

Legal actions: tackling anti social behaviour



Tackling anti social behaviour: legal actions

We're committed to working with you to manage anti social behaviour and achieve sustainable tenancies and communities.

We'll look at all informal ways to resolve anti social behaviour before we take a case to Court. Court action is a last resort.

- We can only take legal action if we've got your support and a strong case backed up by evidence given by you
- Witnesses should be prepared to appear in Court. There may be some occasions when you aren't called by the judge to give evidence
- Once we've applied to the Court, the date of the hearing and the outcome is up to the Judge. The Court process can be lengthy and it can take several months to get a hearing
- We understand that being a witness and giving evidence in Court can be stressful. We have a Witness Support Strategy to support you through the process. We'll let you know the options available to support you. You may also want to get independent advice from your local Citizens Advice Bureau.

Legal actions include:

Injunction Order

- This is a Court Order issued by a Judge. We can only apply for it if the person causing anti social behaviour is 18 or over
- The Injunction can order the person to stop doing something, such as using threatening behaviour. It can also order someone not to approach you or speak to you. It may include an Exclusion Order which stops the person going into certain areas
- An Injunction can be applied for with or without giving notice to the person causing anti social behavior. This depends on the nature and seriousness of the incidents
- If the person breaks the terms of an Injunction and we can prove it, the Judge may order a fine or imprisonment for contempt of Court. A Power of Arrest may be granted and the Police can then arrest the person.

- The person causing the anti social behaviour may offer an Undertaking instead of the Court making an Injunction Order. This is a legally binding promise to the Court outlining certain terms the person must agree not to do. It isn't an admission of liability. A Power of Arrest and an Exclusion Order can't be attached to an Undertaking.

Demotion of tenancy

- The Court can issue a tenancy order. This means the tenant's rights are substantially reduced for one year
- In some circumstances it may be appropriate to serve the perpetrator with a Demotion Notice before applying for an Order. The Notice will remain in place for 12 months during which time we can apply to the Court for the Demotion Order. If there are no further incidents of anti social behaviour the Demotion Notice will expire.

Possession actions:

- We can apply for a Possession Order against the person causing anti social behaviour if other measures fail
- We need strong evidence and if you're giving evidence you must be prepared to appear in Court. Without careful preparation and the right evidence the case can be delayed or dismissed. The Judge needs to be confident that every effort has been made to resolve the issue in other ways before a Possession Order is granted, and the person is evicted
- Before starting possession proceedings we must serve a Notice of Seeking Possession on the person. This sets out how they've broken the tenancy agreement and says what they need to do to put the situation right.



Other possession actions

Suspended Possession Order

This means the person can stay in their home as long as they agree to the conditions and stop the anti social behaviour. We monitor their behaviour with your help. If the problems start again they can go back to Court and may face eviction.

Eviction

The person will be given a date to leave the property. If they don't leave we'll apply to the Court for an Eviction Warrant. Even at this stage the Judge can agree to the person's application for a 'Stay'. This postpones the date of the eviction on the condition that they cause no further anti social behaviour.

Directions Hearing

This is an informal Court appearance usually held before the trial date. It's to make sure cases are dealt with efficiently and any issues or matters of law are dealt with before the trial.

Once a defence has been filed with the court we'll let you know the date of the Directions Hearing. It will be held about three weeks after the defence has been filed and you may not have been there.



Get in touch

talktous@knightstone.co.uk

knightstone.co.uk

Weston Gateway Business Park,
Weston-super-Mare, Somerset BS24 7JP

T: 08458 729729

If you need this information in
another format please contact us.



April 2013

This document is printed on 100% recycled paper

 **Knightstone**