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Attempts to Curb Anti-Social Behaviour in Student Areas through Housing Legislation

1   Introduction

This briefing was requested by the Committee for Employment and Learning in order to examine the strategies used by other regional assemblies to tackle anti-social behaviour (ASB) in student areas through the use of housing policy. It will discuss the background to ASB in student areas, Northern Ireland's response to this activity and will examine legislation introduced in Scotland and its effectiveness in curbing ASB.

2   Key Points

- There are currently a number of strategies at work to tackle anti-social behaviour in and around student areas in Belfast which involve a large number of stakeholders, including Queen's University Belfast, University of Ulster, the PSNI, Belfast City Council and local residents groups;

- Despite the large amount of work being carried out in the area difficulties persist for a number of reasons, including market forces, the transient nature of the student population and groups of people who cause difficulties in the area but who are not students and are outside the remit of the Universities;

- In 2004 the Scottish Government introduced the Antisocial Behaviour etc (Scotland) Act which introduced a number of measures to tackle ASB through justice, the environment, housing and child welfare;

- Part 7 of the Act gives Local Authorities (LA) the power to serve ASB notices on private landlords with disruptive tenants. If the behaviour continues the LA can apply for a Management Control Order which transfers the property to their control for up to 12 months;

- Problem tenants can subsequently be evicted;

- Part 8 of the Act requires LA's to establish a register of private landlords;

- Part 7 is intended to be implemented only rarely and no central records are held on how often it has been used;

- To date no council has issued a Management Control Order, although two councils have made use of No Rent Payable Orders;

- Part 8 has come under criticism for high costs and ineffective administration, although this can vary from Council to Council. A review is currently underway and additional legislation may be introduced to strengthen the scheme;

- The Conservative/Liberal Democrat government for the UK recently announced it was not going to bring in similar legislation to England. Rather it will ensure existing legislation is fully enforced;

- England and Wales currently allows LA's to adopt Selective Licensing (SL) in certain areas;

- SL covers similar areas to the Anti-Social Behaviour etc (Scotland) Act 2004 and puts in place powers to tackle severe problems in specific areas within the private rented sector arising from poor management of properties;

- In January 2010, 11 LA's in England were operating 15 SL areas, with a study finding some improvements as a result including property condition and ASB in the area; and

- The Northern Ireland Assembly has recently passed the Housing (Amendment) (No 2) Bill which will allow for subordinate legislation to be introduced on landlord registration.

3   Background

There are three main University/College locations in Northern Ireland: Belfast, Derry and Coleraine. Belfast is by far the largest, with Queen's University Belfast, the University of Ulster and Belfast Metropolitan College all having multiple campuses in the city.

In 2008/09 Northern Ireland had 62,265 domiciled higher education students, with 41,718 studying in Northern Ireland. In total 48,249 students were enrolled at NI Higher Education Institutes (HEI's) (this includes NI domiciled students and students

from outside the region). Of these 39% were aged under 21 and 67% were on their first degree course[1].

In this period QUB had 25,080 students enrolled (including St. Mary's and Stranmillis Universities) with the University of Ulster having a total of 23,160 students. Of these 15,088[2] attended courses that would see them potentially living in Belfast (i.e. 1,507 enrolled at the Belfast campus and 13,581 at Jordanstown). Data provided by QUB shows that 2,393 students live in BT9 (which covers a large part of the Lisburn and Malone roads including the QUB Halls of Residence which would explain why there was such a high number of students in the postcode area), BT 7 has 1,456 students (which covers the Botanic Road and Holylands). The data provided by QUB is based on the number of full time undergraduates and had a total of 12,606[3].

Following discussions with representatives from the University of Ulster, it was found that it has approximately 12,771 students registered in Belfast term time addresses[4]. Of these, there were approximately 1,518 living in BT 7 and a further 920 in BT 9. The second largest concentration (1,069) was at BT37 which is the area around the Jordanstown campus[5].

Whilst this is not a full count of the student population within Belfast (as a result of a reliance on students providing accurate information on term time address), it does suggest that both universities have a minimum of 2,974 students living in and around the Holylands, as demarked by the BT7 postcode area.

In 2008/09 there were 2,643 recorded offences in the Botanic Ward (which had a population of 9,572 in 2001), with 31,186 recorded for the Belfast LGD[6]. As such, Botanic Ward accounted for 8.5% of all recorded offences in the LGD.

In comparison, Stranmillis Ward (which had a population of 7,635 in 2001) has 353 recorded offences (1.1% of the LGD total). Windsor Ward, located on the Lisburn Road and another popular housing location for students, has a population 7,087 in 2001 (during the census) and has 910 recorded offences in 2008 (2.9% of the LGD total).

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[1] Higher Education Statistics Authority Students and Qualifiers Data Tables
http://www.hesa.ac.uk/index.php/component/option,com_datatables/Itemid,121/task,show_category/catdex,3/#institution
(first accessed 22nd June 2010)
[2] University of Ulster March 2010 Total Student Population History by Campus
http://plangov.ulster.ac.uk/planning/pdfs/sumcampu-_ten_year_history.pdf (first accessed 22nd June 2010)
[3] Information supplied the Queen's University Belfast Planning Unit. Please note, the data provided is for registered full time undergraduates for 2009/10.
[4] Please note the data for this is based on records where full, valid Northern Ireland postcode is available against Northern Ireland address and term time addresses are provided by the student and are not validated by the University of Ulster or QUB.
[5] University Of Ulster June 2010, 2009/10 Registered Students at Belfast/Jordanstown Campuses by Term Address Postal Code
[6] Northern Ireland Neighbourhood Information Service, Ward Information for Stranmillis, Botanic and Windsor wards
www.ninis.nisra.gov.uk (first accessed 18th June 2010)

All three of these areas have student populations (with Windsor having a similar population density to Botanic, 77 persons per hectare, and 80% of the population aged between 16 and 60) but as can be seen from the crime statistics, the Botanic Ward has a significantly higher level of recorded crime. Criminal Damage and Violent Crimes were the highest recorded types of crime in the area.

As can be seen Belfast has a large transient student population, with approximately 40,168 full and part time students enrolled in courses in or near the city. Please note, this does not take into consideration the further education students attending BMC, which has a total student population of over 53,000 full time and part time students[7].

4   'Studentification'

A study conducted in 2006 by Universities UK discussed the growing phenomena of 'Studentification', a term coined to describe the build up of high concentrations of students within certain areas of towns and cities with colleges and universities. An earlier study identified four aspects to Studentification[8]:

- **Social:** the replacement and/or displacement of established residents with a transient, generally young and single, social grouping;
- **Cultural:** the growth of concentrations of young people with shared cultures and lifestyles and consumption practices, which in turn results in the increase of certain types of retail and service infrastructure;
- **Physical:** the downgrading or upgrading of the physical environment, depending on the local context;
- **Economic:** the inflation of property prices and a change in the balance of the housing stock resulting in neighbourhoods becoming dominated by private rented accommodation and houses in multiple occupation (HMO's) and increasing levels of owner occupation.

A number of these aspects are readily apparent in regards the Holylands as can be seen in NISRA statistics. For example, 84.6% of the population is aged between 16 – 60 in comparison to 58.6% for the Belfast Local Government District (LGD). The average age in Botanic ward is 27.7, 9 years younger than the LGD average. Both sets of figures suggest a high concentration of young people. In further support is the high level of single people in the area, with 82.3% in comparison to the LGD average of 41.3%[9].

The study highlighted a number of positive and negative effects as a result of Studentification and went on to make a number of recommendations regarding the phenomena:

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[7] Belfast Metropolitan College About Us: Studying at Belfast Metropolitan http://www.belfastmet.ac.uk/aboutus (first accessed 18th June 2010)

[8] Universities UK Management Guidance January 2006 Studentification: A guide to opportunities, challenges and practice.

[9] Please note, the NISRA data is mainly from the 2001 census survey and as such may have changed since then.

- In considering possible action regarding Studentification, higher education and local authorities should recognise the needs and welfare of both students and established residential communities;
- Partnership working is key;
- Effective communication channels are essential to foster consultation and discussions between different organisations and stakeholders with effective processes needed to ensure effective formal dialogue;
- Achieving a consensual view of the issues and a common vision requires respect, transparency and trust between the stakeholder organisations;
- The development of initiatives or strategies to address Studentification must be sensitive to the local context; and
- There is a need for stakeholders to recognise that Studentification can have both positive and negative effects, with their perception affecting individual group's responses.

The study examined the process of Studentification in a number of university/college towns across Great Britain (it also conducted questionnaires in NI but developed case studies based on examples in GB). From this it identified a number of actions taken locally in order to meet the challenges of Studentification. Methods employed include:

- Durham City Council, the University of Durham and associated stakeholders established a group to ensure that the community does not become 'imbalanced' as a result of the size or distribution of student populations;
- Canterbury City Council has developed an overview and scrutiny committee with one of its remits being to examine the impact of the student population on the district and to review the performance of departments within the Council;
- At Loughborough University, the Registrar, security section and Community Warden are empowered to impose fines on students found to be in breach of its 'disreputable behaviour' ordnances;
- The University of Leeds has established neighbourhood helplines for communities with high proportions of students. The service provides a 24 hour voicemail and email service to raise issues and concerns; and
- Nottingham City Council employ a Student Strategy Manager, whilst in Durham a named student representative and named Council officer are the key points of contact for liaison on student housing issues.

These are just a few of the examples of strategies employed by stakeholders across towns and cities with high student populations. As can be seen a large number of initiatives have been taken in order to integrate student and resident populations. Many of these strategies are newly implemented and it will take time before it is possible to see how effective they have been in reducing ASB.

5   Northern Ireland's Current Approach

In order to deal with the anti-social behaviour a number of stakeholders have introduced strategies to areas in Belfast, with a focus on the Holylands. For example:

- Belfast City Council has invested in 12 CCTV cameras and employs 25 council wardens to patrol the area (this is part of a wider initiative with the wardens assigned to an area for up to three months before moving to another area of the city). The Wardens are intended to:

  - tackle antisocial behaviour, for example, street drinking and rowdy behaviour;

  - reduce crime and fear of crime;

  - work with local community and voluntary groups to give feedback on environmental issues, such as litter, fly-tipping and dog fouling; and

  - respond to issues in certain areas.

Both Queen's University Belfast (QUB) and the University of Ulster (UU) work closely with a number of stakeholders to implement strategies to offset ASB amongst their student population. Indeed, the two Universities are the only ones in the UK and the Republic of Ireland to impose disciplinary procedures on students for ASB off campus[10]. The two Universities have developed extensive strategies to target problem areas.

QUB takes a three strand approach to dealing with ASB amongst its student population[11]:

- **Education:** Includes providing details to students each year on discipline enforcement within the University, an outreach programme to sixth formers across Northern Ireland regarding cohesive living in the community and hot spot meetings for Queen's students regarding living in the community;

- **Partnership:** Briefings with local landlords, briefing of South Belfast Police Officers and community safety wardens and attendance at all residents groups meetings; and

- **Discipline:** Investigation of all complaints, a robust disciplinary code which allows the University to deal directly with students who get involved in anti-social behaviour and professional training for selected student officers and disciplinary officers.

The University of Ulster has a similar programme in place for its students. The UU Community Relations Officer engages directly with students and has spoken face to face with approximately 1,700 students first year students on the Jordanstown Campus regarding their role and responsibilities when living as part of a community and is a key player in the development of the St. Patrick's Day Festival that is run across South

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[10] Based on discussions with University of Ulster representatives
[11] Queen's University Belfast Community Affairs Unit June 2010 Briefing Paper Community Cohesion – Please note this is not a complete list of QUB's actions to tackle ASB.

Belfast in order to encourage students to use the Student's Union rather than the streets.

The Universities work with a number of stakeholders and a Holyland Interagency Group has been created in order to encourage partnership working between groups such as the PSNI, Belfast City Council, Universities and residents groups. The Interagency Group have devised the Holyland Interagency Group Implementation Plan, with a draft version completed in April 2010.

The Action plan focuses on 6 areas: Alcohol, Policing, Student Accommodation and Physical Infrastructure, Student Behaviour, Holyland Management and Monitoring and Environmental Factors.

The plan proposes 53 Actions to be taken by a variety of stakeholders including the two main universities, Belfast City Council and various government departments. These actions vary from short to long term with a monitoring process in place in order to take account of any changes needed to offset any new issues which may arise.

Alongside the actions taken by the Interagency Group, other government bodies have a role in tackling aspects of ASB. For example, areas such as the Holylands have a high level of Houses of Multiple Occupancy (HMO's) which serve to concentrate populations within small areas. As per the 2001 census, the Botanic Ward had 73.3 persons per hectare with only 24.15 per hectare for the LGD, which serves to highlight how densely populated the area is.

In response to the pressures placed by the growing number of HMO's in Belfast, especially in and around the University quarter, a strategy document was prepared by the NI Planning Service around future HMO development[12]. The Plan was designed to give a balanced approach to HMO development.

The Belfast HMO strategy is to:

- Protect the amenity of areas where multiple occupation is, or is likely to become, concentrated;

- Accommodate the need and demand for multiple occupation, while maintaining a community balance;

- Focus HMO development in areas where it can contribute to regeneration; and

- Promote appropriate development of purpose built student accommodation.

Whilst this strategy will only have a limited effect on the Holylands, it will serve to slow down the growth of HMO's in the area around Queen's University and will impose limits on their spread in other areas.

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[12] The Planning Service Belfast December 2008 HMO Strategy 2015
http://www.planningni.gov.uk/index/policy/dev_plans/devplans_az/belfasthmo_2015/belfasthmo_plan_strategy/belfasthmo_strategy.htm (First accessed 22nd June 2010)

More recently, the Department of Communities and Local Government developed a report to review the problems caused by high concentrations of HMOs[13]. The review involved UK wide evidence gathering with this information then used to develop a series of recommendations based upon best practice[14]:

- the development of University Housing and Community Strategies:
- dedicated Officers in both local Authorities and Universities to co-ordinate activities to address issues arising from concentrations of HMOs;
- student housing/Landlord Accreditation Schemes;
- HMO Licensing;
- stakeholder forums;
- selective targeting of local authority and stakeholder resources to address issues around environmental matters, parking, anti-social behaviour, crime and community safety;
- wider dissemination and sharing of good practice;
- provision of purpose-built student accommodation; and
- the use of Planning Restraint policies to control the concentrations of HMOs and create more balanced and sustainable communities.

There has been some success as a result of the strategies implemented by the various stakeholders. For example, QUB states that:

> *From 1 August 2009 to 31 May 2010, 409 complaints were received by the University compared to 340 for the same period last year, a rise of 20.3%. One of the reasons for the rise could be the zero tolerance of PSNI on street drinking especially at the beginning of the new academic year. Approximately one third of the total complaints to 31 May 2010 have involved Queen's students. Involvement by Queen's students in those complaints has dropped 4.3% in comparison to the same period last year.*

However, despite these small successes in the taming of the Holylands, problems still exist. The difficulties faced in dealing with ASB in areas such as the Holylands were highlighted by the Holyland Interagency working groups Action Plan, which found that despite a number of initiatives[15]:

- Market forces are and will remain the key influence in terms of reducing the HMO/student population presence in the Holyland;
- There are cohorts of people who are central to the Holyland problem but who are not students and are not therefore within the remit of the Universities;

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[13] Department of Communities and Local Government September 2008 Evidence Gathering – Housing in Multiple Occupation and possible planning responses
http://www.communities.gov.uk/documents/planningandbuilding/pdf/evidencegatheringresearch.pdf (first accessed 25th June 2010)

[14] Ibid

[15] Holyland Stakeholder Forum 2009 Draft Action Plan (taken from NI Assembly Information Pack 04-10)

- Alcohol is sourced from many other places as well as pubs and clubs, action related to licensed premises alone is not enough here; and

- The transient nature of the student population means that sanctions such as eviction which can be effective in other anti-social behaviour contexts are less relevant here.

6   Scotland's Strategies

The problem of ASB in certain areas is not limited to Northern Ireland. Other UK regions have identified it as an issue needing dealt with and have introduced legislation, policies and strategies to deal with it.

In 2004 the Scottish Executive introduced the Antisocial Behaviour Etc (Scotland) Act which introduced a number of measures to tackle anti-social behaviour.

It covers areas such as:

- Justice;

- The environment;

- Housing; and

- Child welfare.

The Act has several parts dealing with ASB[16] such as police being able to disperse groups of more than 2 people if they're causing problems and the implementation of nuisance noise services in local authority areas (including the power to impose fixed penalty notices and to seize noise making equipment).

In regards housing, Part 1 of the Act allows Scottish Ministers to secure the participation of registered social landlords, where appropriate, in the development of anti-social behaviour strategies.

Parts 7 and 8 directly tackle ASB in housing and a landlord's role in dealing with problem tenants. The legislation is intended to make sure that landlords take reasonable steps to manage or stop antisocial behaviour in houses they let[17].

Part 7[18] of the act considers ASB notices and states that if a home is involved in anti-social behaviour the LA can serve a notice against the landlord, citing the activity in question and require the landlord to take action within a set period of time.

If the order is not complied with by the landlord, the Sheriff may make an order that no rent or other consideration shall be payable by tenants. The Sheriff can also issue a Management Control Order (MCO) which transfers to the LA (for up to 12 months) the rights and obligations of the landlord under the existing tenancy agreement. The LA

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[16] Scottish Executive 2004 Explanatory Notes to Anti Social Behaviour etc (Scotland) Act 2004
http://www.opsi.gov.uk/legislation/scotland/acts2004/en/aspen_20040008_en_1.htm#end (first accessed 23rd June 2010)
[17] Scottish Executive 2004 Guide to the Anti-social behaviour etc (Scotland) Act 2004
[18] Scottish Executive 2004 Explanatory Notes to Anti Social Behaviour etc (Scotland) Act 2004
http://www.opsi.gov.uk/legislation/scotland/acts2004/en/aspen_20040008_en_1.htm#end (first accessed 23rd June 2010)

then has the authority to deal with the behaviour which led to the imposing of the order up to evicting the problem tenants.

If a Landlord fails to comply with the initial notice, they are also liable to summary conviction and a fine of up to £5,000. There are several forms of breaches to the act with sanctions identified on the table following[19]:

Table 1: Breaches and Sanctions for Landlords

Breach	Sanctions available if judged appropriate
Failure to register whilst continuing, or attempting, to let a residential property	Guilty of an offence. Report to the Procurator Fiscal Rent Penalty Notice may be served
Provision of false information or failure to include required information in an application form	Guilty of an offence. Report to the Procurator Fiscal Refuse registration if judged not to be a fit and proper person Rent Penalty Notice may be served
Non-registered owner communicates with a person about taking a lease or occupancy of a house	Guilty of an offence. Report to the Procurator Fiscal
Failure by a registered person to notify changes in circumstances	Review fit and proper person requirements and remove from register if judged no longer to be a fit and proper person
Registered person found to be no longer a fit and proper person	De-register /remove from register
De-registered person continues to let a property	Guilty of an offence. Report to the Procurator Fiscal Rent Penalty Notice may be served
Registered landlord's agent found to be not fit and proper	Landlord's name removed from the register

Part 8[20] of the Act requires local authorities to establish a register that contains details on registered landlords and the properties they let. The register is available for public consultation and details are held for three years.

In order to register, a landlord undergoes an inspection from the LA to assess whether or not they are 'fit and proper' to act as a landlord (as are any agents acting on the behalf of the landlord).

If someone refuses to register or is deemed no longer fit and proper they can be removed from the register and may be liable to a fine of up to £5,000. If a landlord continues to let property despite being deregistered they are considered to have committed an offence (unless they have applied for registration and a determination is yet to be made by the LA).   In these circumstances the LA can serve a notice to tenants that no rent or other payment is payable to the landlord.

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[19] Scottish Executive October 2009 Registration of Private Landlords: Guidance for Local Authorities
    http://www.scotland.gov.uk/Publications/2009/10/08102524/4 (first accessed 28th June 2010)
[20] Ibid

Since the introduction of the Act, the Scottish Executive has commissioned research into its effectiveness with the development of a new strategy around the Act in order to improve its legislative effectiveness with social policy.

As part of this, the Scottish Executive introduced a number of Scotland wide measures. Please note, those discussed here relate mainly to housing issues[21].

The Promoting Positive Outcomes report was developed to strengthen and broaden the approach taken to ASB, with the main intention being to prevent the behaviour rather than police it. As a result of this change in focus, the strategy is based around four main concepts[22]:

- Prevention;
- Integration;
- Engagement; and
- Communication.

Prevention mainly focuses on young people and families, attempting to put in place initiatives and programmes to head off the development of ASB amongst children under the age of 16.

Integration is somewhat more related to this paper, with its intention to encourage interaction between agencies and individuals. Its strategic aims are:

- Better information sharing;
- Better sharing of resources; and
- Clear shared outcomes.

In terms of housing, the Integration concept introduced a review of the Housing Allocation policy, which involved working with key stakeholders to assess the current policy and to provide advice to social landlords on the different statutory requirements and policies regarding housing and ASB. Multi-agency groups were also recommended including non – traditional partners such as the education and health sectors.

The Engagement aim involves encouraging local communities in reporting and dealing with ASB such as community based justice, empowering communities and supporting victims and witnesses.

Communication focuses around providing the general public with accurate information about ASB and strategies regarding it, countering negative stereotypes and coordinating national and local marketing campaigns.

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[21] For the full policy document please see Promoting Positive Outcomes: working together to prevent antisocial behaviour in Scotland http://www.scotland.gov.uk/Resource/Doc/264302/0079222.pdf

[22] Scottish Executive 2009 Promoting Positive Outcomes: working together to prevent antisocial behaviour in Scotland http://www.scotland.gov.uk/Resource/Doc/264302/0079222.pdf (first accessed 24th June 2010)

In 2009 Shelter conducted a study into the effectiveness of Private Landlord Registration. The study focussed on the effectiveness of the scheme in registering landlords[23].

It identified that there were 233,000 households living in the private rented sector in Scotland and of these 173,688 were properties registered with landlord registration, with a further 22,268 awaiting a decision. As such, 85% of all landlords in Scotland that rented in the private sector were registered, although it must be noted that the remaining 15% managed 25% of total properties.

The study found that whilst there had been a number of positive effects from the implementation of the landlord registration some council's were not applying the 'fit and proper person' test in any meaningful way. In addition a lack of available budget and capacity to effectively carry out their duties and issues with legal powers (whether real or perceived) prevented councils from applying sanctions.

Shelter concluded that:

> Landlord registration is not fulfilling the expectations placed upon it; indeed…it may not be able to do so.

The Scottish Association of Landlords (SAL) was asked to provide a briefing paper to the Local Government and Communities Committee regarding their understanding of the effectiveness of the landlord registration scheme. SAL stated that of the over 160,000 landlords applications for registration, only 19 had been refused or revoked in the four years since the scheme began. Of these 11 were refused and 8 revoked following registration[24] (please note, the figures quoted by SAL are based on yearly figures. This system was replaced in 2008 by quarterly collection). Figures for the period January 2008 to March 2010 show that 24 applications have been refused and 5 have been revoked[25].

SAL states that it does not believe that mandatory registration of landlords has proven effective and that a centrally controlled and administered scheme would have eliminated many of the problems faced by some LA's such as the long time taken to process applications.

It must be noted that the paper does not mention tenant anti-social behaviour, rather it focuses on landlords considered 'not fit and proper' to rent accommodation (including allegations of assault, illegal evictions and seizure of belongings).

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[23] Shelter, April 2009 Landlord Registration in Scotland: Three years on http://scotland.shelter.org.uk/__data/assets/pdf_file/0005/189734/Landlord_registration_3_years_on.pdf (first accessed 28th June 2010

[24] Scottish Association of Landlords 2009 Briefing Paper for the Local Government and Communities Committee http://www.scottishlandlords.com/ContentDetails.aspx?Id=114&ContentTypeId=1&CategoryId=1 (first accessed 28th June 2010)

[25] Scottish Government - Housing Revoked and Refused Applications (Data provided by contact within Housing Statistics section of the Scottish Government)

Following discussions with representatives of the Scottish Government (Housing), Shelter Scotland and a number of local authorities, it was found that data regarding the use of the Anti-Social Behaviour Order (2004) to take over properties from private landlords is not held centrally[26].

Following an FOI request to the Scottish Councils it was found that only three councils had issues NRPO's (222 in total) and none of the Council's that responded (23 in total) had issued a management control order or evicted tenants as a result of one being imposed[27].

Discussions with the various groups mentioned above have, however, highlighted that Scotland has taken a 'light touch' approach to the implementation of the legislation. In terms of Landlord registration the LA's prefer to bring along landlords in the process rather than enact fines for various reasons. In addition the process of implementing a Management Control Order is time consuming and costly, with it necessary for LA's to apply to the Sheriff's court to gain the order.

A Department of Work and Pensions document identified that very few rent payable orders were expected to be made with even fewer Management Control Orders[28].

Shelter Scotland found that where Local Authorities did provide accommodation (in terms of acting as Social Landlords rather then having issued a Management Control Order), only 4% of evictions are the result of antisocial behaviour, with the vast majority of evictions occurring as a result of non payment of rent[29]. For example in 2008 - 09 there were only 99 ASB evictions from LA properties in comparison to 1,414 for non payment of rent[30].

It must be noted that since the implementation of the Anti Social Behaviour (Scotland) Act 2004 there have been growing calls for changes to be made to the legislation, with a number of criticisms levied. Both Shelter Scotland and the National Landlords Association have criticised the Act's implementation including delays in the administration of the registration process and a lack of funding[31].

The Scottish Government is currently undergoing a best practice review of the Landlord registration scheme and is currently making changes to it based on previous

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[26] The information requested included the number of evictions from council property as a result of ASB, the number of times a council has used the Act to take over a private landlord's rental property and the number of times this has resulted in a tenet being evicted.

[27] Please note, one Council (Scottish Borders) did not provide a response regarding NRPOs, MCOs or evictions as a result of MCOs.

[28] Department of Work and Pensions June 2007 HB/CTB Guidance Manual – Annex 2 http://www.dwp.gov.uk/docs/a2annxb.pdf (first accessed 1st July 2010)

[29] Shelter Homelessness Statistics http://scotland.shelter.org.uk/housing_issues/research_and_statistics/key_statistics/homelessness_facts_and_research#3 (28th June 2010)

[30] The Scottish Housing Regulator Scottish Registered Social Landlord Statistics 2008 – 09 http://www.scottishhousingregulator.gov.uk/stellent/groups/public/documents/webpages/shr_2008-09tablea10bevictionac.xls (first accessed 28th June 2010)

[31] National Landlords Association January 2008 Delays to Scottish Registrations http://www.landlords.org.uk/archive/UKL200801/200801delaystoscottishregistrations.htm (first accessed 01st July 2010)

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consultations in order to address a number of identified difficulties. A consultation document produced in 2010 asked stakeholders to consider 5 proposals around strengthening the enforcement of the scheme[32] which received strong support from those consulted although some respondents did show a preference for ensuring that the existing regulations are effectively and consistently applied across Scotland.

7   England and Wales

The UK government introduced legislation for England and Wales in 2004 that allowed local authorities to adopt Selective Licensing (SL) in certain areas.

The Housing Act 2004 put in place powers to tackle sever problems in the private rented sector arising from poor management of properties. SL could be used under two conditions:

1.   Low housing demand; and

2.   Anti-social behaviour.

SL's allows local authorities to[33]:

- Ensure that landlords are fit and proper to rent properties or employ agents (in a similar manner to the Anti Social Behaviour (Scotland) Act 2004);

- Ensure that the standards of tenancy relations management of property management employment by a landlord or agents are adequate;

- Impose conditions on the licence to achieve improvement in management where necessary;

- Identify landlords and support them in participating in work to regenerate poor areas or tackle problems of ASB;

- Step in and manage properties where landlords refuse to meet the required criteria;

- Landlords who engage with the council will be offered support and training to ensure that they meet with conditions of their licence, with the hope to raise management standards in the private sector.

In areas subject to a SL, all private landlords must obtain a licence and if they fail to do so, or do not meet acceptable management standards, they can be subject to a fine of up to £20,000 or the LA may take control of the property (in a similar manner to the Act in place in Scotland).

In regards ASB[34] the act states that the following criteria must be met to impose the SL[35]:

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[32] The Scottish Government/Craigforth Consultancy and Research Consultation on a proposed Housing Bill: An analysis of consultation responses http://www.scotland.gov.uk/Resource/Doc/315633/0100380.pdf (first accessed 1st July 2010)

[33] Blyth Valley Council Scrutiny Briefing Document – Selective Licensing www.blythvalley.gov.uk/aksblyth/images/att741.doc (first accessed 29th June 2010)

[34] In these circumstances the Act defines ASB as involving crime, nuisance neighbours and environmental crime

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- The area is experiencing a significant and persistent problem caused by ASB;

- That some or all the private sector landlords have let premises in the area are failing to take action to combat the problem that they could take; and

- That making a designation will, when combined with other measures taken in the area by the local housing authority (and/or working with another person) lead to a reduction in or the elimination of the problem.

LA's have the power to set the conditions of the licence, such as conditions relating to the use and occupation of the house and measures to deal with ASB[36].

A study in January 2010 identified that 11 authorities in England were operating 15 SL areas.

The study examined a number of aspects of the order and regarding ASB found that it had a number of effects on[37]:

- **Property Condition:** Tenants and residents noted improvements to some properties. It is believed that more time is needed for SL to have a bigger impact in this area;

- **ASB:** The study found that this was a difficult area to assess but that:

   A number of very problematic cases involving serious ASB had been resolved or were currently being dealt with.

   The study stated that it was too early to assess the full impact on ASB in these areas as a result of people moving regularly to and from the areas studied:

- **Neighbourhood Cohesion:** Authorities developed a better understanding of an areas needs. In addition, one area saw private tenants becoming more involved in the community, including taking part in residents associations;

- **Displacement:** Initially there were fears that SL would see the worst landlords and tenants simply move to other areas. The study found that to date this had not occurred.

Following this, the Labour Government announced plans to introduce Landlord Registration in England and Wales. However, in recent weeks the Housing Minister, Grant Shapps announced he was overturning the decision. The Minister believed that the proposed changes, as part of the implementation of the Rugg Review, would add to much red tape and bureaucracy to the system[38]. The Minister stated that:

   "With the vast majority of England's three million private tenants happy with the service they receive, I am satisfied that the current system strikes the

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[35] House of Commons Library Roberts, N and Wilson, W June 2010 Selective Licensing of Privately Rented Property
http://www.parliament.uk/briefingpapers/commons/lib/research/briefings/snsp-04634.pdf (first accessed 29th June 2010)
[36] Ibid
[37] Ibid
[38] Department of Communities and Local Government 10th June 2010 Shapps Promise to Landlords: No more red tape
http://www.communities.gov.uk/news/housing/1612019 (first accessed 29th June 2010)

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*right balance between the rights and responsibilities of tenants and
landlords."*

8   Summary

Anti-Social Behaviour and Housing are closely linked areas, with a number of different
strategies developed within Northern Ireland in order to reduce the occurrence of ASB
in certain areas. Whilst these have had some effect on ASB, there are significant
barriers in place to reducing the behaviour such as the transient nature of many of the
Holylands residents. In addition, many of the strategies are relatively new and it may
take time for them to have a large impact.

Within Scotland, the Anti-Social Behaviour etc. (Scotland) Act 2004 was introduced in
order to directly deal with ASB in relation to housing. However, as discussed above,
Part 7 of the Act is rarely used with a focus by the Scottish Executive on the
registration of Landlords by local authorities. Whilst this has proved relatively
successful, there is an ongoing consultation exercise to develop improvements to the
legislation in order to ensure all private landlords become compliant.

England has recently dropped its proposed legislation on Landlord Registration,
preferring to rely on existing laws, including selective licensing, which is also applied in
Wales.

It is worth noting that the Northern Ireland Assembly has passed the Housing
(Amendment) (No 2) Bill which will allow for subordinate legislation to be introduced to
the Assembly on landlord registration. In addition, the Licensing and Registration of
Clubs (Amendment) Bill may also have an effect on ASB in certain areas, with police
powers extended to allow officers to close licensed premises for up to 24 hours if it is at
or near to an occurring or imminent disorder or in the interest of public safety. The
order can be made by a police officer or by a court[39].

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[39] Department for Social Development Licensing and Registration of Clubs (Amendment) Bill Explanatory and Financial
    Memorandum http://www.niassembly.gov.uk/legislation/primary/2009/niabill19_09_efm.htm (first accessed 1st July 2010)