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Consultation Outcome Report

Proposals to amend the legislation to help
tackle Anti-Social Behaviour in Housing

March 2025

Contents

Ministerial Foreword	4
Background	5
Consultation Process	5
Engagement	6
Consultation Responses	7
Analysis and Collation of Respondent Views	7
Methodology	8
Proposal Response Rate	9
Support for Proposals	9
The Argument for Change	10
Proposals, Departmental Response and Next Steps	11
Injunctions – Lowering Threshold: Analysis	12
Departmental Response and Next Steps	15
Injunctions – Power of Arrest: Analysis	17
Departmental Response and Next Steps	19
Injunctions – Power of Exclusion: Analysis	20
Departmental Response and Next Steps	22
Injunctions – Positive Requirements: Analysis	24
Departmental Response and Next Steps	27
Absolute Grounds for Possession: Analysis	28
Departmental Response and Next Steps	31
Conclusion and Next Steps	32

Ministerial Foreword

The issue of Anti-Social Behaviour (ASB) is a huge concern to many in our society. Far too often, it is the victims who have to live with the consequences of this behaviour, often with impacts on their own health and mental health, due to the behaviour of some of their neighbours. While the Housing Executive and Housing Associations have a number of measures to address this behaviour at their disposal, I want to ensure that these are fit for purpose and that further support is provided to prevent, reduce and address Anti-Social Behaviour.

My Department has been developing proposals to deliver changes to legislation which will improve the statutory powers which landlords can avail of when dealing with ASB. To this end, a joint public consultation was launched with the Department of Justice in November 2023, to gain insight and to help shape the ASB proposals relating to housing.

I wish to thank everyone who took the time to respond to the public consultation in 2023, from key stakeholders in the housing sectors to members of the public, many of whom have had first-hand experience of dealing with ASB in their homes and communities.



This Consultation Outcome Report brings together the results of the consultation, summarising the main themes raised by respondents. I can assure those who responded that their feedback has been heard and that I am keen to make a difference to how anti-social behaviour is tackled in our communities.

When the Equality Impact Assessment is complete, I will consider all the evidence received and bring forward legislation to update and improve the tools available to landlords to tackle anti-social behaviour. This is about supporting people to change their behaviour, making it easier for victims to get relief from unacceptable behaviour, and working with the justice system to achieve results.

Gordon Lyons MLA
Minister for Communities

About this document

This document, a Consultation Outcome Report, presents the findings from the consultation on proposals to amend legislation to help tackle Anti-Social Behaviour (ASB) in Housing.

Background

Addressing the issue of ASB is a priority for the Department for Communities (DfC). A commitment to review ASB legislation was included in the draft Programme for Government 2016-2021, and this work remains ongoing.

ASB is a term used to describe a wide range of behaviours that have a negative effect on quality of life and may cause minor disorder and incivilities. While much of this behaviour may not, in itself, be a criminal offence, the cumulative effect of such behaviour can have a devastating impact on the quality of life of individuals and communities.

In 2018, the Department of Justice (DoJ) carried out a public consultation to review the criminal legislation framework to tackle ASB. Following that consultation a multi-agency, cross-departmental ASB Legislation Review Delivery Group was set up to take forward the out workings. This group, chaired by DoJ, consisted of representatives from DoJ, DfC, the Department of Agriculture, Environment & Rural Affairs (DAERA), the Northern Ireland Courts & Tribunals Service (NICTS), the Police Service of Northern Ireland (PSNI), the Society of Local Authority Chief Executives (SOLACE), the Northern Ireland Housing Executive (NIHE), the Northern Ireland Federation of Housing Associations (NIFHA) and Belfast City Council.

The ASB Delivery Group considered nine legislative powers, of which DfC Housing Division identified two topics for future legislation: Injunctions against Anti-Social Behaviour and Absolute Grounds for Possession. DfC agreed with DoJ for these proposals to be published alongside their proposals in a combined consultation.

In November 2023, the Department embarked on the joint public consultation on these proposals, to seek views of stakeholders on the proposed amendments to ensure that powers available to relevant authorities are proportionate, effective and will have an appropriate impact on addressing ASB and its effects within our communities.

Consultation Process

The joint DoJ and DfC consultation was publicly launched on 28 November 2023 and closed on 04 March 2024. An extension was provided until 05 April 2024 for a small number of organisations.

Alongside the main consultation document, a range of other documents were published on DoJ's consultation webpage, including the following:

- Data Protection Impact Assessment (DPIA) and Screening
- Rural Needs Impact Screening
- Equality Impact Screening
- Easy Read Consultation Document

Engagement

The Department took the following actions to ensure as many stakeholders and members of the public as possible were able to participate in the consultation:

Social Media and Online Activity

- 2713 views on the DoJ consultation webpage.
- 259 views on the DfC consultation webpage.
- News articles were shared on www.4ni.co.uk and LinkedIn.
- DfC repost of DoJ's post on X (formerly Twitter) which was shared by 'NIdirect' amongst others. This had 3048 views.



Justice NI
@Justice_NI

We want to hear from you!

Please share your views on our consultation, launched together with [@CommunitiesNI](#) into anti-social behaviour.

Read more here justice-ni.gov.uk/consultations/...

The closing date is 4 March 2024

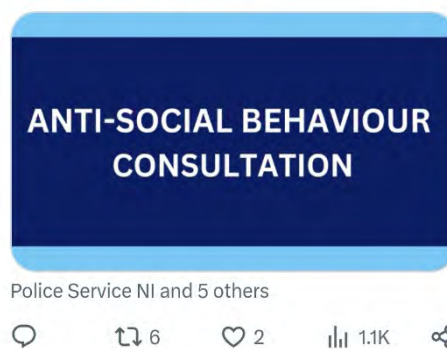


Justice NI @Justice_NI · Feb 12

Reminder: Closing date 4 March 2024.

Please share your views on our consultation, launched together with [@CommunitiesNI](#) into anti-social behaviour.

Read more here justice-ni.gov.uk/consultations/...



Stakeholder Engagement

- The Department met in person with Policing and Community Safety Partnerships and attended the West Belfast District Policing and Community Safety Partnership.
- There were online meetings with Northern Ireland Commissioner for Children and Young People and Housing Rights.
- Written briefings were issued to the Wider University and Lower Ormeau Delivery Group, NIHE, University of Ulster, Chartered Institute of Housing and the Housing Policy Panel.
- The Department continued engagement with the ASB Legislation Review Delivery Group.
- A mailshot was issued on launch day to 940 participants.

Accessibility

- An Easy Read version was made available.
- Alternative formats (including Braille, large print etc.) were offered on request.
- Translation into other formats or languages other than English were also offered.
- Participants were encouraged to use the preferred consultation tool, Citizen Space, to respond, and were given the alternative options of sending via email or in hard copy.
- There was a link to the main DoJ consultation page placed on the DfC webpage to increase participation.

Consultation Responses



A total of 118 responses were submitted via a range of methods, the breakdown is included for each option:

- Citizen Space online survey questionnaire (90)
- By email to the DoJ unique email address for the consultation (28)
- By post to the DoJ postal address (0)

These responses were submitted from a wide range of stakeholders, including housing professional bodies, voluntary and community bodies, council and local government agencies, housing and community forums, Policing and Community Safety Partnerships, members of the public and businesses.

Analysis and Collation of Respondent Views

A comprehensive and extensive exercise took place to review each response submission. Various themes were identified and captured per proposal. These have been presented alongside the levels of support for each proposal.

To assist with analysis, respondents were grouped into the categories as follows:

- Anonymous / Private
- NI Social Landlords
- Housing Professional
- Voluntary / Community
- Statutory Body
- Council / Local Government
- Housing / Community Forum
- Company / Business related

Responses received by email were aligned with the questions posed in the Citizen Space questionnaire where possible, and issues which did not align to specific questions were considered separately.

In order to protect the privacy of the respondents, we have not included a full list of names of those who provided a response, nor have we published the responses in full. A number of organisations published their own responses online.

Methodology

Response Rates

Not all respondents provided a response to the specific housing proposals. Many respondents provided written responses and did not always clearly indicate one of the requested preferences. In these cases, a consensus view was sought by the consultation team. To do this, each response was carefully examined with a view to establishing whether the respondent had expressed a preference or did not answer the specific proposal question.

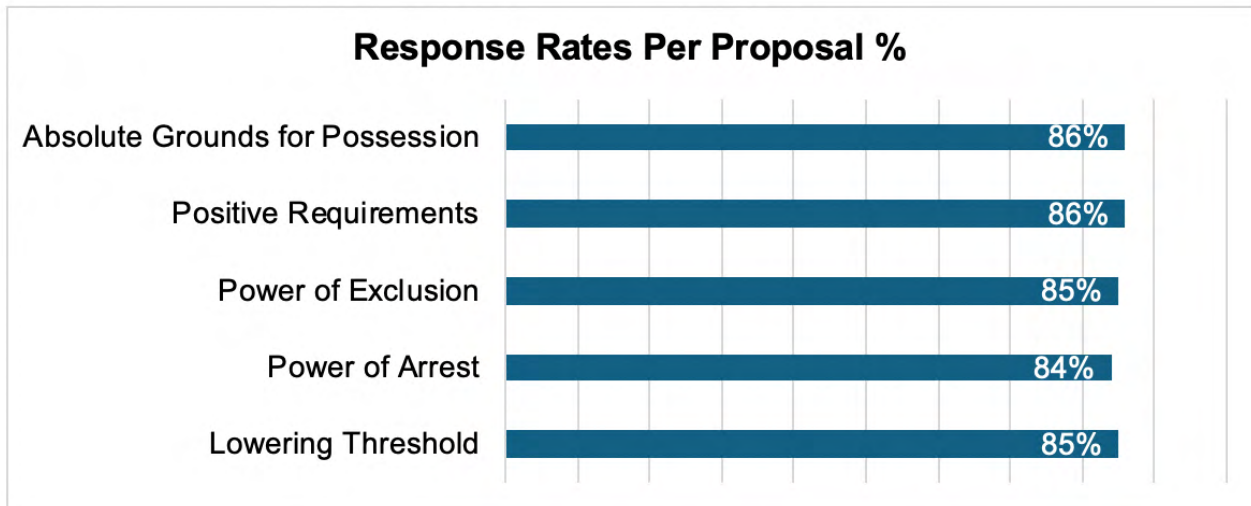
When this was not the case, the response was coded as 'unclear'.

Throughout the report, information is provided for each proposal in terms of the number of respondents who answered the specific question. The charts presented for each proposal indicating levels of agreement are based only on those respondents who clearly provided an indication of their support or otherwise for each proposal. These do not include those whose responses were coded as 'unclear'.

To note, some figures in the charts are rounded and therefore not all add up to 100.

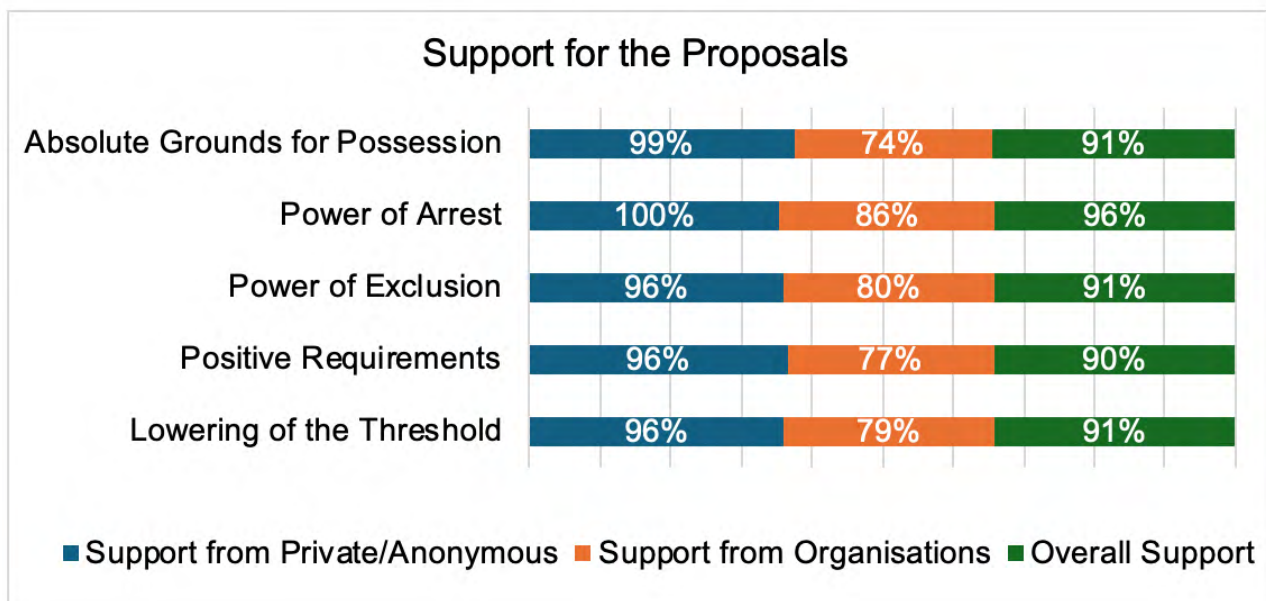
Proposal Response Rate

Good levels of response were seen across the 5 proposals, with at least 84% of respondents answering each proposal:



Support for Proposals

Overall there was support for each of the 5 proposals. Respondents expressed similar levels of support throughout and ranged from 90% to 96% support:



The Argument for Change

In order to clarify the Department's position as to why the proposals are required, NIHE helpfully provided the following points and the potential resulting benefits:

“Although there is limited statistical evidence to illustrate the need for the proposed amendments, the total number of ASB incidents reported to the Housing Executive has reduced.

We understand with changes to how incidents are being recorded by PSNI, there may be a reduction in ASB category, although the incidents are thought to be included under different categories, making it difficult to use this as empirical evidence.

Significant work has been conducted around crime data integrity in policing, which has resulted (appropriately) in previously recorded ASB incidents now being recorded as crimes – such as public order offences or harassment.

This potentially results in data showing a decrease in ASB incidents for housing purposes, and therefore may provide a misleading narrative.

The Housing Executive works closely with its communities and understands there is vast under reporting of anti-social behaviours and incidents to all statutory agencies.

The Housing Executive welcomes the introduction of additional powers to prevent/reduce ASB and the benefit of a variety of tools to address ASB. Choosing the right tool or a particular course of action that reflects the urgency and severity of the behaviour is critical to achieving an effective solution that results in a reduction in the harm being caused and prevent a recurrence of that behaviour.”

Proposals, Departmental Response and Next Steps

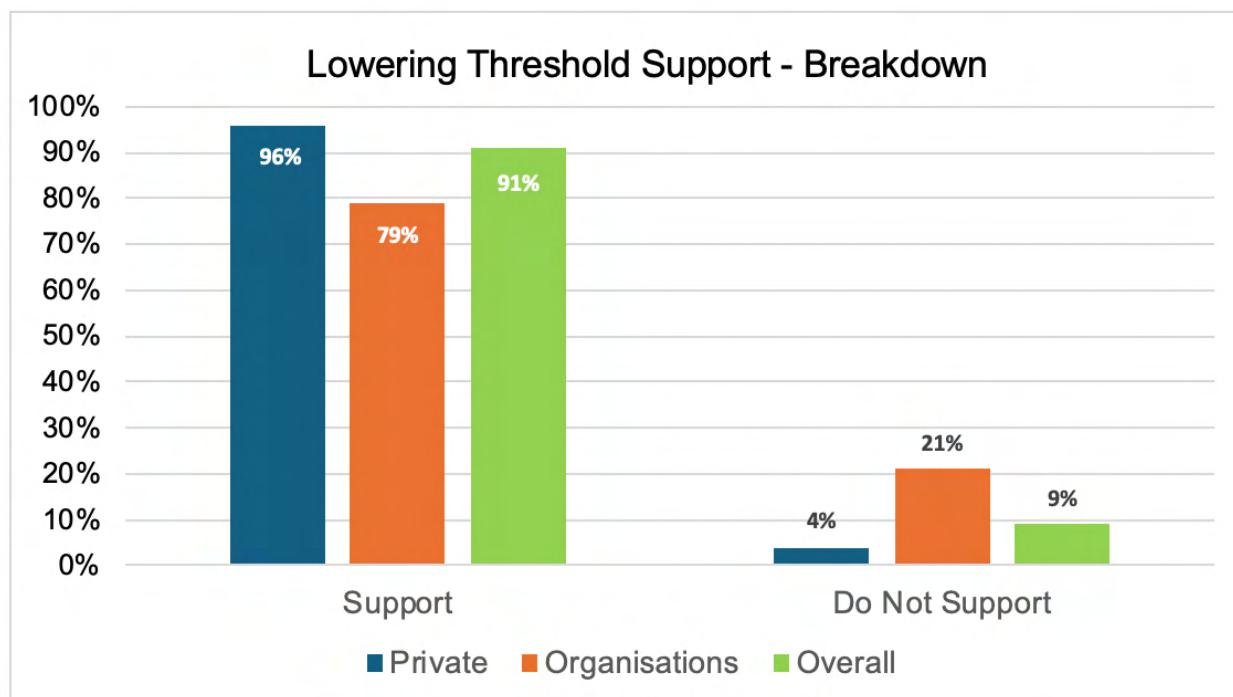
- **Proposal 1** – Injunctions against Anti-Social Behaviour
 - Proposal 1A – Lowering the Threshold
 - Proposal 1B – Power of Arrest
 - Proposal 1C – Power of Exclusion
 - Proposal 1D – Positive Requirements
- **Proposal 2** – Absolute Grounds for Possession

Injunctions – Lowering Threshold: Analysis

What we asked:

We are proposing that Article 26 of the Housing (Northern Ireland) Order 2003 should be amended to allow the courts in Northern Ireland to grant an injunction against adults engaging in anti-social behaviour on the same basis that courts in England and Wales can grant an anti-social behaviour injunction to housing providers and local authorities. Would you support the proposed amendment?

Out of a total of 118 responses, 100 **(85%)** responded to this proposal. Of those who indicated a position on this proposal, **91% agreed**. Support for this proposal was greater amongst private individuals with 96% in agreement compared to 79% of organisations.



Summary of respondents' views

There was very strong support for lowering the threshold for granting an injunction against ASB and removing the requirement to provide evidence of a “significant risk of harm” to another person before the courts will consider granting an injunction. Feedback indicated that this is a much-needed amendment which will make the powers available to landlords more accessible and more timely, caveated with the importance of exploring all other non-statutory interventions before applying for injunctions. Concerns were raised that injunctions could potentially negatively impact already vulnerable people, including those with mental health and addiction issues, and that the use of injunctions may not address the root causes of these.

Common themes raised by respondents

- The current threshold is too restrictive, and this proposal will make the existing power to seek injunctions more effective
- The proposal will benefit victims of anti-social behaviour and communities
- The need for clear understanding of the new threshold and its implications
- Lack of empirical evidence base to justify proposal

A number of respondents highlighted the current threshold is too restrictive and

with a lower threshold, injunctions will be a more accessible and effective tool for dealing with ASB. Respondents also noted that collaborative partnerships between appropriate stakeholders would be required to ensure success and suitable monitoring would be required to analyse effectiveness and appropriate usage. Additionally, a concern was noted that, within the Northern Ireland context, there is a risk of illegal action against those “labelled” as engaging in ASB.

Feedback from respondents

“If the Injunction is reformed in Northern Ireland it is likely that landlords will make greater use of it, therefore it will be important that use is monitored to ensure that it is being used appropriately.”

“The effectiveness of Injunctions will be dependent on good and timely communication between the police, the Housing Executive and other agencies and bodies.”

“It is well known that non-state forces typically target, ‘young men, whom paramilitaries accuse of criminal or anti-social behaviour.’”

Some also noted that enabling the courts to grant injunctions without the need to prove a “significant risk of harm” should bring ASB to an end more swiftly, thereby helping residents who have been subjected to such behaviour.

Some respondents expressed reservations that the proposed new threshold of conduct “capable of causing nuisance or annoyance” is too vague and could potentially lead to disproportionate granting of injunctions. A concern was also raised that certain issues, such as domestic violence, could be misidentified as ASB as well as the need to specifically consider the needs of vulnerable applicants.

Furthermore, criticism was noted that, with proposed changes to grounds for possession, a lower threshold for injunctions could lead to increased possession proceedings for less serious cases of ASB if the injunction was breached.

Feedback from respondents

“It is concerning that the threshold could be ‘capable of causing annoyance’ given its subjectivity. Clarification on what constitutes ‘annoyance’ is required.”

With the lowering of the threshold there is a “risk of further criminalisation if the injunction is breached”

A common theme throughout the consultation, including this proposal, is that further justification is required. Some respondents noted that with reported ASB figures being on a downward trajectory, there is a need for demonstrable evidence that there is a significant need for change and that the proposals would bring about significant benefits.

Feedback from respondents

“Have concern that the proposal to reduce the threshold for granting an injunction... lacks any evidence as to why this proposal is necessary.”

“The Police Service of Northern Ireland’s (PSNI) own statistics on ASB demonstrate that incidents are at their lowest 12-month figure since recording began in 2006/7.”

Departmental Response and Next Steps

The high level of responses to the consultation reflects the consensus of stakeholders that action is needed to address ASB and provides justification for the Department to continue working towards legislative change.

To mitigate against negative connotations of ASB, the Department proposes to amend the name of the powers from injunctions against anti-social behaviour to injunctions against unacceptable behaviour. The Department recognises the benefit of moving away from terms such as anti-social behaviour which can be perceived as inflammatory.

In relation to the concerns raised regarding the proposed new threshold of “conduct which is capable of causing nuisance or annoyance”, it should be noted that conduct causing or likely to cause a nuisance or annoyance is already a ground for possession of a secure tenancy under the Housing (Northern Ireland) Order 1983. The process whereby decisions are taken to grant an injunction will not change, only the threshold - decisions will be taken by a Judge based on the evidence provided

as to whether the behaviour amounts to the new threshold.

It should also be noted that the concerns around a lower threshold for injunctions leading to increased possession proceedings for less serious cases of ASB if the injunction was breached has been tested in England and Wales. When the House of Lords considered clause 1 of the Anti-Social Behaviour, Crime and Policing Bill 2013-14¹, they were minded to leave the test of nuisance and annoyance in place in the housing context, where it was well tried and proven through the courts, so safeguards already exist.

The Department recognises that the lack of injunctions can lead to a cycle of under-reporting but believes that by delivering these proposed changes and expediting the process for obtaining injunctions, this should help to protect victims and act as a deterrent for perpetrators. For absolute clarity, it is important to emphasise that injunctions are only used when a range of non-statutory interventions have been exhausted.

¹ <http://publicsectorblog.practicallaw.com/governments-proposals-in-anti-social-behaviour-crime-and-policing-bill-for-new-injunctions-to-replace-asbos-suffer-defeat/>

The Department recognises that guidance for landlords will be required in relation to the implementation of the proposed new injunction threshold and particular vulnerabilities that some individuals may have. Additionally, the Department will promote collaboration between stakeholders regarding data sharing to enable swift resolution of ASB and will also ensure that, where appropriate, effective safeguards and monitoring practices are put in place by landlords. This will be of particular significance to alleviate concerns in respect of any misidentifications of other behaviours/ issues as ASB.

The Department is aware of the lack of specific statistics relating to ASB in housing settings. This, alongside other areas of research, will be explored to examine the opportunity for statistical

outcomes to be produced, monitored and evaluated which is vital to help inform the policy changes.

The Department has conducted a full Equality Impact Assessment (EQIA) to ascertain the impacts of these proposals on Section 75 categories. The public consultation on the EQIA ran from 05 November 2024 to 03 February 2025, to inform the EQIA impacts and mitigations, and it is hoped that this will help clarify the Department's position on the impact on Section 75 groups.

The Department is minded to proceed with this proposal. Legislative proposals and an action plan will be developed to ensure effective and timely implementation of those appropriate powers for landlords.

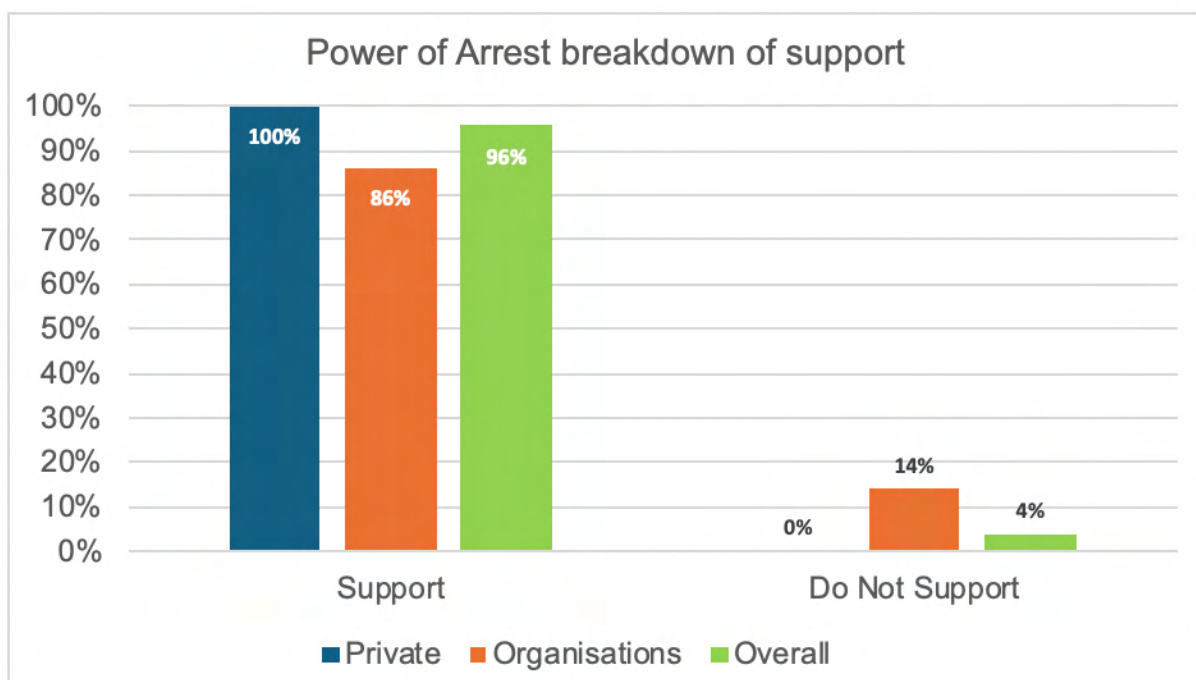
Injunctions – Power of Arrest: Analysis

What we asked:

We are proposing that Article 26 of the Housing (Northern Ireland) Order 2003 should be amended to allow the courts in Northern Ireland to attach a power of arrest, including a power of entry, to injunctions against anti-social behaviour if the court thinks that the anti-social behaviour consists of or includes the use or threatened use of violence against other persons, or there is a significant risk of harm to other persons. This would enable the PSNI to arrest persons suspected

with reasonable cause of breaching injunctions, so that the matter can be dealt with by the court without unnecessary delay, thereby minimising the risk of harm to the public. Would you support the proposed amendment?

Out of a total of 118 responses, 99 (**84%**) responded to this proposal. Of those who responded, **96% supported this proposal**. Support for this proposal was greater amongst private individuals with 100% in agreement compared to 86% of organisations.



Summary of respondents' views

There was an extremely high level of support for this proposal. Feedback suggested that the proposal would provide a swifter remedy when an individual has breached the terms of an injunction, by removing the need for landlords to ask the courts to issue an arrest warrant where an injunction has been breached and acknowledging that this type of additional measure is required for the most serious cases of ASB. Concerns were raised that there appears to be a lack of evidence on the need for such a proposal, there needs to be a focus on victims, vulnerable people could be negatively impacted, and the current process is sufficient.

Common themes raised by respondents

- The proposal will enable quicker resolution of breaches of injunctions
- Will only be added to injunctions for most serious behaviour
- Clarity needed on the role of the Police in these situations
- Lack of empirical evidence base to justify proposal

A number of respondents stressed that this proposal would allow for individuals who breach an injunction to be brought to court more quickly thus addressing the behaviour in a timelier manner. In addition, this will minimise the risk of further harm to victims and communities.

Feedback from respondents

“This proposed amendment not only empowers social landlords to address ASB more promptly but also enables law enforcement agencies like the PSNI to intervene swiftly, when necessary, thereby enhancing public safety and minimising the risk of harm to individuals and communities.”

Whilst the threshold for granting injunctions is proposed to be lowered, it is acknowledged that the power of arrest without warrant should only apply to the most serious cases of anti-social behaviour. These emergency situations require a quicker resolution, and this measure would provide a swifter remedy in these circumstances. A query was also raised as to the definitions of the higher thresholds.

Feedback from respondents

“Were such injunctions to be introduced and only where [they] apply in the most serious of circumstances it would appear appropriate that a power of arrest etc would exist.”

Concerns were raised that police are already under significant pressures and that the addition of a power of arrest only sets out to duplicate already existing provisions.

Departmental Response and Next Steps

Social landlords have provided evidence of the often-lengthy process of obtaining a warrant for breaches of injunctions and the Department recognises the improvements that this proposal will make.

It must be highlighted that power of arrest without warrant will only be attached to injunctions where the behaviour involved is of a serious nature i.e. the behaviour consists of or includes the use or threatened use of violence against other persons, or there is a significant risk of harm to other persons. For the purposes of injunctions, Article 27 of the Housing (Northern Ireland) Order 2003² already provides a definition of “harm”. Assessment of whether the behaviour includes the “use, or threatened use, of violence” will be made by the courts based on the evidence provided.

The Department believes that by making injunctions more enforceable and expediting the process for bringing individuals to court if they breach their conditions, will protect victims and focus on addressing their needs.

We are cognisant of the role that police will have to play in enforcing the power of arrests. This measure has been discussed with other relevant stakeholders and, going forward, the Department will continue to collaborate with colleagues in the DoJ and the PSNI to ensure that the powers proposed are clear, proportionate and effective.

The Department is favourable towards progressing with the proposal and the further collaboration noted above will feed into the steps the Department will take to finalise the legislative changes required for all stakeholders to ensure successful delivery of this proposal.

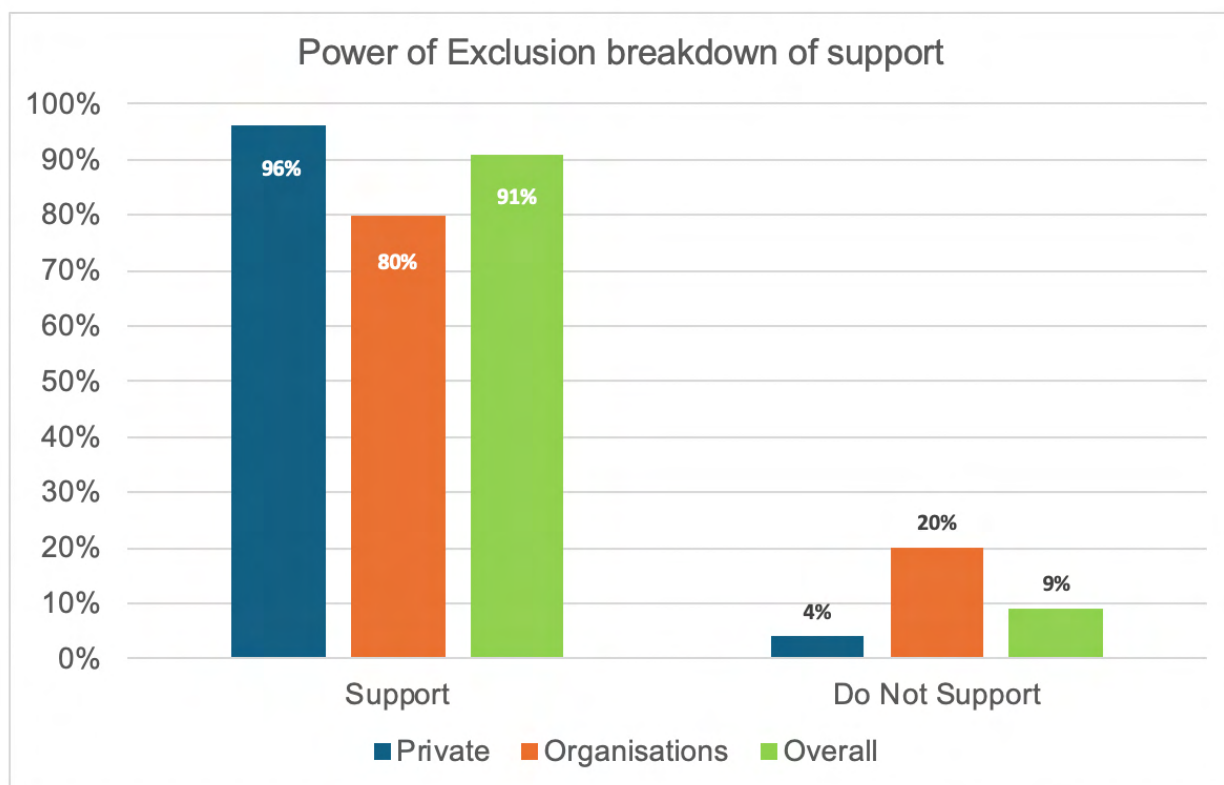
² <https://www.legislation.gov.uk/nisi/2003/412/article/27/made>

Injunctions – Power of Exclusion: Analysis

What we asked:

We are proposing that Article 26 of the Housing (Northern Ireland) Order 2003 should be amended to allow the courts in Northern Ireland to attach a power of exclusion to injunctions against anti-social behaviour if the court thinks that the anti-social behaviour in which the individual has engaged or threatens to engage consists of or includes the use or threatened use of violence against other persons, or there is a significant risk of harm to other persons from the individual. Would you support the proposed amendment?

Out of a total of 118 responses, 100 **(85%)** responded to this proposal. Of those who responded, **91% were in agreement with this proposal**. Support for this proposal was greater amongst private individuals with 96% in agreement compared to 80% of organisations.



Summary of respondents' views

As with the other proposals, it is clear that the majority of respondents supported the use of powers of exclusion. Feedback also supported the proposal to reflect the position in England and Wales where use of the power to exclude individuals from their homes is restricted to cases involving the most serious ASB. Concerns were raised regarding the potential of increased levels of homelessness, the impact on vulnerable people and an overall lack of empirical evidence.

Common themes raised by respondents

- Decisive action which will ensure safety of tenants and communities
- Should only be added to injunctions for most serious behaviour
- Potential increase in homelessness
- Consequences of homelessness if individuals are excluded from homes

A respondent noted that currently injunctions can prohibit individuals from entering the landlord's accommodation or being found in the locality of any such accommodation. This may include the individual's own home. Respondents agreed that the proposed amendment will ensure that the power to exclude individuals from a landlord's accommodation or its locality will only be used where the behaviour includes "significant risk of harm" to others or "use, or threatened use, of violence".

Concern that the power to exclude individuals from their homes could lead to a potential increase in homelessness was expressed by a number of respondents. The perception was that, whilst it may be an effective measure in dealing with the specific behaviour, increased levels of homelessness, within an already stretched system, is not the most appropriate means of dealing with ASB.

Feedback from respondents

"The concern is that by excluding someone found of ASB from housing this would lead to higher rates of homelessness."

"There is a housing crisis and a shortage of affordable accessible housing and a lack of resources across the sector for suitable supports to further address cases of homelessness arising from such exclusions."

Some respondents suggested that excluding a person from their home will not necessarily end their ASB and could further marginalise them.

Concern of the misidentification of other behaviour as ASB resulting in individuals being excluded from their home through no fault of their own if they are victims of, for example, domestic abuse was raised. Furthermore, the potential effects on young people were highlighted in regard to homelessness and housing uncertainty.

Departmental Response and Next Steps

The Department acknowledges that current injunction powers include a power to exclude a person from their own home. Given the severity of this sanction, the Department proposes that the higher threshold is applied to cases where the court is attaching a power of exclusion. That is where the court deems that the ASB in which the individual has engaged or threatens to engage in consists of or includes the use or threatened use of violence against other persons, or there is a significant risk of harm to other persons from the individual.

The Department considers that reservations around increased homelessness would be mitigated by providing the safeguard that the power to exclude will, as noted above, only be applicable to cases which involve the most serious behaviour.

It should be noted that while a possession order would have the effect of ending the tenancy for the entire household, attaching an exclusion requirement to an injunction would only apply to the individual responsible for the ASB, thereby minimising the impact on other members of the household.

For those engaging in such behaviour and who find themselves excluded, there may be a negative impact, however where possible, this will be mitigated against by signposting those affected to appropriate statutory or non-statutory advice and support services. Departmental guidance for Housing Providers will be updated to highlight the importance of signposting to support services, where appropriate and which may enable individuals to address the issues relating to their behaviour and take positive steps to facilitate personal improvements.

We also recognise the importance of factoring the needs of victims into the proposals and are encouraged that this will have a positive impact on victims as well as communities.

The Department has conducted a full EQIA to ascertain the impacts of these proposals on Section 75 categories. The public consultation on the EQIA ran from 05 November 2024 to 03 February 2025, to inform the EQIA impacts and mitigations, and it is hoped that this will help clarify the Department's position on the impact on Section 75 groups.

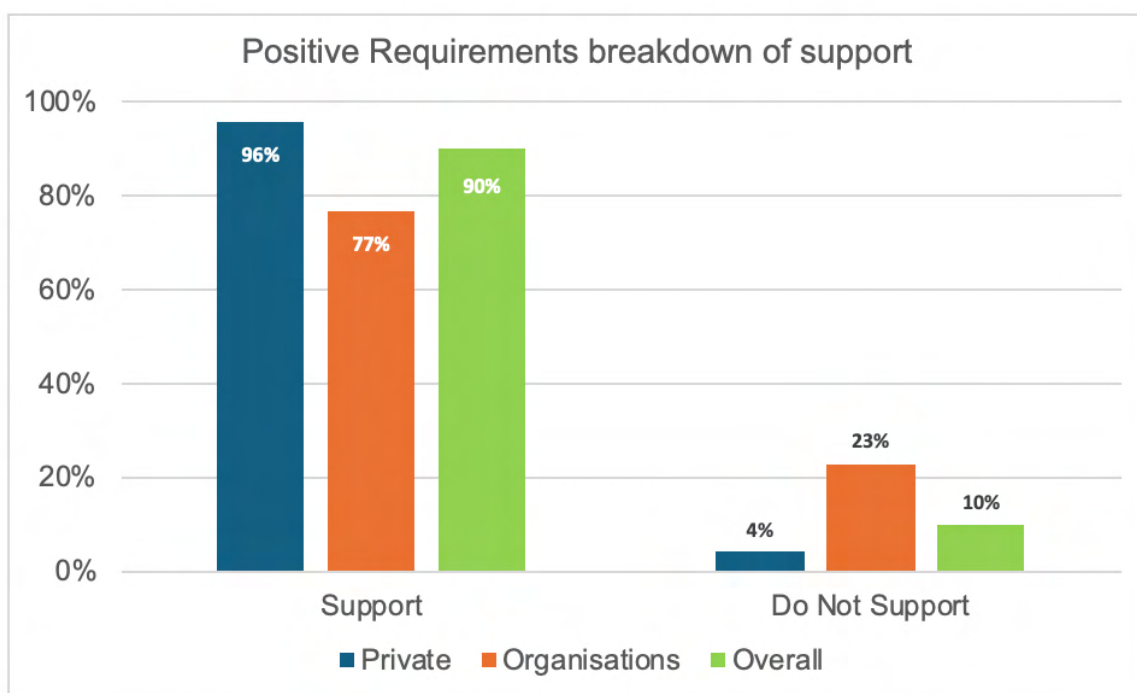
Pending finalised approval, the Department is inclined towards proceeding with this proposal. As with any legislative change, guidance will be provided to the Housing Executive and Housing Associations, with the request that they also update their guidance so that tenants are informed about the amendments to the powers available to social landlords.

Injunctions – Positive Requirements: Analysis

What we asked:

We are proposing that Article 26 of the Housing (Northern Ireland) Order 2003 should be amended to allow the courts in Northern Ireland to include positive requirements in injunctions against anti-social behaviour, subject to the conditions set out. Would you support the proposed amendment?

Out of a total of 118 responses, 101 **(86%)** responded to this proposal. Of those respondents, **90% agreed**. Support for this proposal was greater amongst private individuals with 96% in agreement compared to 77% of organisations.



Summary of respondents' views

A high level of support was received for this proposal. Feedback indicated that by extending beyond a solely prohibitive power, the ability to add positive requirements to injunctions would provide means to enable individuals to receive the support they need to help them to avoid engaging in further ASB. Concerns were raised that resources may not be available to facilitate such programmes, that there are complexities associated with such behaviour which need to be considered and that it would add complications to the injunction process.

Common themes raised by respondents

- Is the root cause of the behaviour being addressed?
- Will benefit victims and wider society
- Need to understand the resourcing of such requirements
- Need to illustrate evidence of need and potential for success
- Introduces added complications to injunctions

Respondents expressed differing views on whether positive requirements would address the root causes of ASB. Some noted that the proposal would promote rehabilitation and encourage individuals to address their behaviour.

Others considered that this is an oversimplification of the complexities involved in why some people engage in ASB. Additional complex needs, specifically amongst vulnerable people, mean that positive requirements risk “setting individuals up for failure”. Respondents advised that the Department should take these vulnerabilities into account and provide clear guidance, along with collaboration among relevant statutory partners, for positive requirements to be effective.

Feedback from respondents

“Incorporating positive requirements into injunctions against ASB represents a progressive step towards addressing the root causes of such behaviour and promoting rehabilitation.”

“Acknowledging that addiction recovery is an ongoing process and can be marked by many ups and downs, we would recommend that serious consideration should be given to this issue and believe a focus should be placed on harm reduction.”

A number of respondents suggested that victims and wider society will benefit if the ASB is being addressed. Furthermore, it was noted that, in the longer term, as a result of successful positive requirements, there could possibly be a reduction in injunctions and possession orders due to less repeat behaviour.

Feedback from respondents

“The ability to include positive requirements... could reduce the need for possession proceedings, and the cycle of homelessness and reapplication for social housing whilst also in turn leading to a reduction in reported ASB.”

A significant issue that was raised by a number of respondents is the availability of such programmes such as drug rehabilitation, mental health support services and other specialised treatment programmes. Some respondents mentioned that these resources are at a limited capacity in Northern Ireland and without a detailed plan of how the proposal will be executed and who is responsible for supervising compliance, it is difficult to determine how successful it will be. Moreover, the issue of funding was raised, specifically who is responsible for funding these programmes and how they will be funded.

Feedback from respondents

“we agree with the principle of the positive requirement proposal. However, we would note that support services would require funding to adequately resource support services.”

“With evidence that under resourced positive requirement programmes already in place in England have the potential to actually cause more harm, no clarity on how much an effective set of programmes would cost in Northern Ireland, and a challenging budgetary position facing the Northern Ireland Executive, it is difficult to foresee positive requirements as a mitigation measure at all.”

Whilst there is overwhelming support for reform of injunctions and for positive requirements, a small number of respondents expressed concern that the proposal may actually complicate injunctions, and that moving away from solely prohibitive measures may result in a problematic system in which landlords, the courts and other stakeholders are required to provide additional resources to implement and monitor adherence to such measures.

Departmental Response and Next Steps

The Department accepts that the effectiveness of positive requirements will depend on the availability of resources and a co-ordinated, multi-agency approach will be needed to facilitate positive outcomes. Social landlords in Northern Ireland have existing arrangements in place with statutory and voluntary sector organisations to deliver mediation and restorative practices.

It is the Department's view that the addition of positive requirements to injunctions will provide an added tool that, where resources allow, individuals can avail of programmes which could have an encouraging impact on themselves along with victims and communities in general.

It is acknowledged that those affected by positive requirements may have additional vulnerabilities and the Department will promote that appropriate safeguards are put in place. Furthermore, it is not proposed that a breach of a positive requirement would be a ground for possession.

The Department has conducted a full EQIA to ascertain the impacts of these proposals on Section 75 categories. The public consultation on the EQIA ran from 05 November 2024 to 03 February 2025, to inform the EQIA impacts and mitigations, and it is hoped that this will help clarify the Department's position on the impact on Section 75 groups.

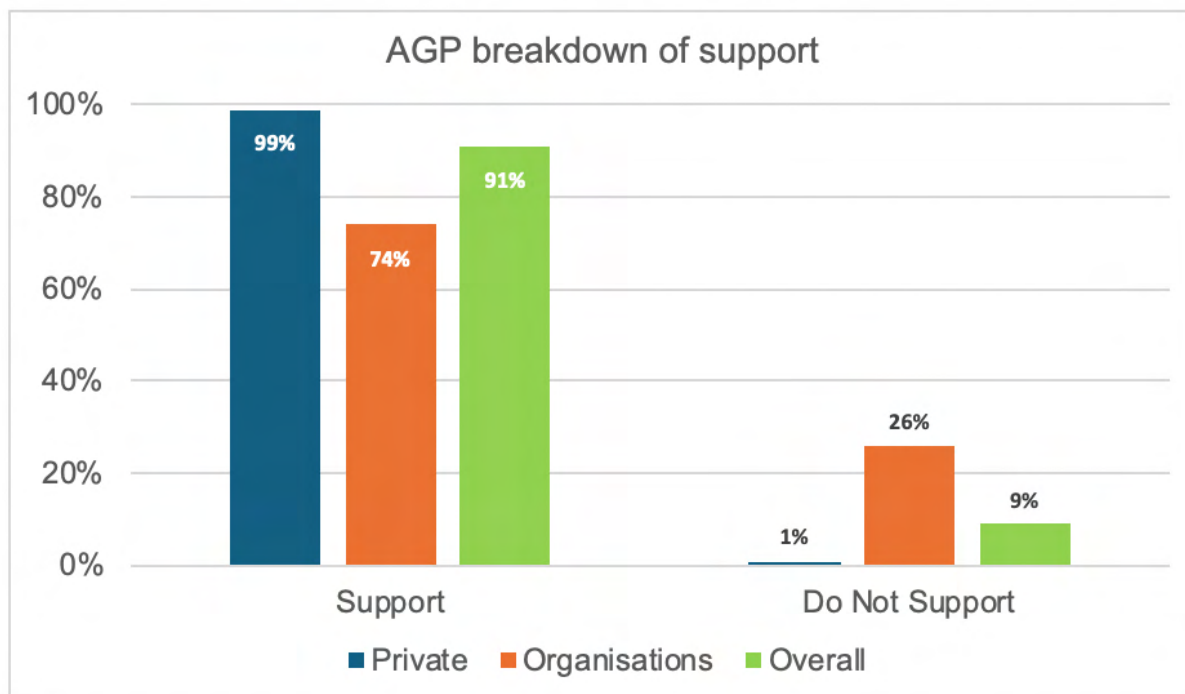
Through research conducted as part of the EQIA process, there is opportunity for successful implementation of positive requirements caveated with the understanding of resourcing implications. We will continue to work with partners in the justice and voluntary and community sectors to recognise the realistic operational outcomes that would be realised from any legislative change.

Absolute Grounds for Possession: Analysis

What we asked:

We are proposing that an absolute ground for possession along the lines of the absolute ground provided for in section 84A in the Housing Act 1985 and described in the consultation document should be inserted in Part I of Schedule 3 to the Housing (Northern Ireland) Order 1983. Would you support the proposed amendment?

Out of a total of 118 responses, 101 **(86%)** responded to this proposal. Of those who indicated a position on this proposal, more than 9 out of 10 **(91%)** agreed. Support for this proposal was greater amongst private individuals with 99% in agreement compared to 74% of organisations.



Summary of respondents' views

This proposal would require courts to make an order for the possession of secure tenancies where certain tests have been met, which provide clear evidence that ASB has been previously proven to the satisfaction of another court. Results from the consultation showed that there was very high support for this approach. Respondents believe that it should make the possession process swifter in some cases by removing the need for social landlords to provide evidence of ASB in a process which can be drawn-out and may include bringing witnesses to court. Opposing views voiced concerns that the proposal will lead to increased homelessness and does not deal with the root causes of the ASB.

Common themes raised by respondents

- Swifter, decisive resolution compared to current process
- Beneficial effects on wider society
- Are the suggested grounds presenting a lower threshold for eviction?
- Could lead to an increase in homelessness, affecting vulnerable people
- General lack of evidence to warrant such measures

It was stated by some respondents that the current process can be slow, and the proposal would resolve such cases more quickly. Within an expedited process, it was also recognised that a human rights defence and an appeal process will be available to all defendants.

An opposing view accepted that the current process can be protracted but suggested that this is due to the complexity of some cases and the need for evidence to be fully examined in a fair and proportionate way.

Feedback from respondents

“An Absolute ground for possession can reduce the burden on court time and the complexity of the legal process in possession cases. A human rights defence is available to all defendants, even in the case of an absolute ground for possession.”

“Any attempt to expedite this process to one, short sitting risks running roughshod over the principles of access to justice and proportionality.”

The wider benefits of the proposal were noted by a number of respondents. This included increased public confidence for dealing with ASB, improving safety in communities and aligning with good practices.

Concern was raised by a number of respondents that the suggested grounds for absolute possession present a low threshold for eviction and that non-criminal behaviour was being “criminalised”.

It was also suggested that the linkage of absolute grounds for possession with the proposals to lower the threshold for granting an injunction against ASB means that the threshold for making orders for possession would be too low. One such example given of this was breach of a noise nuisance order would be viewed as an unacceptably low threshold for eviction.

There were concerns raised about how such proposals will affect the most vulnerable in society, such as young people and those with disabilities. The completion of a full EQIA has been undertaken to consider these concerns. A respondent asked whether, if Anti-social Behaviour Orders (ASBOs) continued to apply to under 18s, a tenant under 18 could be evicted for breaching an ASBO.

An additional issue was raised that the proposal could increase homelessness and leave individuals and families with nowhere to go and no prospect of statutory support. Some respondents emphasised that the effects of homelessness could include social exclusion, with a potential increase in ASB if the underlying issues are not being addressed by repossession, and that those with complex needs and other vulnerabilities will be negatively impacted by the proposal. It was also suggested that the misidentification of, for example, domestic abuse as ASB could lead to eviction of vulnerable people.

Departmental Response and Next Steps

The Department is clear that the aim of this proposal is not to increase the number of possession orders granted, but to expedite the legal process. This policy proposal is not intended to alter the outcomes of possession proceedings, but to save court time, avoid distress to potential witnesses, and provide more timely relief and protection to victims. It must also be emphasised that absolute grounds for possession do not “criminalise” any form of behaviour. Given that absolute grounds would apply where individuals have been convicted of various offences or have been found to have breached certain court orders, it is proposed that orders for possession would only be granted on absolute grounds in very serious cases of ASB.

For clarity, the Department can confirm that defendants would have a statutory right to request a review of the social landlord’s decision to seek possession as well as a human rights defence.

In relation to the under 18s ASBO query, it is very unlikely that this would occur as a person under 18 cannot legally sign

a tenancy agreement. Children may be impacted by absolute grounds for possession where, for example, their parent has received a possession order. However, it is not considered that the proposal will lead to an increase in the amount of possession orders affecting children, albeit it will make the process swifter. Currently, social landlords can seek orders for possession on the existing statutory grounds in the absence of absolute grounds for possession being available.

The Department accepts that breach of a noise nuisance order should not be an absolute ground for possession and is amenable to remove this from final policy proposals.

The Department has conducted a full EQIA to ascertain the impacts of these proposals on Section 75 categories. The public consultation on the EQIA ran from 05 November 2024 to 03 February 2025, to inform the EQIA impacts and mitigations, and it is hoped that this will help clarify the Department’s position on the impact on Section 75 groups.

Conclusion and Next Steps

Given the volume of responses to this consultation, it is clear that the proposals for change are of high interest and importance to many in our society.

The Department will now look at the next stage of implementation in relation to these proposals. Legislation will be required and the Department is now working on a preliminary implementation plan, and will continue to seek information from stakeholders to help shape the finalised policies. The ASB Delivery Group will also be kept informed of progress to allow for timely feedback. We are mindful that some proposals may have impacts on housing providers, PSNI, Courts Service and also the perpetrators and victims of ASB in housing settings.

The Department has considered the responses relating to Equality and agreed that a full EQIA was required at

this juncture. This has been consulted on separately. The Department made all respondents who made reference to the equality impacts aware of this consultation.

The Department is aware of the lack of specific statistics relating to ASB in housing settings. This, alongside other areas of research, will be explored to see if a better system can be put in place to allow for more useful statistics to be produced that will help inform the policy changes.

Going forward, the Department intends to make use of the wide array of evidence gathered during the course of this consultation and during the EQIA process in order to formulate finalised proposals, which can deliver on as many development objectives as possible.

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