

6 FACT SHEET



The remedies for resolving nuisance and antisocial behaviour

Preventative approaches

Starter Tenancy

These are used to help prevent antisocial behaviour. During the first 12 months, we have stronger powers to end the tenancy, if antisocial behaviour becomes a problem.

Acceptable Behaviour Contract (ABC)

This is a voluntary contract usually between a young person or a family and the landlord and other relevant agencies to agree not to behave in a particular way.

Good Neighbour Agreement

This is a voluntary code of behaviour that residents can agree to and sign. We can draw up the agreement when we open a new estate or as a result of ongoing antisocial behaviour. For it to work we need to consult with all residents and most of them have to agree some ground rules to stick to.

Traffic Light Warning System

We operate a clear 3 stage warning system on antisocial behaviour:

- Yellow** - 28 days to put the breach of tenancy right, such as by stopping the antisocial behaviour. The next step is to issue an orange or red warning and suspend the tenant from Just Rewards.
- Orange** - suspension from Just Rewards and 28 days to put the breach of tenancy right, such as by stopping the antisocial behaviour. The next step is to issue a red warning and legal action.
- Red warning** - suspension from Just Rewards and starting legal action.

Mediation

We can offer mediation to solve a wide range of disagreements with your neighbours. Mediation does not focus on who is right or wrong, but gets everyone involved to agree to a solution. We can use it to solve fairly simple disagreements with your neighbours or even quite serious harassment if both sides are willing to take part. Please contact us for a copy of our fact sheet 'what will mediation be like?'

Legal remedies

Injunction and Exclusion Order

This is a court order requiring someone to do something or stop doing something. Breaking an injunction amounts to contempt of court and is punishable by a fine or imprisonment of up to 2 years.

Demotion of tenancy

We can apply to court for an order to 'demote' a tenancy if the tenant has caused antisocial behaviour. This means that the person's secure or assured tenancy will become an assured shorthold tenancy. This gives the tenant fewer rights. It means that if they continue to cause antisocial behaviour we could go back to court to evict them.

Antisocial Behaviour Order (ASBO)

Along with the Police and local authorities we can apply for antisocial behaviour orders. The Police, local authority, education authority, Social Services and housing associations can work together to provide evidence of antisocial behaviour and apply for a court order. The court can make an antisocial behaviour order against anyone over the age of 10 to prevent them from behaving in a particular way and sometimes excluding them from an area. A breach of an ASBO is a criminal offence and could result in a fine and/or prison sentence.

Possession Proceedings

This is where we go to the county court to try and evict the tenant causing the problem. At court we can ask for the following:

- an adjournment. This puts the case on hold for 6 to 12 months
- a Suspended Order. This means the tenant must meet the terms the court sets. Usually these say that the tenant must not break their tenancy conditions or cause a nuisance. If they stick to this agreement, the tenant can stay in their home. If not, we can go back to the court to get an order to evict the tenant
- an Outright Possession Order. This allows us to evict the tenant, normally within 14 to 28 days.

In Court

If we took your case to court we would have to have clear, detailed written evidence about the antisocial behaviour. People who witnessed the nuisance have to sign statements and answer questions in court about their evidence.

Judges decide what order to grant, based on the evidence they hear. There are two main things they have to consider:

- are they satisfied the nuisance took place?
- is it reasonable to grant an order?

Publicity

We believe it is very important to let people know that we will not tolerate antisocial behaviour. We will use the remedies listed within this fact sheet to change behaviour. Where appropriate we will inform communities of any action taken in the following ways:

- scheme letters / leaflets
- website
- local media
- tenant magazine.

Find out more

Telephone: Action Line - 0870 220 2000 E-mail: RespectActionLine@bss.org

Website: www.respect.gov.uk

Longhurst & Havelok Homes is committed to equality and diversity and recognises diversity in all areas of our work. We seek to treat people with respect and deliver services that meet individual need.

This leaflet is also available in:



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