

Consultation on new mandatory power of possession for anti-social behaviour

Question 1 : Do you agree that we should extend the scope of the current ground for possession for anti-social behaviour and criminality in this way?

In extreme circumstances it would be a useful additional tool. Extending the area of ASB and criminal behaviour to beyond the vicinity of the property will potentially be open to legal challenge. It is difficult to see how a Landlord could say that behaviour anywhere has an impact on a person's tenancy. There would need to be greater clarity about when it is appropriate.

The local authority would also face potential difficulty if someone was evicted on this ground, and then represented as homeless. Particularly if a family was evicted because of the actions of a non tenant within the household. The authority would struggle to argue that the family had made themselves intentionally homeless.

Proportionality needs to be considered, is it proportionate to evict someone because of an act which takes place some distance away from their or their parents tenancy.

There is a lack of equality if an owner occupier or their child is involved in rioting or criminality there is no similar sanction.

Question 2 : Do you agree that we should construct a new mandatory power of possession in this way?

The guaranteed time frames that are proposed are welcome and would give victims more certainty about the process being proposed.

Question 3 : Are these the right principles which underpin a mandatory power of possession for anti-social behaviour?

The principles are fine. The second appears to contradict the proposals contained in the discretionary power as it states that 'the anti-social behaviour is serious and housing related.' Application for extending the discretionary power for possession

can be for criminal/antisocial behaviour that is unrelated to the tenants home.

Question 4 : Have we defined the basis for the new mandatory power correctly? If not, how could we improve the definition?

The definitions are clear.

Question 5 : As a landlord, would you anticipate seeking possession using the mandatory power in some or all of the instances where this would be available?

The authority would consider using the mandatory power, however there would need to be consideration around vulnerabilities and alternative solutions.

Question 6 : Are there other issues related the introduction of a mandatory power for possession for anti-social behaviour that we should consider?

There maybe challenges when the landlord uses it for non tenants living with the tenant, for example, the adult child who commits ASB, would it be proportionate to evict the rest of the family.