

Antisocial behaviour policy

Author: Sarah Hopkins

Contact: HousingComplianceTeam@luton.gov.uk

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1. Purpose

Reducing crime, disorder and ASB is a major concern for Luton residents, particularly within the town centre area. As a landlord we are firmly committed to tackling anti-social behaviour (ASB). We know that the inconsiderate and anti-social behaviour of a small number of residents can have a significant impact on the lives of many more.

The purpose of this policy is to set out how we define ASB and outline our approach to preventing and tackling ASB, the actions we'll take to protect and support victims and witnesses and how we'll recognise where perpetrators may be vulnerable.

2. Regulatory standards

The Regulator of Social Housing sets out its expectations of registered providers (RPs) through the regulatory standards and consumer code of practice. The tenancy standard sets out specific expectations for RPs in the management of tenure and allocations. The [Transparency, influence and accountability standard](#) sets out expectations around information, advice and opportunities for tenants to engage in more meaningful ways on decisions that affect them.

This policy meets the regulatory expectations to:

- treat all tenants and prospective tenants with fairness and respect

- deliver fair and equitable outcomes for tenants and, where relevant, prospective tenants
- have a policy on how we work with relevant organisations to deter and tackle asb in the neighbourhoods where we provide social housing
- set out our approach for how we deter and tackle hate incidents in neighbourhoods where we provide social housing
- enable asb and hate incidents to be reported easily and keep tenants informed about the progress of their case
- provide prompt and appropriate action in response to asb and hate incidents, having regard to the full range of tools and legal powers available to them
- support tenants who are affected by asb and hate incidents, including by signposting them to agencies who can give them appropriate support and assistance

3. Definitions

Anti-social behaviour is a broad term used to describe the day-to-day incidents of crime, nuisance and disorder that may make many people's lives a misery – from litter and vandalism to public drunkenness or aggressive dogs, to noisy or abusive neighbours”.

We define anti-social behaviour as follows:

- acting in a manner that causes or is likely to cause harassment, alarm or distress to any person
- conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises
- conduct capable of causing nuisance or annoyance to any person which directly or indirectly relates to or affects our housing management functions
- using or threatening to use residential premises for immoral or illegal purposes

The term ASB is used to describe actions that unreasonably interfere with or could interfere with a person/s quiet enjoyment of their home, garden or the direct neighbourhood. ASB is behaviour by residents, groups of residents, members of a household or their visitors which would generally be considered to cause annoyance, nuisance or disturbance to other people in the locality. This behaviour may or may not constitute criminal activity.

When we use the term 'person' in the above definitions of ASB this includes:

- anyone who has a right to live in property that we own or manage
- people living in any other property in the neighbourhood (for example, owner occupiers, tenants of other landlords)
- anyone else who is lawfully in such property or in the locality (for example, people working or using local facilities)

When we use the term 'housing management functions' in the above definitions of ASB we mean any activity we carry out in the day-to-day and strategic management of our housing stock.

Examples include:

- tenant and community participation
- building maintenance and repairs

- cleaning and grounds maintenance
- rent and rent arrears collection
- neighbourhood management and dispute resolution

Matters which ‘indirectly relate to or affect’ our housing management functions could include activities such as:

- the provision of social care or housing support to people living in council homes
- agencies/contractors providing environmental health and refuse collection services
- any other activities which help us to deliver an efficient Landlord service

4. How we categorise ASB

We’ve adopted the housemark categories of ASB to enable benchmarking with other organisations.

Examples of activities by category that may cause ASB include but are not limited to the following:

- **verbal abuse / harassment / intimidation / threatening behaviour** - including groups or individuals making threats, verbal abuse, bullying, following people, pestering people, voyeurism, sending nasty / offensive letters, obscene / nuisance phone calls, menacing gestures
- **hate related incidents** – based on race or ethnicity, sexual orientation, gender identity, disability, religion or belief, age, HIV or AIDS status, mental health.
- **domestic abuse**
- **physical violence** – other than domestic abuse
- **noise** - including noisy neighbours, noisy cars / motorbikes, loud music, alarms (persistent ringing / malfunction) including car alarms, noise from pubs / clubs, noise from business / industry, loud parties
- **drug / substance misuse and dealing** – including taking drugs, sniffing volatile substances, discarding needles / drug paraphernalia, “crack houses”, presence of dealers or users
- **alcohol related nuisance** – including drunken behaviour
- **prostitution / sexual acts / kerb crawling** – including inappropriate sexual conduct, indecent exposure and soliciting
- **vehicle nuisance** - including abandoned cars, illegal parking, car repairs, setting vehicles alight, joyriding and riding of mopeds, cycling / skateboarding in pedestrian areas / footpaths
- **pets and animal nuisance** - including uncontrolled animals e.g. on balconies and footpaths, feeding pigeons, fouling in communal areas, excessive noise or odours from animals
- **misuse of communal areas / public space / loitering** - including urinating in public, setting fires (not directed at specific persons or property), inappropriate use of fireworks, throwing missiles, climbing on buildings, impeding access to communal areas and rowdy behaviour - including shouting and swearing, fighting, hooliganism / loutish behaviour
- **vandalism and damage to property** - including graffiti, criminal damage

- **litter / rubbish / fly-tipping** - including dropping litter, dumping rubbish, fly-posting
- **garden nuisance** – including keeping an untidy and unsightly garden, and inconsiderate use of communal gardens
- **criminal behaviour** – other than that recorded in other categories

Not all reports relating to behaviour that impacts on an individual can be deemed antisocial behaviour or a statutory nuisance.

The following are some examples of times we would not agree to an issue being anti social behaviour:

- children playing, fall outs between children or babies crying
- sounds of day to day living such as opening and closing of doors or going up and down stairs
- one-off parties providing they don't cause an unacceptable disturbance
- clashes of lifestyle including cultural differences
- differences due to working patterns
- comments made on social media sites
- participation in gang and serious youth violence

5. Responsibilities

5.1. Our responsibilities

- to manage ASB cases in a fair, transparent and efficient manner, meeting legislative requirements and following guidance laid out in the regulatory code
- to provide transparent and helpful information to tenants to ensure they understand their responsibilities and our responsibilities in preventing and tackling ASB
- to make it easy for tenants to report incidents of ASB, or issues they think may escalate
- to take actions to prevent ASB in the areas where we have homes
- to work with police and other partner organisations to prevent and tackle ASB, crime and disorder
- to respond swiftly, appropriately and consistently to reports of ASB
- to support victims and witnesses of ASB
- to support vulnerable residents to sustain their tenancies by working with support agencies

5.2. Responsibilities of tenants

- to report incidents of ASB, crime and disorder at the earliest opportunity
- to follow the conditions of their tenancy in relation to issues of ASB
- to accept and meet their responsibilities for the behaviour of themselves, their household, lodgers, visitors and children
- to provide us with all necessary information to enable us to investigate reports of ASB

5.3. Responsibilities of leaseholders

The obligations and responsibilities of leaseholders (owners of flats) are set out in the lease. These 'do's and don'ts' are called 'covenants' and 'regulations'.

Covenants and regulations vary between leases, depending on when the flat was sold. However, all leases contain a general covenant to ensure lessees (as well as members of their household and visitors) do not cause nuisance or inconvenience to their neighbours.

Leaseholders who sublet their flats remain responsible for their tenants' conduct and will be liable for any breaches of the lease caused by their tenants' behaviour.

If leaseholders fail to comply with any covenant(s) or regulation(s) they risk being in breach of their lease. Our [leaseholder handbook](#) has more information about lessees' responsibilities under the lease, as well as information about neighbour nuisance.

Although our leases follow a different format from our conditions of tenancy, we manage and respond to ASB with the same commitment and rigour, regardless of whether the perpetrator is a tenant or a lessee.

6. Policy statement

The aims of this policy are to:

- give assurance of compliance with regulator of social housing's tenancy standard and transparency, influence and accountability standard
- ensure there is common understanding of what acceptable and unacceptable behaviours are
- provide a framework for effectively identifying, preventing and tackling asb
- provide tenants with a clear outline of our approach and expectations around ASB
- ensure we are meeting our duties to promote cohesive communities
- be fair, easy to understand and administer in the processing of ASB cases

We expect our tenants to accept a certain level of noise from day-to-day living and be tolerant of other people's lifestyles but, we also expect our tenants to behave in an acceptable manner at all times.

We recognise that resolving antisocial behaviour means developing and we maintain close partnerships with local residents, the police and other statutory and voluntary agencies such as support providers if we are to achieve successful outcomes.

By working in partnership, and by using our collective resources, knowledge, skills and enforcement powers, we are determined to ensure that residents are able to enjoy safety, security and quality of life both in their homes and in the wider neighbourhood.

Our approach to ASB is based on the following principles:

- we will not tolerate ASB in any form
- we expect our residents to behave in an acceptable manner at all times. our conditions of tenancy set out the standards of behaviour that are acceptable
- our standard lease conditions set out the obligations of residents who have bought their flats

- we'll respond promptly to all reports of asb and in accordance with our published service standards
- we'll treat all complaints impartially and maintain confidentiality at all times
- we'll support and advise complainants, victims and witnesses of asb throughout the process of tackling the problem
- any action we take will be reasonable and proportionate to the nature and scale of the problem
- we'll take full account of the impact of the asb on the complainant and wider community
- we actively promote prevention to foster an environment where anti-social behaviour is less likely to arise in the first place

By using appropriate and timely intervention we aim to resolve complaints at the earliest opportunity, for example by sending warning letters, offering mediation, making use of acceptable behaviour contracts (ABCs), acceptable behaviour agreements (ABAs), making appropriate referrals for support.

We use our enforcement powers in appropriate circumstances and in particular where all other attempts at resolution have either failed or have been exhausted.

Where enforcement is considered necessary, we'll take action at the earliest and most appropriate opportunity, making use of our powers such as civil injunctions, possession action and demotion orders.

We'll generally only use possession action where all other interventions and attempts to change behaviour have failed. However, we won't hesitate to pursue possession action at an early stage, including as a measure of first resort, in cases:

- which are of a serious or criminal nature and cause upset/distress to the community
- where such action is proportionate and reasonable in the circumstances

In these circumstances we'll use our new powers as appropriate to seek possession using the mandatory ground for possession.

We continue to develop a wide range of initiatives to combat nuisance, harassment and ASB, based on learning from resident and stakeholder feedback and comparing our performance with other organisations.

7. Reporting ASB

ASB can be reported to us in person, by telephone, email or online. If you think a crime is being committed, this should be reported to the police. ASB related to noise can be reported to our Noise team.

If an incident of serious ASB is reported to us we'll aim to respond, where resources permit, within 60 minutes during office hours where ASB is in progress, and within 24 hours to all other incidents.

Outside of office hours complainants may contact our emergency out-of-hours service. Depending on the circumstances, this service will either advise the caller to contact the police, or our 24/7 Noise team on **01582 510330**. This service may also contact the local duty officer for advice, as necessary.

On receiving a report, we'll:

- **assign an officer** to lead on the complaint who will aim to keep you informed on progress of action taken
- **investigate the incident**, carry out a risk assessment, advise on options and, where appropriate, agree a course of action for tackling the problem including referral to other agencies for support
- **assess the security** of the complainant's home and, where appropriate improving security by, for example, providing chains, fire proof letter boxes, peep-holes, fire proof letterboxes and additional door-locks. panic buttons may be provided by the police, where considered appropriate
- **provide information** on what action other agencies, such as the police or social care, can take and on support agencies such as victim support – which offers a witness service to help witnesses called to give evidence in court proceedings, or other specialist agencies, e.g. where domestic violence or hate crime is involved
- **remove graffiti** within 24 hours and offensive graffiti within 12 hours
- **complete emergency repairs**, such as vandalism to shared areas where there is a health and safety risk, within 24 hours
- **provide interpreting** services where required

In more serious or complex cases, or where enforcement action is necessary we'll:

- consider the use of civil remedies, such as injunctions, for example to protect a complainant
- advise the complainant in respect of the legal process and prepare witness statements if necessary
- work with other key partners/agencies as far as possible to support the complainant in their home environment
- advise on what other agencies such as victim support can do to help
- consider options such as offering to meet the complainant at an alternative venue away from the local area or estate office, escorting the complainant to court and providing on-going support both at the hearing and after legal action has been concluded
- assist with a temporary or permanent move where appropriate and where there is a real risk of violence. Very often victims want to move away from the area. However, this hands the perpetrator a victory and we'll always consider such options very carefully

Where enforcement action is being considered to deal with ASB, the ASB team will:

- consider the uses of civil remedies such as injunctions to protect a complainant
- advise complainants, as far as can be anticipated, the stages of the legal process
- work with other key agencies as far as possible to support the complainant in their home environment
- explain to complainants that it is a criminal offence to intimidate a witness and that the police should be contacted urgently if there are any incidents of this nature
- consider using hearsay evidence (i.e. evidence given on behalf of the complainant by a third party, such as a tenancy officer) if the complainant is too frightened to give evidence, even though this may not be as persuasive as direct evidence

- keep any complainants informed of the progress of the case as far as is possible and maintain support by making contact as the case progresses
- ensure local police teams are made aware, as appropriate
- ensure that housing officers and other estate staff pay special attention to observing and monitoring the area where the witness lives
- assist with a temporary or permanent move, **where there is a real risk of violence**. in emergency cases, such as where the individual is in immediate danger, the city council's housing solutions service will assess whether temporary accommodation is appropriate.

In non-emergency cases, where there are exceptional circumstances, we'll consider each case to determine whether a permanent move should be agreed under the terms of the city council's management transfer policy.

- provide access to telephone and/or face to face interpreters

8. Support of complainants and witnesses

Some of the most persuasive evidence in ASB cases comes from local residents. Where enforcement action is taken, they can often identify the perpetrators of ASB in Court and can describe the effect ASB has on their lives.

Resolving a case using local residents also strengthens the community, boosting the morale of victims and thereby helping to sustain long term improvements.

It is essential to any legal enforcement action that we are able to use the information available, including any evidence provided by witnesses.

Where witnesses are prepared to give evidence directly, this makes the case significantly stronger. However, witnesses need to be made aware that if they agree to provide evidence directly this will mean giving witness statements in which their details will be disclosed to the perpetrator.

It would also mean potentially attending court hearings so that they can answer questions in court.

Where witnesses are not prepared to give evidence directly, their statements can be presented with their consent by council officers on their behalf. However, this weakens the evidence, because there is no opportunity for the defendant to directly challenge this evidence.

Council officers can also give evidence on behalf of a resident without revealing the identity of that resident. This is commonly known as 'hearsay' evidence. Again, this will not carry as much weight in court as evidence directly presented by the resident.

It is important that people living and working in and around our housing stock feel confident to report ASB. It is also important that complainants, victims and witnesses are reassured that confidentiality will be maintained at all times.

We recognise, however, that complainants, victims and witnesses may have many anxieties.

Support to complainants will be considered at the time of the initial interview and will be agreed as part of the action plan. The approach adopted to support a complainant will depend upon the nature of the ASB and its impact. Further support will be considered and discussed where:

- there are repeat complaints
- the complaints become more serious
- there is intimidation or harassment

(This includes 'hate crime' where the perpetrator targets a victim because of his or her perceived membership of a certain social group. Examples of such groups include but are not limited to persons who are targeted because of their perceived race or ethnicity, religion or belief, sexual orientation, disability or transgender identity:

- there is domestic violence and abuse (see also later in this policy)
- the case is referred for legal proceedings
- before, during and after the case if there is a court hearing and the resident is a witness

Where there is a court hearing, the ASB team will:

- explain as far as can be anticipated what is likely to happen at court and how long the hearing may last
- arrange a meeting to discuss what is likely to be required of witnesses and the questions they may be asked in relation to their evidence
- consider assisting with transport to and from the court
- check with the court whether there is a separate waiting room that can be used for witnesses
- consider the use of any new witness protection measures where possible and where permitted by the court, e.g. screening of witnesses, giving evidence over a remote video link

After any court hearing, the ASB team will continue to support witnesses. They'll:

- inform witnesses of the outcome of the court hearing, preferably in person and thank them for their participation. this will be followed with a letter giving the results of the hearing and explaining the outcome
- provide ongoing witness support, if necessary
- consider publicity on a case by case basis and in liaison with the corporate communications teams and legal services. Public interest will always be taken into account

9. Professional witness scheme

In some cases, residents may be reluctant to provide evidence of ASB. They may fear retaliation either to themselves or to members of their family.

Whilst we encourage and support residents to come forward, we accept that in certain circumstances – for example where there is a health and safety risk – it may be unreasonable to expect them to provide direct evidence in support of court proceedings. Protection of witnesses will always be given priority.

'Professional witness' refers to the use of our staff or police officers to give evidence in civil proceedings. They can give evidence of what they have directly witnessed.

As mentioned earlier, they can also give evidence on behalf of a resident without revealing the identity of that resident. This is commonly known as 'hearsay' evidence.

It can also mean a specialist resource or agency who can back up our investigation as appropriate.

10. Prevention of ASB

As a landlord we use a range of measures to help prevent anti-social behaviour from occurring in the first place.

Conditions of tenancy: we have comprehensive conditions of tenancy with detailed nuisance clauses. The current tenancy agreement was introduced after full consultation with tenants and contains express clauses prohibiting various types of behaviour, which are unacceptable.

Lease conditions: (covenants and regulations) the obligations and responsibilities of lessees are set out in the lease. All leases contain a general covenant to ensure lessees (as well as members of their household and visitors) do not cause nuisance or inconvenience to their neighbours. Lessees who sublet their flats remain responsible for their tenants' conduct and will be liable for any breaches of the lease caused by their tenants' behaviour.

Introductory tenancies: all new tenants are given an "introductory tenancy" which lasts for the first year. In most cases the introductory tenancy becomes a secure tenancy after 12 months, unless we've started legal action to gain possession or have extended the introductory period for a further six months.

As part of the introductory tenancy scheme the tenancy officer will go through the conditions of tenancy with the new tenant when they sign their new tenancy agreement, explaining what constitutes ASB, what can be done about it and what we as the landlord can and cannot do about it; a tenancy officer will also aim to visit all new tenants at intervals throughout the 12-month period.

The aim of these visits is to help the tenant settle in their new home and to discuss any problems or difficulties they may be experiencing. These visits offer an ideal opportunity to "nip in the bud" any emerging problems that may arise in the early part of a new tenancy.

Sensitive allocations: our housing allocations policies aim to promote balanced and sustainable communities so as to avoid potential clashes of lifestyle. Occasionally a property becomes available for letting and it is deemed that it should be let 'sensitively' because of particular circumstances that relate to the property, for example the frailty and vulnerability of neighbours.

Where a sensitive letting is required, the tenancy will not be offered to the prospective tenant until it is confirmed that neither they nor any member of their household who will be living with them has:

- a history of anti-social behaviour or nuisance
- drug or alcohol dependency or
- any history of drugs dealing
- caused housing management problems in previous accommodation, including bed and breakfast or temporary accommodation

Other factors may be considered where justifiable, for example, where due to the nature of the sensitivity, a letting should be made specifically to a male or to female applicant.

Conversely, a neighbour of a property being let may have a history of behaviour which means it may be necessary to avoid letting the property to a person who is vulnerable to harassment or other behaviour and in these circumstances, discretion may be used to make a direct offer of that letting.

11. Intervention when ASB occurs

When we've assessed the full circumstances of the complaint we'll determine our response and any intervention measures we may take to address the alleged ASB.

At all times the intervention action we take will be appropriate and proportionate to the nature, scale and extent of the problem. The majority of complaints are addressed by taking early informal action.

We use a range of intervention tools, including those listed below.

- **Initial interview with alleged perpetrator:** to contact, interview and advise the alleged perpetrator of the nature of the complaint and to hear their side. If the problem can be resolved at this stage no further action is taken
- **Warning letters:** sent when we have evidence that the alleged perpetrator is responsible for the ASB and all early interventions have failed to resolve the problem. This will put the alleged perpetrator on notice that unless the ASB ceases we'll consider legal action
- **Banning letters:** we do not use banning letters as they are not legally enforceable. We can however in certain circumstances secure an injunction to prevent an individual over the age of 10 from entering a particular area if they are engaging in ASB around land that we own
- **Acceptable behaviour contracts/agreements (ABCs/ABAs):** individual written agreements made between a young person, normally aged between ten and eighteen, the police, the early help specialist practitioner and the ASB team in which the young person agrees not to carry out particular types of behaviour that have been identified and agreed as anti-social. A parent will also be present at this meeting.

Although the agreement is not legally binding if the young person continues to act in an anti-social manner the agreement can be used as evidence of partnership attempts to amend the behaviour if legal action has to be taken. ABAs are similar agreements, made with persons over the age of 18

- **Demoted tenancies:** when a secure tenant causes nuisance through antisocial behaviour, we can apply to court to demote the tenancy to a 12-month probationary tenancy. This reduces the security of tenure for the 12-month period however, the tenant will not necessarily lose their home and can regain their original tenancy after 12 months. In some cases the demotion period can be extended to 18 months

We'll seek a demotion order in possession proceedings as an alternative claim to a possession order or make a free-standing demotion order application. We'll apply to the court to demote a tenancy where the tenant, or someone living with or visiting the tenant, has either:

- engaged or threatened to engage in antisocial behaviour, or
 - used or threatened to use the property for an unlawful purpose
- **Mediation:** this can be a cost-effective means of dealing with disputes between neighbours, which, if left unresolved may escalate into more serious ASB problems. Mediation is a process whereby a neutral third party seeks to help neighbours in dispute to reach common ground without having to resolve their differences via court proceedings.

We provide access to independent professional mediation services for tenants where both or all parties voluntarily choose it. Mediation is not normally appropriate in cases involving violence although we can sometimes make exceptions on a case-by-case basis.

- **Management transfers:** our housing allocation policy recognises that on occasions there are good management or other reasons, for example threatened or actual violence or harassment, to allow a tenant victim to transfer outside the normal allocations' priorities. Management transfers can be authorised by the housing service on an exceptional basis
- **Referrals for engagement schemes:** via the multi agency gang panel for diversionary activities and support to exit gangs

12. Enforcement action

If our intervention actions have failed to resolve the situation, we'll take appropriate legal action as the next step. We use a range of enforcement powers to tackle nuisance and anti-social behaviour in or around our housing stock.

The options listed in the table below are equally applicable to tenants and lessees, except for:

- demotion of tenancy
- service of notice of seeking possession (NOSP) or notice of proceedings for possession (NPP) leading to proceedings for possession on both discretionary and the new mandatory grounds

which are only applicable to tenants, and:

- forfeiture, which is only applicable to lessees

Actions and when they should be used

Acceptable behaviour contracts

Voluntary agreements between a young person aged 10 -18, the ASB team, the police and our Integrated Locality team (young people's services).

When to use: Where there are complaints about low level nuisance (also an intervention tool).

Not legally binding but can be used as evidence in court enforcement proceedings

Acceptable behaviour agreements

As above but involving adults.

When to use: as above

Criminal behaviour orders

These can be issued by a criminal court against a person who has been convicted of a criminal offence. The prosecution will in most cases apply for such orders either on its own initiative or after a request from police or council.

When to use: if the court is satisfied beyond reasonable doubt that the offender has engaged in behaviour that has caused, or likely to cause, harassment, alarm or distress to any person and that an order will help prevent the offender from engaging in such behaviour.

Civil injunction

To stop or prevent individuals engaging in ASB.

May include power of arrest.

When to use: a civil injunction can be sought for conduct, caused, or likely to cause harassment, alarm or distress or conduct which is capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises

or

Conduct capable of causing nuisance or annoyance to which directly or indirectly relates to or affects our housing management functions

They can be issued by the High Court and County Court for anyone over 18, and by the Youth Court for anyone under 18. They'll include prohibitions and can also include positive requirements. Not linked to 'locality'.

Gang Injunctions

Used to prevent gang related violence. Police and council power. They can be granted against anyone over the age of 14.

When to use: where there are gang related violent incidents

Demotion of tenancy

Can end a secure tenancy through a court order, although perpetrator remains in the property. Demotion can last for 12 months. No need to demonstrate the incident has occurred in the locality – but must be housing related.

When to use: where the tenant or visitors have used the premises for illegal purposes or whose behaviour has caused nuisance or annoyance. Must satisfy court that demotion is reasonable.

Requires similar levels of evidence as that needed for possession action.

Closure orders

Allows the police or council to quickly close premises which are being used or are likely to be used to commit nuisance or disorder.

When to use: to give urgent respite to the community, where premises are linked to disorderly, offensive or criminal behaviour, serious nuisance or disorder near the premises.

Service of notice of seeking possession (notice of proceedings for possession in the case of introductory tenancies), leading to possession order

On grounds set out in the Housing Act 1985.

Can be sought where the tenant or a person residing with them has either:

- been found guilty of conduct causing or likely to cause nuisance or annoyance in the locality
- been convicted of using the property or allowing it to be used for immoral or illegal purposes
- where an indictable offence has been committed in, or in the locality of the property

When to use: if the nuisance is ongoing, serious, has persisted despite warnings and other interventions have proven unsuccessful.

May also be considered at an early stage, including as a measure of first resort, in cases which are of a serious or criminal nature and cause upset/distress to the community.

Note: the court has to be satisfied in all cases that eviction is reasonable and proportionate.

Requires high threshold of evidence.

Forfeiture

The legal means by which a lease is terminated. Forfeiture action requires prior service of a Notice under Section 146(1) of the Law of Property Act 1925 in respect of any breach by a lessee of a covenant or condition.

Before the S146 notice can be served a determination that there has been a breach of the lease must be obtained from the First-tier Tribunal (Property Chamber) unless there has been an admission of the breach by the lessee.

When to use: if other avenues to tackle the nuisance, e.g. injunction, have been pursued without success/the lessee has ignored such orders and is likely to continue to be in breach of their lease.

Service of notice of seeking possession on absolute grounds

This is a new power introduced by the ASB, crime and policing Act 2014 where ASB or criminality has already been proven by another court. The court must grant a possession order where the correct procedures have been followed (subject to any defence raised by the tenant).

When to use: to be used selectively for the most serious cases of ASB to expedite the eviction of the most anti-social tenants. Authorised at a senior level.

13. Possession action

In the case of tenants, we'll generally only use possession action where all other interventions and attempts to change behaviour have failed. However, we will not hesitate to pursue possession action at an early stage, including as a measure of first resort, in cases:

- which are of a serious or criminal nature and cause upset/distress to the community
- where such action is proportionate and reasonable in the circumstances

We'll take possession action using the new absolute grounds for possession in only the most serious cases of ASB. Each case will be looked at on its own merits and authorised at a senior level.

In the case of lessees, we'll consider forfeiture action if all other measures have failed to resolve the situation. Under forfeiture the lessee loses their home, receives no compensation for loss of capital investment and remains liable for any monies secured against the property (for example, any outstanding mortgage).

As such, the courts are reluctant to grant forfeiture orders unless all other avenues have been pursued in the first instance, such as injunction.

Only where a lessee has ignored such orders and is likely to continue to be in breach of their lease might forfeiture be considered.

14. Intentional homelessness

Where a tenant has been evicted or a lessee has forfeited their lease because of their antisocial behaviour they may approach us and make a housing application as they are homeless.

Their application will be assessed in line with the relevant legislation and unless there are significant factors which may have a legal bearing on the assessment of their case, they would be considered to have made themselves intentionally homeless by their actions, and we would not rehouse them.

It is important for such applicants to know, and for the wider community to be reassured, that we do not operate a 'revolving door policy'.

15. Rehabilitation of perpetrators and support for vulnerable groups

We recognise that in some cases the perpetrators of ASB may require specialist support to address problems and behaviours which are impacting on the wider community. These may

include perpetrators with drug and alcohol dependency, mental and physical health needs, young people at risk of offending or further offending, gang members and families in need of support.

We'll have due regard to the particular circumstances and vulnerability of perpetrators when considering the most appropriate form of intervention and support. However, we'll also take enforcement action, including possession action, where this is proportionate and reasonable, and where all other avenues have been exhausted.

Our vulnerability and inclusive services policy sets out our principles and approach. Our standard operating procedures give guidance to housing staff on identifying vulnerable people and how to ensure that their needs are met through liaison with adult services and signposting to other appropriate agencies.

This includes making appropriate safeguarding referrals where needed, for both adults and children.

Closure orders - assessment of vulnerability - when the police are considering a property for closure, under the ASB, crime and policing Act 2014, they must consult us. We can also apply for a closure order.

The meeting considers the evidence for closure and agrees whether the occupant is vulnerable. If the occupant is deemed to be vulnerable and support is appropriate, this could be in the form of:

- temporary accommodation/supported accommodation in a hostel
- an assessment for treatment and referral to appropriate services
- permanent re-housing – subject to successful demonstration of capacity to manage a tenancy

Juvenile perpetrators: in general enforcement action is only considered for juveniles as a last resort after the young person has been through the ABC process and all appropriate interventions / diversionary avenues have been exhausted.

16. Cross tenure issues

We recognise that our housing stock, and neighbouring residential accommodation, is occupied by a variety of tenures. Within the boundaries of our stock we also have residential accommodation that has been sold on freehold.

In appropriate cases we'll consider using its enforcement powers to tackle ASB by people who are not resident in its own landlord managed stock. We'll also consider appropriate action to protect people who are not our tenants from ASB perpetrated by council tenants.

17. Protection of staff

In delivering services to the community, we expect that members of the public will treat their employees with courtesy and respect. Exposure to violence and assault is not an acceptable part of an employee's everyday working life and we'll take all reasonably practicable measures to prevent or reduce the risk of such exposure.

Accordingly, we've developed policies to protect staff in accordance with their duties under common law and statute. As well as a general health and safety policy we've developed compatible policies, procedures and training, covering a variety of issues. These include:

- lone working procedure
- accidents, incidents and 'near misses' reporting procedure

- risk assessments procedure
- stress at work policy
- managing violence and aggression in the workplace procedures
- 'sharps' awareness training
- zero tolerance policy for verbal and physical abuse

All new staff including agency and contract staff must complete a health and safety induction within the first week of employment to ensure they're provided with sufficient information:

- to undertake their role safely
- to their training needs are analysed and relevant training arranged
- so the risks they're exposed to are identified and controlled
- so relevant control measures such as safe systems of work and personal protective equipment (ppe) are provided where deemed necessary

All line managers are responsible for completing risk assessments for the work activities undertaken by the staff they directly manage, and for ensuring that all relevant control measures are implemented to reduce the risk to the lowest possible level.

Our staff must also undertake adequate risk assessment for all activities, including the planning of work when preparing enforcement action. In many cases this necessitates careful pre-planning and interagency meetings where risk management and personal safety of officers is discussed to ensure that there is shared risk assessment.

From time to time further action has to be taken to protect staff dealing with serious anti-social behaviour, such as threatening behaviour.

We work closely with the police to ensure that criminal proceedings are taken where appropriate, for example when a member of staff is harassed, threatened or assaulted. We also use our powers under the [Anti-social behaviour, Crime and Policing Act 2014](#), where appropriate, to protect our staff.

18. Training of staff dealing with ASB

Learning and development of our staff is key to providing a high-quality service to residents now and in the future, enabling our teams to be competent at their jobs in order to meet organisational objectives and to enhance their personal development.

We provide regular training for all staff on topics such as equalities, health and safety, dealing with violence and aggression. In addition, specialist courses are run on a wide variety of community safety related subjects including enforcement legislation, ASB policy, procedures and case management.

19. Partnership working

Together with our partners, we'll make full use of the powers available to us under relevant legislation, including the following acts of parliament:

- Housing Acts 1985 and 1996
- Children Act 1989
- Environmental Protection Act 1990
- Human Rights Act 1998
- Crime and Disorder Act 1998

- Local Government Act 2000
- Homelessness Act 2002
- Anti-Social Behaviour Act 2003
- Fireworks Act 2003
- Police and Justice Act 2006
- Equality Act 2010
- Anti-social behaviour, Crime and Policing Act 2014

20. Complaints and appeals

When notifying a tenant of any decision in relation to action taken in relation to ASB, we'll make the tenant aware of their right to:

- make a complaint
- seek a judicial review on any point of law
- get independent advice and support (as appropriate)

There is no right of appeal internally against our decisions to enter into prevention or enforcement action. Actions taken through the courts will need to be defended by the perpetrator in accordance with the legal system.

Tenants will be informed of their right to make a complaint within 12 months of becoming aware of an issue if they think we or any council employee/representative has:

- done something wrong
- behaved unfairly or not politely
- not carried out a service to an agreed standard; or
- not responded to a request for a service within our stated timescale

Complaints should relate to conduct or timescales, rather than the substance of any decision.

We have a complaints process that is compliant with the [Housing Ombudsman Code of Practice](#) for complaints. Full details can be found on the Luton Council website: [comments, compliments and complaints](#).

Our complaint process allows for further escalation to the Local Government and/or the Housing Ombudsman service if the tenant remains unhappy with the outcome of a stage 2 complaint.

21. Compliance, monitoring and assurance

Compliance with this policy will be monitored by periodic reviews of case records by the relevant team manager. We'll provide assurance on the proper implementation of this policy through regular self-assessment, internal audit, performance management, quality assurance of compliance with procedures and our risk monitoring work.

We'll keep this policy under review and may amend or replace it from time to time, for example due to legislative or regulatory changes, but will not change the substantive rules in it more than once in every 5 years (unless required to do so by law).

Prior to finalising and adopting this policy, we consulted with tenants as to its contents via the tenant partnership board.

The policy was approved through the democratic process and adopted by the council at the meeting of the executive 6 October 2025.

22. Equality and diversity

We'll apply this policy in a way that is fair and consistent to all tenants with all exceptional decisions recorded on the register of exceptional decisions.

This policy has been subject to an equalities impact assessment which determined this policy does not directly or indirectly discriminate against any person or group of people because of their race, religion/faith, gender, disability, age, sexual orientation or any other grounds which are set out in our equality and diversity policy or are a legally protected characteristic.

We'll ensure this policy and any supporting procedures do not create an unfair disadvantage for anyone, directly or indirectly through the EIA process.

We'll advise tenants that equalities information will be collected to enable a better understanding of peoples' housing needs and to ensure that no one is discriminated against as a result of the way this policy has been framed, or during the administration of it. Tenants will be informed as to how such data will be used, handled, and stored.

23. Data protection

We'll hold all information about tenants in a secure manner in line with data protection legislation applicable to us.

We are subject to the information disclosure requirements of the [Data Protection Act 2018](#). The administration of this policy will ensure compliance with this legislation. For further information please reference our [Data Protection policy](#).

Tenants will be advised of their right to make a complaint to the office of the information commissioner if they believe we has failed to fulfil its obligations and responsibilities as set out in the [Data Protection Act 1998](#).

24. Disclosure of personal information

Personal information may only be disclosed in line with the specified purposes for which it was collected, unless one of the non-disclosure exemptions of the DPA applies. Under the relevant DPA exemptions personal data may be disclosed where it is necessary for:

- the prevention and detection of crime (s.29 of the DPA)
- the apprehension or prosecution of offenders (s.29)
- the assessment or collection of any tax or duty or of any imposition of a similar nature (s.29)
- the disclosure consists of information which is required by law to be made publicly available (s.34)
- the disclosure is required by law or order of the court (s.35(1))
- the disclosure is made in connection with legal proceedings (s.35(2))
- only section 35(1) is mandatory. all the other exemptions referred to above are not compulsory and require that each request for disclosure be considered on a case by case basis. Generally, disclosure must be proportionate and must take account of the rights of third parties whose personal data may also be present.

25. Article 8 of the Human Rights Act 1998

Article 8 of the Human Rights Act 1998 states that every individual has a right to respect for his private and family life. However, this is a qualified right, which means that it can be interfered with provided such interference is necessary and proportionate, in the interests of:

- national security
- public safety
- economic wellbeing of the country
- prevention of crime and disorder
- protection of health or morals
- protection of the rights or freedoms of others

Information sharing protocols are in place with the police formally in Luton

26. Surveillance

The [Regulation of Investigatory Powers Act 2000 \(RIPA\)](#) regulates the use of covert surveillance. As a local authority, we cannot use covert surveillance techniques on any project without having first obtained judicial approval from the Magistrates' Court authorising such use.

Any application must also satisfy the following conditions:

- the authorisation must be for the purpose of preventing/detecting conduct which constitutes/would constitute one or more criminal offences and
- the criminal offence is/would be an offence punishable by at least 6 months' imprisonment or is an offence under specified licensing/trading standards legislation.

Covert surveillance is likely to interfere with an individual's article 8 rights as mentioned above. Consequently, when considering any application to authorise the use of covert surveillance the magistrates must be satisfied that any such interference is necessary and proportionate.

Personal data collated from covert surveillance remains subject to the provisions of the [Data Protection Act 1998](#).

27. Sharing information with residents and the wider community

By publicising successful action against the perpetrators of ASB we can help encourage more effective enforcement as well as reassuring the community that action is being taken to protect it. We appreciate that publicity may also deter other potential perpetrators from ASB.

Human rights law requires that we consider and balance the rights of those subject to enforcement action as well as the community, particularly those who have been victims of ASB.

Publicity may be by various means including a press release aimed at the general public or a newsletter targeted, for example, at residents on a specific estate.

The content of the publicity may be specific and include the name or even a photograph of the perpetrator or very generalised, by, for example, simply advising the public that the court has granted an injunction against a well-known perpetrator of ASB in the area.

Any publicity must be necessary and proportionate to the aims it seeks to achieve. We must also consider the non-disclosure rules of the [Data Protection Act](#) where relevant, and must pay particular attention where young persons are involved.

All publicity is dealt with on a case by case basis in liaison with our corporate communications team. Our Legal Services team must be consulted to approve any council press release prior to publication.

In some instances, the press may, of their own volition, report on enforcement cases heard in open court.

We have special arrangements for publicising injunctions and closure orders, which take into account the public interest in such matters.

28. Decision making, review, impartiality and conflict of interest

Decisions will be made by our employees, in accordance with this policy. However, our procedures will ensure all decisions are reviewed or verified by a designated senior officer.

Tenants will be asked when the process starts, whether they (or anyone who lives with them or might reasonably be expected to live with them) we employ them. Where a tenant affirms that they (or a usual household member), is our employee, they'll be notified of the process to deal with any conflicts of interest which will:

- involve a senior officer assessing the circumstances
- ensure that it's dealt with impartially without any reference to the relevant employee

The same principle will be applied to relatives of persons who we employ.

All decisions will be made and signed off by a suitably qualified officer (usually the service manager). To avoid a conflict of interest our constitution does not allow for these decisions to be overturned by elected members, committees or cabinet.

29. Compliance, monitoring and review

Compliance with this policy will be monitored by periodic reviews of case records by the relevant team manager. We'll provide assurance on the proper implementation of this policy through regular self-assessment, internal audit, performance management, quality assurance of compliance with procedures and our risk monitoring work.

We'll keep this policy under review and may amend or replace it from time to time, for example due to legislative or regulatory changes, but will not change the substantive rules in it more than once in every 5 years (unless required to do so by law).

Prior to finalising and adopting this policy, we consulted with tenants as to its contents via the tenant partnership board.

The policy was approved through the democratic process and adopted by the council at the meeting of the executive 6 October 2025.

30. Equality, diversity and inclusion

We're committed to promoting equality, eliminating discrimination, and advancing opportunity for all tenants, in line with the [Equality Act 2010](#) and our public sector equality duty (PSED).

We'll apply this policy fairly and consistently, ensuring no tenant is disadvantaged, directly or indirectly on the basis of any protected characteristic, including:

- age
- disability
- sex
- gender reassignment
- sexual orientation
- race (including ethnicity, colour, and nationality)
- religion or belief
- pregnancy and maternity
- marriage and civil partnership

We'll apply this policy in a way that is fair and consistent to all tenants with all exceptional decisions recorded on the register of exceptional decisions.

This policy has been subject to an equalities impact assessment which determined this policy does not directly or indirectly discriminate against any person or group of people because of their race, religion/faith, gender, disability, age, sexual orientation or any other grounds which are set out in our equality and diversity policy or are a legally protected characteristic.

We'll ensure this policy and any supporting procedures do not create an unfair disadvantage for anyone, directly or indirectly through the EIA process.

We'll advise tenants that equalities information will be collected to enable a better understanding of peoples' housing needs and to ensure that no one is discriminated against as a result of the way this policy has been framed, or during the administration of it. Tenants will be informed as to how such data will be used, handled, and stored.

We also recognise the impact of socioeconomic disadvantage, digital exclusion, and intersecting inequalities, and commit to taking a proportionate, trauma-informed approach wherever needed.

To ensure compliance and transparency:

- this policy has been subject to a full equality impact assessment (EIA)
- all exceptions to standard practice will be recorded on the register of exceptional decisions, with a clear rationale
- We'll monitor how this policy is applied and analyse outcomes to ensure no group is unfairly impacted in practice
- equalities data will be collected sensitively and used to tailor services, support monitoring, and improve outcomes

Staff will receive appropriate training to apply this policy in a non-discriminatory, inclusive, and culturally competent way. We'll regularly review and update our approach to reflect tenant feedback, changes in legislation, and emerging best practice in housing equality.

31. Communication and accessible information

We are committed to ensuring all tenants can access, understand, and engage with housing services regardless of their language, literacy level, disability, or communication preferences.

31.1. At sign-up and ongoing engagement

All tenants are asked about communication preferences and access needs when they first sign up to a tenancy and at key points during their tenancy lifecycle. These needs are reviewed regularly and at any point the tenant wishes to update them.

31.2. Accessible formats

Where standard communication would place a tenant at a disadvantage, We'll provide information in alternative formats, including but not limited to:

- easy read
- large print
- audio
- braille
- british sign language (BSL) interpreter
- video relay services
- subtitled or translated video content

31.3. Language and interpretation

We'll offer translation or interpretation services for tenants whose first language is not English, including telephone-based and in-person interpreters where required. Translated summaries of key documents will be available in the most commonly spoken community languages in Luton.

31.4. Delegated authority and consent

Tenants may nominate a trusted person (with delegated authority) to receive correspondence or manage tenancy communications. We'll confirm the nominated person's consent to receive and manage information, in line with data protection and safeguarding guidelines.

31.5. Digital exclusion and offline access

While many services are available online, we acknowledge that not all tenants have reliable internet access or digital confidence. All policies and procedures will be available in non-digital formats, and assistance will be provided to those needing help to complete digital tasks.

- **Multiple channels:** information and correspondence may be provided via letter, phone, email, secure messaging, or in person, depending on tenant preference and service availability.
- **Feedback and continuous improvement:** tenants are encouraged to provide feedback on the accessibility of our communications, and we regularly review our approach in line with best practice and tenant input.