

# Enforcement action for ASB

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improving housing through partnership

We believe you should be able to enjoy peace and quiet in your own home, feel safe and secure and not have to suffer the anti-social behaviour of others.

The term anti-social behaviour (ASB) includes all types of behaviour, which affect the quality of life of local people. It is the bad behaviour of a few that seriously affects those around them who experience it.

We:

- take all reports of anti-social behaviour seriously
- are determined to address unacceptable behaviour
- will look to work with organisations such as the council, police and other partners and agencies to develop and deliver solutions to reduce anti-social behaviour.

This factsheet outlines the type of action we can take against individuals or groups who cause anti-social behaviour; it aims to give some information about some of the things we can do. It is important to be clear that while action can be taken to minimise or prevent people from causing ASB, the legal processes described in this factsheet can be complex and take a long time. It is vital that we have supporting evidence if we are to pursue any of the following action.

## Enforcement of tenancy

The term 'enforcement' means the action, including legal action that we will take against people who cause ASB.

## Possession Orders

If antisocial behaviour is affecting other residents we can apply to the courts for an order to repossess the property of the person responsible for causing ASB. If we obtain a possession order we can evict the person from the property. These orders are requested through the civil courts and usually require strong evidence to be presented to a judge.

## Injunctions

We can apply for an injunction which is a formal command made by a court which states that a person must either do or stop doing something. Breaking\* the conditions of an injunction order is not a criminal offence, but it is contempt of court and the person could be fined or sent to prison. In some cases the court may attach a power of arrest to an injunction. This means that if the person breaks\* the terms of their injunction they can be arrested by the police. Injunctions are mainly used in cases where violence may be a factor.

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## Demotion orders

We have used demotion orders in some cases when tenants have been involved in anti social behaviour. A demotion order is designed to be an alternative to eviction and can either be used on its own or as part of a claim for possession. A demotion order acts as a strong warning to tenants that they run a high risk of losing their home if they continue to cause anti social behaviour. If the court make an order they will end an existing secure or assured tenancy and replace it with a less secure demoted tenancy (for at least one year) with significantly reduced tenancy rights, for example, removing the right to buy or the right to a mutual exchange.

## Fixed Penalty Notices

Fixed Penalty Notices (FPNs) are fines that are issued for low-level ASB of an environmental nature, for example dog fouling, graffiti or litter offences in public places. They can be issued by local authority and community support officers; and, in some cases, by HFI's Out of Hours ASB Team. FPNs can be issued to anyone over 10 years old and are usually for £50 except in the case of noise-related offences when the fine is £100.

Receiving a penalty notice this does not mean someone has been convicted of a crime; and paying a penalty does not mean they are admitting they are guilty. However, if someone fails to pay a fine after it has been issued they could face prosecution.

## Anti Social Behaviour Order (ASBO)

We can apply to the courts for an ASBO which is a civil order. An ASBO can be made against anyone over the age of 10 who has acted in a way that causes, or is likely to cause, harassment, alarm or distress to others. ASBOs are put in place to prevent antisocial behaviour. They stay in place for at least two years however ASBOs against young people are reviewed after the first year, and each year after this. Breaking\* an ASBO is a criminal offence which could lead to paying a fine or imprisonment for up to five years (or both). Different sentences apply to young people under the age of 18 years.

## Mutual exchange refusal

We can refuse to allow a mutual exchange to take place or refuse an application for a mutual exchange where an order involving anti social behaviour is either already in force or has been applied for.

## Suspension of the Right to Buy

If we produce evidence and the court is reasonably satisfied that a tenant is responsible for causing ASB it can grant a suspension order which will suspend the Right to Buy (RTB). The tenant will be denied the ability to exercise the right to buy or make a new application during the period of the order. If rights are restored, a tenant's RTB qualifying period or discount will not be affected by the previous order.

## Eviction

When all reasonable attempts to stop tenants from causing ASB fail we can, and do, evict perpetrators. Tenants who are evicted for causing ASB will normally be considered to be intentionally homeless and, in such cases, will not be eligible for re-housing by LBI.

\* Breach is the legal term for breaking a term or condition of an order or agreement.