



# Key Changes for Applicants guilty of Anti-Social Behaviour (ASB) Fact Sheet

There will be some applicants or a member of their household who have caused anti-social behaviour in either their current tenancy or a previous tenancy. This fact sheet sets out how we will deal with such cases and what this means for the applicant.

## What do you mean by anti-social behaviour?

The new Allocations Policy defines anti-social behaviour as:

- a) Anyone who has demonstrated a serious failure to adhere to the terms of any current or previous social housing or private rented sector tenancy agreement. This includes committing acts that have caused or likely to cause nuisance or annoyance to neighbours or others in the locality of where they live or where they previously have lived.
- b) Conduct likely to cause nuisance or annoyance if they were to be offered a tenancy. This is conduct or behaviour that does not only relate to a previous social housing or private rented sector tenancy agreement but conduct or behaviour that the Council has assessed is still current.

- c) They, or any member of their household, have assaulted a member of staff whether or not an injunction is being sought or has already been obtained
- d) They, or any member of their household, have knowingly given false or misleading information, or withheld information, that has been reasonably requested in an attempt to obtain social housing.

## What were the old anti-social behaviour criteria?

The old Allocations Policy excluded applicants from the housing register in cases where either they or a member of their household were found guilty of unacceptable behaviour; that is behaviour which caused a nuisance or annoyance to other people. This included noise nuisance, drug dealing, violence or threats towards other members of the community, staff and Board Members, Trustees, or elected Members of Partnership organisations.

## So what's changed?

The new Allocations Policy stipulates the following anti-social behaviour criteria:

Where an applicant, or any member of their current or prospective household, has a history of serious unacceptable behaviour which, in the view of the Council makes them, at the point of their application, unsuitable to be a tenant a decision will be taken as to whether to exclude them from the housing register or exclude them from the active bidding element of the housing register meaning they will be unable to bid for any advertised properties.

In assessing whether to accept an applicant on the housing register but to exclude them from the active bidding part of the register, the Council will decide on the facts of the case whether:

- a) The applicant does not qualify for the active bidding register due to their behaviour, or
- b) Will be allowed to qualify but will not be allowed to bid until the behaviour has changed and been resolved to the satisfaction of the Council using the guidance adopted in this policy and set out below.

Where an applicant in housing need is allowed to qualify but cannot bid, they will be awarded a band that reflects their housing need but will not be allowed to actively bid until the unacceptable behaviour is resolved to the Council's satisfaction. They will, however, continue to accrue 'time' (on the register and for the band awarded) despite not being able to bid.

Where an applicant is disqualified for unacceptable behaviour they will be told in writing the reasons why and informed of the actions they are expected to take to resolve the problem. They will also have a right to ask for a review of the decision made to disqualify them.

## Why have the changes been implemented?

The new criteria allow an applicant who has caused anti-social behaviour to be accepted on to the housing register but not the bidding element of the register in order for them to demonstrate "changed behaviour". The Council has defined "changed behaviour" as an applicant ability to recognise that their behaviour was unacceptable as well as a willingness on their behalf to address their unacceptable behaviour. An example of how an applicant can demonstrate their changed behaviour could be an applicant has been attending anger management classes for the last six months.

## What if an applicant disagrees with the decision to exclude them from the housing register?

The applicant has the right to request a review of the decision to exclude them from the housing register which can be done by contacting West Cheshire Homes directly via:

Telephone: **0300 123 2442**

Email: [westcheshirehomes@cheshirewestandchester.gov.uk](mailto:westcheshirehomes@cheshirewestandchester.gov.uk)

Post: **West Cheshire Homes, Council Offices, 4 Civic Way, Ellesmere Port, CH65 0BE.**



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