



# **Antisocial Behaviour**

## **Absolute Ground for Possession**

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## Scope and Objectives

The Anti-social Behaviour, Crime and Policing Act 2014 (the Act) introduced an absolute ground for possession to expedite the eviction of the most anti-social tenants, in order to bring faster relief for victims. **The absolute ground is intended for the most serious cases of anti-social behaviour and we should ensure that the ground is used selectively.**

## Responsibilities

Anti-social Behaviour Officers and Housing Officers are primarily responsible for these procedures. These Officers will have due regard to the [public sector Equality Duty](#), which requires them to consider all individuals when carrying out their day-to-day work: to ensure the elimination of discrimination, the advancement of equal opportunity and the fostering of good relations between different people. Further guidance on the public sector Equality Duty can be found on the [GOV.UK webpage](#) relating to the [Equality Act 2010](#).

## Background

The absolute ground for possession is inserted into the Housing Act 1985 (at section 84A). Where the absolute ground is relied upon, the court must grant possession, provided the landlord has followed the correct procedure which comprises of:

- ❑ service of the notice;
- ❑ holding of a review (if requested); and
- ❑ where at least one of the five conditions below is met.
  - (1) Convicted of a [serious offence](#)
  - (2) Found by a court to have breached a civil injunction
  - (3) Convicted for breaching a criminal behaviour order (CBO)
  - (4) Convicted for breaching a noise abatement notice
  - (5) The tenant's property has been closed for more than 48 hours under a closure order for anti-social behaviour

**Please note that the condition is not met if there is a pending appeal against the relevant convictions, finding or order.**

## Procedure

Before an officer refers the case to the Tenancy Enforcement Panel (TEP), they must ensure that they have worked within the framework of the Council's ASB Policy and Procedures documents.

**Before serving a notice for possession on absolute ground, officers must ensure that there is evidence which supports that the tenant or a person residing in or visiting the dwelling house has been convicted of or proven to be in breach of conditions 1, 2, 3, 4 or 5.**

## **Notice Requirements**

The notice **must**:

- ❑ State that the court will be asked to make an order under section 84A of the dwelling-house;
- ❑ Set out the reasons for the landlord's decision to apply for the order including which of the 5 conditions they wish to rely on;
- ❑ Set out the relevant conviction, finding of court, or closure Order the landlord proposes to rely on;
- ❑ Must inform the tenant of their right to request a review of the landlord's decision and the time within which the review must be made;
- ❑ Where and how a tenant may seek advice on the notice; and
- ❑ The date after which possession proceedings may be begun.

## **Request for Review**

- ❑ Once the notice has been served, the tenant has **seven days** to request a review.
- ❑ The request must be made in writing within seven days of the notice to seek possession being served on the tenant.
- ❑ The request must be addressed to the Strategic Environmental Health and Public Safety Lead who will arrange the review hearing within five days of receiving the request.
- ❑ **The review hearing must be arranged (but not held) within five days of receiving the request for review from the tenant**

## **Review Panel**

- ❑ The review panel will consist of senior managers not involved with the case and/or will be more senior to the officer who made the decision.
- ❑ Where possible, the review panel will be the Head of Service level and/or may include a housing professional from another social landlord.
- ❑ The review hearing must be completed before the end of the Notice.
- ❑ The landlord must notify the tenant of date, time and where the panel meeting will take place.

- ❑ Case officers should attend the review panel meeting to present their case.
- ❑ Officers will produce a report for the panel on the appropriate form attaching any relevant information and documentary evidence. This should include a full typed chronology of the case.

## **Procedure at the Hearing**

- ❑ The tenant may attend the panel meeting in person and they may be accompanied by a representative who may represent them.
- ❑ The tenant may call witnesses; they may ask questions to any person who gives evidence in the review hearing.
- ❑ The reviewing manager should then complete the review panel report and notify the tenant in writing of the panel's decision to proceed with possession or not.
- ❑ If the review panel decides that possession action is appropriate, the case will be discussed at the Tenancy Enforcement Panel (TEP) meeting before a notice of possession proceedings is served. The landlord must notify the tenant of the reasons for the decision.
- ❑ The outcome of the panel hearing and the evidence should be passed to Legal Services for an application for possession proceedings.

## **Court Proceedings**

- ❑ Court proceedings for possession of the tenancy must commence before the notice period expires.
- ❑ The Case Officer will instruct Legal Services for possession proceedings. The instruction should include a record of the decision from the review panel hearing and **all** other relevant and supporting documentation.
- ❑ Once Legal Services receive a hearing date, the Officer will be notified.
- ❑ The Officer should enter the data on E-CINS and/or Orchard.
- ❑ The court will have no power to suspend the order for possession; the court must grant possession, unless the landlord has not complied with the requirements of the notice.

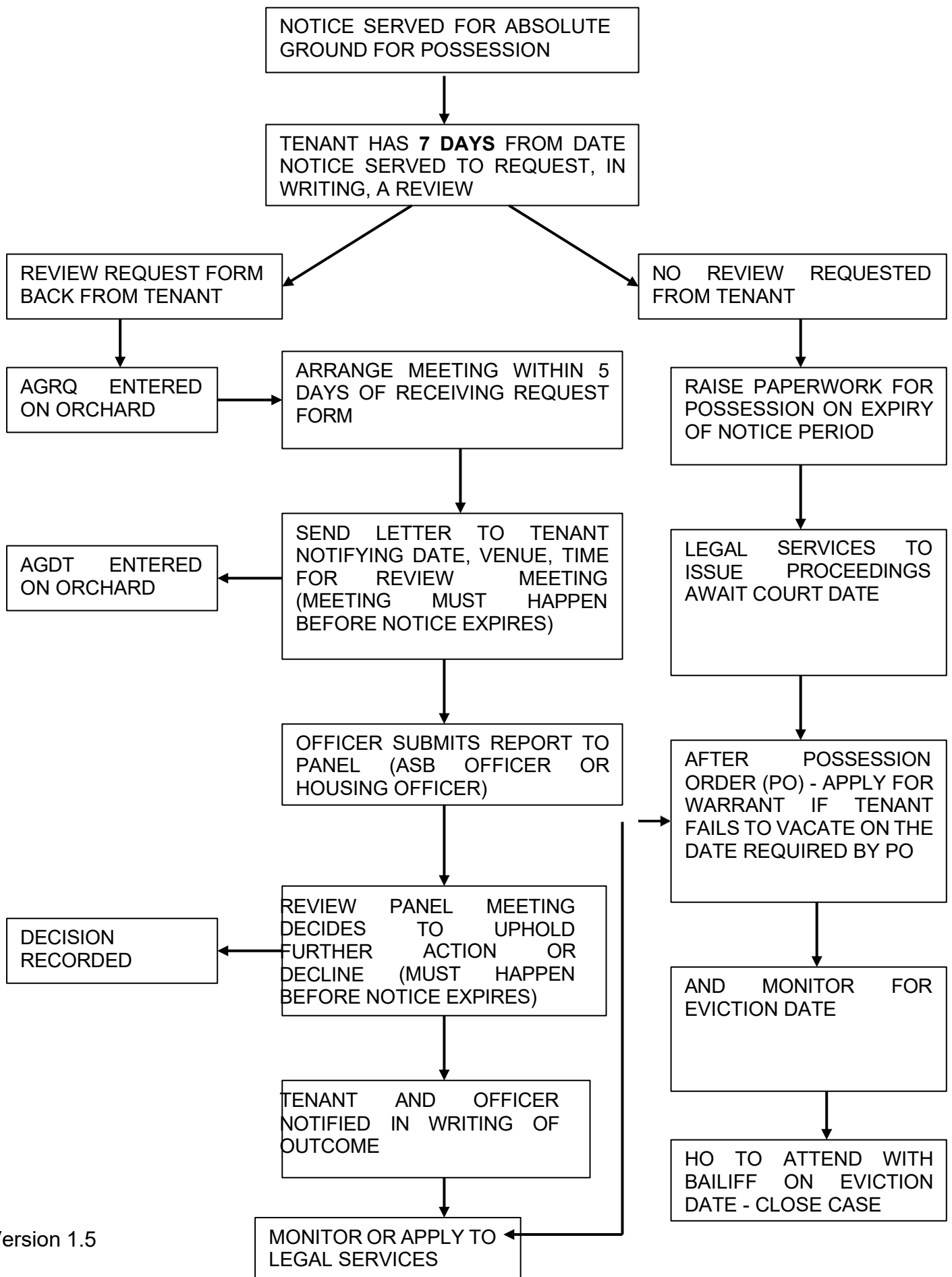
## **Eviction Proceedings**

- ❑ The outcome of the court hearing will be entered on E-CINS and/or Orchard using action code Possession Outright (POUT).
- ❑ Once eviction has been completed, the Officer may close the case.

## **Note regarding Pages 7 to 29**

If you have difficulty in reading or understanding the information on the remainder of this document (as it is not compliant with the EU Web Accessibility Directive), please contact the Council on 01223 457950 or via [community.safety@cambridge.gov.uk](mailto:community.safety@cambridge.gov.uk)

## PROCESS CHART



## NOTICE OF SEEKING POSSESSION

Housing Act 1985, section 83 as amended by Housing Act 1996, section 147 and the Anti-Social Behaviour, Crime and Policing Act 2014, sections 94-95



**CAMBRIDGE CITY COUNCIL**

**B**

**4 Regent Street  
Cambridge  
CB2 1BY**

**Tel: Cambridge 457000**

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### NOTICE OF SEEKING POSSESSION

**This Notice is the first step towards requiring you to give up possession of your dwelling. You should read it very carefully.**

**1. To [insert name]**

If you need advice about this Notice and what you should do about it, take it as quickly as possible to a Citizens' Advice Bureau, a Housing Aid Centre, or a Law Centre, or to a Solicitor. You may be able to receive Legal Aid but this will depend on your personal circumstances.

**2. The [insert name of landlord] intends to apply to the Court for an order requiring you to give up possession of:**

INSERT ADDRESS

If you are a secure tenant under the Housing Act 1985, as amended by the Housing Act 1996 and the Anti-Social Behaviour, Crime and Policing Act 2014, you can only be required to leave your dwelling if your landlord obtains an order for possession from the Court. The order must be based on one of the Grounds which are set out in the 1985 Act.  
(see paragraphs 3 and 4 below).

If you are willing to give up possession without a Court Order, you should notify the person who signed this Notice as soon as possible and say when you would leave.

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**3. Possession will be sought on Grounds one and two of Schedule 2 to the Housing Act 1985, which read:-**

Ground 1: Rent lawfully due from the tenant has not been paid or an obligation of the tenancy has been broken or not performed.

Ground 2: The tenant or a person residing in or visiting the dwelling-house:

(a) has been guilty of conduct causing or likely to cause a nuisance or annoyance to a person residing, visiting or otherwise engaging in a lawful activity in the locality.

(aa) has been guilty of conduct causing or likely to cause a nuisance or annoyance to the landlord of the dwelling-house, or a person employed (whether or not by the landlord) in connection with the exercise of the landlord's housing management functions, and that is directly or indirectly related to or affects those functions, or

(b) has been convicted of-

(i) using the dwelling-house or allowing it to be used for immoral or illegal purposes, or

(ii) an indictable offence committed in, or in the locality of, the dwelling-house.

**Possession will also be sought under section 84A of the Housing Act 1985 as amended by the Anti-Social Behaviour, Crime and Policing Act 2014, sections 94-95 (the absolute ground for seeking possession)**

**Section 84A provides:**

**84A Absolute ground for possession for anti-social behaviour.**

*(1) If the court is satisfied that any of the following conditions is met, it must make an order for the possession of a dwelling-house let under a secure tenancy.*

*This is subject to subsection (2) (and to any available defence based on the tenant's Convention rights, within the meaning of the Human Rights Act 1998).*

*(2) Subsection (1) applies only where the landlord has complied with any obligations it has under section 85ZA (review of decision to seek possession).*

*(3) Condition 1 is that:*

*(a) the tenant, or a person residing in or visiting the dwelling-house, has been convicted of a serious offence, and*

*(b) the serious offence-*

- (i) *was committed (wholly or partly) in, or in the locality of, the dwelling-house,*
  - (ii) *was committed elsewhere against a person with a right (of whatever description) to reside in, or occupy housing accommodation in the locality of, the dwelling-house, or*
  - (iii) *was committed elsewhere against the landlord of the dwelling-house, or a person employed (whether or not by the landlord) in connection with the exercise of the landlord's housing management functions, and directly or indirectly related to or affected those functions*
- (4) *Condition 2 is that a court has found in relevant proceedings that the tenant, or a person residing in or visiting the dwelling-house, has breached a provision of an injunction under section 1 of the Anti-Social Behaviour, Crime and Policing Act 2014, other than a provision requiring a person to participate in a particular activity, and –*
- (a) *the breach occurred in, or in the locality of, the dwelling-house, or*
  - (b) *the breach occurred elsewhere and the provision breached was a provision intended to prevent-*
    - (i) *conduct that is capable of causing nuisance or annoyance to a person with a right (of whatever description) to reside in, or occupy housing accommodation in the locality of, the dwelling-house, or*
    - (ii) *conduct that is capable of causing nuisance or annoyance to the landlord of the dwelling-house, or a person employed (whether or not by the landlord) in connection with the exercise of the landlord's housing management functions, and that is directly or indirectly related to or affects those functions.*
- (5) *Condition 3 is that the tenant, or a person residing in or visiting the dwelling-house, has been convicted of an offence under section 30 of the Anti-Social Behaviour, Crime and Policy Act 2014 consisting of a breach of provision of a criminal behaviour order prohibiting a person from doing anything described in the order, and the offence involved-*
- (a) *a breach that occurred in, or in the locality of, the dwelling house, or*
  - (b) *a breach that occurred elsewhere of a provision intended to prevent-*
    - (i) *behaviour that causes or is likely to cause harassment, alarm or distress to a person with a right (of whatever description) to reside in, or occupy housing accommodation in the locality of, the dwelling-house, or*

- (ii) *behaviour that causes or is likely to cause harassment, alarm or distress to the landlord of the dwelling-house, or a person employed (whether or not by the landlord) in connection with the exercise of the landlord's housing management functions, and that is directly or indirectly related to or affects those functions.*

*(6) Condition 4 is that-*

- (a) the dwelling-house is or has been subject to a closure order under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014, and*
- (b) access to the dwelling-house has been prohibited (under the closure order or under a closure notice issued under section 76 of that Act) for a continuous period of more than 48 hours.*

*(7) Condition 5 is that-*

- (a) the tenant, or a person residing in or visiting the dwelling-house, has been convicted of an offence under-*
  - (i) section 80(4) of the Environmental Protection Act 1990 (breach of abatement notice in relation to statutory nuisance), or*
  - (ii) section 82(8) of that Act (breach of court order to abate statutory nuisance etc.) and*
- (b) the nuisance concerned was noise emitted from the dwelling-house which was a statutory nuisance for the purposes of Part 3 of that Act by virtue of section 79(1)(g) of that Act (noise emitted from premises so as to be prejudicial to health or a nuisance).*

*(8) Condition 1, 2, 3, 4 or 5 is not met if-*

- (a) there is an appeal against the conviction, finding or order concerned which has not been finally determined, abandoned or withdrawn, or*
- (b) the final determination of the appeal results in the convictions, finding or order being overturned.*

*(9) In this section-*

*“relevant proceedings” means proceedings for contempt of court or proceedings under Schedule 2 of the Anti-social Behaviour, Crime and Policing Act 2014;*

*“serious offence” means an offence which-*

- (a) *was committed on or after the day on which subsection (3) comes into force.*
  - (b) *is specified, or falls within a description specified, in schedule 2A at the time the offence was committed and at the time the court is considering the matter, and*
  - (c) *is not an offence that is triable only summarily by virtue of section 22 of the Magistrates' Courts Act 1980 (either-way offences where value involved is small).*
- (10) *The Secretary of State may by order amend Schedule 2A as it applied in relation to dwelling-houses in England by-*
  - (a) *adding an indictable offence;*
  - (b) *removing an offence.*
- (11) *The Welsh Minsters may by order amend Schedule 2A as it applies in relation to dwelling-houses in Wales by-*
  - (a) *adding an indictable offence;*
  - (b) *removing an offence.*
- (12) *An order under subsection (10) or (11)–*
  - (a) *is to be made by statutory instrument;*
  - (b) *may make different provision for different purposes;*
  - (c) *may include incidental, supplementary, consequential, transitional or saving provision.*
- (13) *A statutory instrument containing an order under subsection (10) or (11) may not be made unless a draft of the instrument has been laid before and approved by a resolution of-*
  - (a) *each House of Parliament (in the case of an order of the Secretary of State), or*
  - (b) *the National Assembly for Wales (in the case of an order of the Welsh Ministers).*

Whatever Grounds for possession are set out in paragraph 3 of this Notice, the Court may allow any of the other Grounds to be added at a later stage. If this is done, you will be told about it so you can argue at the hearing in Court about the new Ground, as well as the Grounds set out in paragraph 3, if you want to.

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**4. Particulars of the Grounds are as follows:**

Particulars of the relevant terms and conditions of the tenancy:

SEE SHEET ONE

Particulars of why each ground is being relied upon and the reasons why possession is sought under s.84A of the Housing Act 1985 (as amended by the Anti-Social Behaviour Act 2014):

SEE SHEET TWO

Before the Court will grant an order on any of the Grounds 1 to 8 to 12 to 16, it must be satisfied that it is reasonable to require you to leave. This means that, if one of these Grounds is set out in paragraph 3 of this Notice, you will be able to argue at the hearing that it is not reasonable that you should have to leave, even if you accept that the Ground applies.

Before the Court grants an order on any of the Grounds 9 to 16, it must be satisfied that there will be suitable alternative accommodation for you when you have to leave. This means that the Court will have to decide, that in its opinion, there will be other accommodation which is reasonable suitable for the needs of you and your family, taking into particular account various factors such as the nearness of your place of work, and the sort of housing that other people with similar needs are offered. Your new home will have to be let to you on another secure tenancy or private tenancy under the Rent Act of a kind that will give you similar security. There is no requirement for suitable alternative accommodation where Grounds 1 to 8 apply.

If your landlord is not a local authority, and the local authority gives a certificate that it will provide you with suitable accommodation, the Court has to accept the certificate.

One of the requirements of Ground 10A is that the landlord must have approval for the redevelopment scheme from the Secretary of State (or, in the case of a housing association landlord, the Housing Corporation). The landlord must have consulted all secure tenants affected by the proposed redevelopment scheme.

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**5. You have a right to request a review of the landlord's decision to seek possession**

SEE SHEET THREE

**6. The Court proceedings for possession will not be begun until after<sup>1</sup>  
[delete as appropriate]**

.....

Court proceedings cannot be begun until after this date, which cannot be earlier than the date when your tenancy or licence could have been brought to an end. This means that if you have a weekly or fortnightly tenancy, there should be at least 4 weeks between the date this Notice is given and the date in this paragraph.

After this date, Court proceedings may be begun at once or at any time during the following twelve months. Once the twelve months are up this Notice will lapse and a new Notice must be served before possession can be sought.

OR

**Court proceedings for possession of the dwelling-house can be begun immediately. The date by which the tenant is to give up possession of the dwelling-house is<sup>2</sup> [delete as appropriate]**

.....

Court proceedings may be begun at once or at any time during the following twelve months. Once the twelve months are up this Notice will lapse and a new Notice must be served before possession can be sought.

Possession of your dwelling-house cannot be obtained until after this date, which cannot be earlier than the date when your tenancy or licence could have been brought to an end. This means that if you have a weekly or fortnightly tenancy, there should be at least 4 weeks between the date this Notice is given and the date possession is ordered.

**6. Your Tenancy Officer is [insert name] tel [insert]**

Signed.....

On behalf of	CAMBRIDGE CITY COUNCIL
Address:	[ ]
Telephone:	[ ]
Dated:	[ ]

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<sup>1</sup> Cross out this paragraph if possession is being sought on Ground 2 of Schedule 2 to the Housing Act 1985 (whether or not possession is also sought on another Ground, save for cases where possession is also sought under s.84A of the Housing Act 1985 in which case this paragraph applies).

<sup>2</sup> Cross out this paragraph if possession not being sought on Ground 2 of Schedule 2 to the Housing Act 1985. Where Ground 2 is relied upon in addition to possessions being sought under s.84A of the Housing Act 1985, this paragraph will not apply.

## **SHEET ONE**

### **Particulars for Ground 1**

The terms of your tenancy agreement provide as follows:

**[INSERT TENANCY TERMS BREACHED]**

You have breached the terms and conditions of your Tenancy for the following reasons:

**[INSERT DETAILS]**

### **SCHEDULE OF BREACHES**

**Date(s)**

**Incident / Breach**

### **Particulars for Ground 2**

**[INSERT or state that the matters set out under the Particulars for Ground 2 are relied upon under Ground1]**

## SHEET TWO

### Section 84A (absolute ground for possession)

1. The landlord relies upon the following condition(s) in s.84A of the Housing Act 1985:

2. \*The landlord relies upon the following conviction(s) for the purposes of conditions 1, 3 or 5:

3. \*The landlord relies upon the following finding(s) for the purposes of condition 2:

4. \*The landlord relies upon the closure order detailed below for the purposes of conditions 4:

INSERT ADDRESS

(\* delete as appropriate)

5. The reasons for seeking possession under s.84A of the Housing Act 1985 are:  
[INSERT REASONS]



### **SHEET THREE**

**You have a right to request a review of the landlord's decision to seek an order for possession relying on s.84A of the Housing Act 1985.**

**This request must be made within 7 days beginning with the day on which the notice is served upon you.**

**If you need help or advice about this notice, and what to do about it, you should take it immediately to a Citizen Advice Bureau, a housing aid centre, a law centre or a solicitor.**

**For further details of procedure to be followed on review, please find enclosed the following documents:**

- 1. REVIEW PROCESS TENANTS LEAFLET**
- 2. REQUEST FOR REVIEW UNDER S.85ZA OF HOUSING ACT 1985**

#### **REVIEW PROCESS TENANTS LEAFLET**

The legislation provides secure tenants of local housing authorities with a right to request a review of the landlord's decision to seek possession under section 84A (Mandatory Grounds). The landlord must review the decision if the tenant requests it.

#### **HOW CAN TENANTS REQUEST A REVIEW?**

Once you have been served with a Notice you have seven days to request a review beginning with the day on which you were served with notice of seeking possession under section 83ZA of the Housing Act 1985

Your request must be made in writing and should be addressed to: Strategic  
Environmental Health and Public Safety Lead  
Public Safety Team  
Cambridge City Council  
PO Box 700  
Cambridge CB1 0JH

You can also email a copy of this request to [community.safety@cambridge.gov.uk](mailto:community.safety@cambridge.gov.uk) before the seven day period expires.

If you deliver the request by hand you should ensure you attend during the Council's open hours and ask for a stamped notice of the receipt.

Cambridge City Council has included with your notice a **"REVIEW REQUEST FORM"** that you are asked to complete and return.

You are entitled to either attend the review in person, bring a representative or to submit in writing your reasons for requesting the review; this should include an explanation of why you believe the council should not continue with possession

proceedings. If you have any special needs, e.g. you are a person with disabilities or you require an interpreter, it is vital that you notify the council of this on the review request form.

## **HOW DOES THE REVIEW PROCESS WORK?**

When the council receives your request for a review, we will arrange the review panel hearing within five working days. The panel consists of senior managers who have not been involved with making the decision to serve the notice.

The hearing will be arranged before the notice expires. If you have requested a review to be conducted by way of an oral hearing and you fail to attend the hearing, it will go ahead in your absence. In very exceptional circumstances, an alternative date may be arranged. At the review, managers will review your statements and the statements of the officers and determine whether or not possession action should continue. You will be notified of the panel's decision within five days of the review hearing.

If the council decides to continue with possession proceedings, we will still apply to the court for possession, however, the council is only required to demonstrate that it has followed the correct procedures. If it has, the judge will grant the council a possession order.

# REQUEST FOR REVIEW

## HOUSING ACT 1985 Section 85ZA

TO BE COMPLETED BY THE TENANT

NAME .....

ADDRESS .....

TEL NO: .....

I wish to request a review under s85ZA Housing Act 1985 of my landlord's decision to serve me with a notice for possession dated .....

To seek possession of the property at .....[insert full address] in respect of which a secure tenancy is held

**I understand that my request for a review must be received by the council within seven days of the date the notice was served. The council will only provide me with one meeting date except in exceptional circumstances; if I cannot attend I should submit my statement in writing.**

\*I wish/ do not wish to have the review to be conducted by way of an oral hearing

\*I will attend the panel review hearing in person or with a representative.

\*I wish the council to undertake the review meeting in my absence.

(\* delete as appropriate)

My reasons for requesting a review are: (use a separate sheet if needed)

.....

.....

I understand that I have a right to bring a representative to the review panel meeting.

I wish to call the following witnesses or ask the following person to attend the review meeting with me

.....

I have the following special needs:

\* I require a translator

\* I require disabled access to the building

\* I require a loop hearing system

(\* delete as appropriate)

Other special needs: .....

**WE WILL REPORT THE OUTCOME OF THE MEETING TO YOU IN WRITING.**

\*I agree to receive communications relating to my review by email at my email address stated here:

*[insert email address]:.....*

SIGNED (by tenant)..... Date.....

PLEASE RETURN THIS FORM TO: Strategic Environmental Health and Public  
Safety Lead AT [INSERT FULL ADDRESS]  
[INSERT EMAIL ADDRESS]

## REVIEW APPOINTMENT LETTER (SAMPLE)

Dear [Insert name]

RE: REVIEW PANEL MEETING ON [insert date and time]

Cambridge City Council acknowledges receipt of your request for a review meeting following the service of a Notice for Possession

If you have requested review by way of an oral hearing, the review meeting will be held on [time and date] *[date not to be earlier than 5 days from the receipt of this letter]* at [venue and address]

The review will continue in your absence if you do not attend.

You may bring a representative to the meeting with you.

If you do not wish to have an oral hearing, you must make written representations in support of your review application before .....[insert date and time - see notice if this date and time is specified on the notice] at .....[insert address for receipt of written representations]

The panel will consist of Heads of Service and Senior Managers and/or an independent housing professional from a partner organisation. You will be asked to present your case in response to the statements made by an officer. The panel will then decide whether the case will proceed to court or not.

We would urge you to contact the office to discuss how further action can be prevented. You may also wish to consider taking independent legal advice.

Yours sincerely

## **REVIEW OUTCOME LETTER (SAMPLE)**

Dear [Insert name]

RE: OUTCOME OF REVIEW PANEL MEETING

Following the review meeting, the panel has considered your review application and any additional information provided.

\*The panel has decided to uphold the decision to apply to court for [insert details]  
The panel will have to give reasons for their decision

\*The panel has decided in your favour [insert details]

\*(delete as appropriate)

I attach, for your information, a summary of the facts presented at the review meeting.

May I take this opportunity to ask you to contact: name of case officer, contact details and department i.e. Public Safety Team and/or City Homes to discuss this situation as a matter of urgency. If you are in any way concerned or have any doubt as to the significance of these documents, I suggest that you contact your solicitor or the Citizens Advice Bureau, 66 Devonshire Road, Cambridge, CB1 2BL, tel: 0808 278 7808, to obtain independent legal advice.

Yours sincerely

## REVIEW HEARING OFFICER REPORT

ADDRESS: .....

NAME: .....

TENANCY START DATE .....

HOUSEHOLD DETAILS: .....

.....

DISABILITY/VULNERABILITY: .....

.....

CONDITION/S UNDER SECTION 84A OF THE HOUSING ACT 1985 MET

.....

.....

DATE NOTICE UNDER SECTION 83ZA OF THE HA 1985 SERVED:

.....

ACTION TAKEN BY OFFICER:  
(IN CHRONOLOGICAL ORDER; ATTACH SEPARATE SHEET)

SUPPORT OFFERED: .....

.....

DATE CASE DISCUSSED AT:

PSG .....

TAR .....

ARP .....

RAP .....

TEP .....

IMPACT OF ASB BEHAVIOUR ON RESIDENTS/ NEIGHBOURS (USE SEPARATE SHEET/S IF NECESSARY)

.....

.....

IS THE PERSON CONSIDERED TO HAVE A DISABILITY FOR THE PURPOSES OF THE EQUALITY ACT 2010.....

IF SO, WHETHER THE TERMS OF S.149 (THE PUBLIC SECTOR EQUALITY DUTY) IN ADDITION TO THE COUNCIL'S POLICY ON VULNERABLE TENANTS CONSIDERED AND THE DUTY SATISFIED?

PLEASE GIVE DETAILS AND REASONS

.....  
.....  
.....  
.....

DETAILS OF BROKEN ARRANGEMENTS/UNDERTAKINGS:

.....  
.....  
.....

OTHER RELEVANT INFORMATION:

.....  
.....  
.....

OFFICER NAME: .....

DATE: .....



## **REVIEW PANEL TERMS OF REFERENCE**

- ❑ The Review Panel has been constituted to enable the authority to carry out its obligations under s 85ZA of the Housing Act 1985.
- ❑ The panel's purpose is to consider if the authority has acted appropriately in accordance with its procedures in serving a notice for possession on absolute ground. The panel will also consider whether it is appropriate for the authority to proceed to court for possession.
- ❑ The panel will in all circumstances seek to sustain a person's tenancy thus helping to prevent homelessness, however, it will do this by balancing its responsibilities for preventing anti-social behaviour and the misuse of the council's housing stock.
- ❑ The panel will consist of senior managers who have not been a party to making enforcement decisions about individual tenancies.
- ❑ Where Heads of Service are involved in other panels relating to enforcement action, such as the Tenancy Enforcement Panel, they will either be asked to leave the room whilst the relevant party is being discussed or will be excluded from the Review Panel.
- ❑ The City Council has entered into an agreement with Bedfordshire Pilgrims to include an independent housing manager if needed.
- ❑ The responsibility will be for the Manager to identify an interest in the case that warrants their exclusion from the panel.
- ❑ The panel will be convened as and when required after a notice is served and the review request received from the tenant. Review meetings will be recorded for legal reasons and record keeping.
- ❑ Tenants will be notified of the review date and may attend with or without a representative to present their case.
- ❑ Panel members will be offered training on the legal requirements of absolute ground for possession

## SCHEDULE 2A

Absolute ground for possession for anti-social behavior: serious offences

### *Violent offences*

- 1 Murder.
- 2 Manslaughter.
- 3 Kidnapping.
- 4 False imprisonment.
- 5 An offence under any of the following sections of the Offences against the Person Act 1861—
  - (a) section 4 (soliciting murder),
  - (b) section 16 (threats to kill),
  - (c) section 18 (wounding with intent to cause grievous bodily harm),
  - (d) section 20 (malicious wounding),
  - (e) section 21 (attempting to choke, suffocate or strangle in order to commit or assist in committing an indictable offence),
  - (f) section 22 (using chloroform etc. to commit or assist in the committing of any indictable offence),
  - (g) section 23 (maliciously administering poison etc. so as to endanger life or inflict grievous bodily harm),
  - (h) section 24 (maliciously administering poison etc. with intent to injure, aggrieve or annoy any other person),
  - (i) section 27 (abandoning or exposing children whereby life is endangered or health permanently injured),
  - (j) section 28 (causing bodily injury by explosives),
  - (k) section 29 (using explosives etc. with intent to do grievous bodily harm),
  - (l) section 30 (placing explosives with intent to do bodily injury),
  - (m) section 31 (setting spring guns etc. with intent to do grievous bodily harm),
  - (n) section 38 (assault with intent to resist arrest),
  - (o) section 47 (assault occasioning actual bodily harm).
- 6 An offence under any of the following sections of the Explosive Substances Act 1883—
  - (a) section 2 (causing explosion likely to endanger life or property),
  - (b) section 3 (attempt to cause explosion, or making or keeping explosive with intent to endanger life or property),
  - (c) section 4 (making or possession of explosive under suspicious circumstances).

- 7 An offence under section 1 of the Infant Life (Preservation) Act 1929 (child destruction).
- 8 An offence under section 1 of the Children and Young Persons Act 1933 (cruelty to children).
- 9 An offence under section 1 of the Infanticide Act 1938 (infanticide).
- 10 An offence under any of the following sections of the Public Order Act 1986—
  - (a) section 1 (riot),
  - (b) section 2 (violent disorder),
  - (c) section 3 (affray).
- 11 An offence under either of the following sections of the Protection from Harassment Act 1997—
  - (a) section 4 (putting people in fear of violence),
  - (b) section 4A (stalking involving fear of violence or serious alarm or distress).
- 12 An offence under any of the following provisions of the Crime and Disorder Act 1998—
  - (a) section 29 (racially or religiously aggravated assaults),
  - (b) section 31(1)(a) or (b) (racially or religiously aggravated offences under section 4 or 4A of the Public Order Act 1986),
  - (c) section 32 (racially or religiously aggravated harassment etc.).
- 13 An offence under either of the following sections of the Female Genital Mutilation Act 2003—
  - (a) section 1 (female genital mutilation),
  - (b) section 2 (assisting a girl to mutilate her own genitalia).
- 14 An offence under section 5 of the Domestic Violence, Crime and Victims Act 2004 (causing or allowing the death of a child or vulnerable adult).

### *Sexual offences*

- 15 An offence under section 33A of the Sexual Offences Act 1956 (keeping a brothel used for prostitution).
- 16 An offence under section 1 of the Protection of Children Act 1978 (indecent photographs of children).
- 17 An offence under section 160 of the Criminal Justice Act 1988 (possession of indecent photograph of a child).
- 18 An indictable offence under Part 1 of the Sexual Offences Act 2003 (sexual offences).

### *Offensive weapons*

- 19 An offence under either of the following sections of the Prevention of Crime Act 1953—
- (a) section 1 (prohibition of the carrying of offensive weapons without lawful authority or reasonable excuse),
  - (b) section 1A (threatening with offensive weapon in public).
- 20 An offence under any of the following provisions of the Firearms Act 1968—
- (a) section 16 (possession of firearm with intent to endanger life),
  - (b) section 16A (possession of firearm with intent to cause fear of violence),
  - (c) section 17(1) (use of firearm to resist arrest),
  - (d) section 17(2) (possession of firearm at time of committing or being arrested for offence specified in Schedule 1 to the Act of 1968),
  - (e) section 18 (carrying a firearm with criminal intent),
  - (f) section 19 (carrying a firearm in a public place),
  - (g) section 20 (trespassing with firearm),
  - (h) section 21 (possession of firearms by persons previously convicted of crime).
- 21 An offence under either of the following sections of the Criminal Justice Act 1988—
- (a) section 139 (having article with blade or point in public place),
  - (b) section 139AA (threatening with article with blade or point or offensive weapon).

### *Offences against property*

- 22 An offence under any of the following sections of the Theft Act 1968—
- (a) section 8 (robbery or assault with intent to rob),
  - (b) section 9 (burglary),
  - (c) section 10 (aggravated burglary).
- 23 An offence under section 1 of the Criminal Damage Act 1971 (destroying or damaging property).
- 24 An offence under section 30 of the Crime and Disorder Act 1998 (racially or religiously aggravated criminal damage).

### *Road traffic offences*

- 25 An offence under section 35 of the Offences against the Person Act 1861 (injuring persons by furious driving).
- 26 An offence under section 12A of the Theft Act 1968 (aggravated vehicle-taking involving an accident which caused the death of any person).

- 27 An offence under any of the following sections of the Road Traffic Act 1988—
- (a) section 1 (causing death by dangerous driving),
  - (b) section 1A (causing serious injury by dangerous driving),
  - (c) section 3A (causing death by careless driving when under influence of drink or drugs).

#### *Drug-related offences*

- 28 An offence under any of the following provisions of the Misuse of Drugs Act 1971—
- (a) section 4 (restriction of production and supply of controlled drugs),
  - (b) section 5(3) (possession of controlled drugs with intent to supply),
  - (c) section 8(a) or (b) (occupiers etc. of premises to be punishable for permitting unlawful production or supply etc. of controlled drugs there).
- 29 An offence under section 6 of that Act (restrictions of cultivation of cannabis plant) where the cultivation is for profit and the whole or a substantial part of the dwelling-house concerned is used for the cultivation.

#### *Inchoate offences*

- 30 (1) An offence of attempting or conspiring the commission of an offence specified or described in this Schedule.
- (2) An offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting) where the offence (or one of the offences) which the person in question intends or believes would be committed is an offence specified or described in this Schedule.
- (3) An offence of aiding, abetting, counselling or procuring the commission of an offence specified or described in this Schedule.

#### *Scope of offences*

- 31 Where this Schedule refers to offences which are offences under the law of England and Wales and another country or territory, the reference is to be read as limited to the offences so far as they are offences under the law of England and Wales.”