance purposes only. We have included guidance on laws and procedures for your information. However you should not treat any Notes or Guidance as a complete or authoritative statement of the law. You should also consult the actual legislation which is relevant to you. Advice and assistance are available to all landlords from the Housing Licensing officers on 01253 477477 or housing.licensing@blackpool.gov.uk.

(1) Department for Communities and Local Government (CLG): *A landlord has responsibility to ensure persons he has permitted to reside at a property do not cause an annoyance or nuisance to other persons residing in it, or other persons living, working or visiting the immediate neighbourhood. If anti-social behaviour is being carried out within the immediate vicinity of the property and is being caused by the occupiers of it, then it would be reasonable to expect a landlord to ensure that those persons are not conducting themselves in a way that is adversely impacting on the local community. This applies equally to visitors to the property.* (Approval steps for additional and selective licensing designations in England)

(2) Condition14 requires that you ‘take reasonable and practical steps to reduce or prevent anti-social behaviour (ASB) by persons occupying or visiting the house, and the use of the premises for illegal purposes’

For further advice contact the Additional and Selective Licensing ASB officer on 01253 477477.