

Remedies against offenders



This fact sheet sets out some of the most common legal and non-legal remedies that we take against offenders. The action we take against an offender will be in line with the nature and seriousness of the offence.

Not all reports about anti-social behaviour go to court (legal action). Often they are resolved by less formal or non-legal methods. Below are some examples of legal and non-legal remedies that we may use.

Mediation

Disputes between neighbours never get to court if handled properly. Mediation brings the two parties together in the presence of someone wholly unconnected with the two parties and HFI. Mediation requires the consent of both parties and a willingness on each side to settle a dispute amicably. We can refer you to our partner organisation, Camden Mediation.

Acceptable behaviour contract (ABC)

'ABCs' are often a very good way of getting someone to examine their behaviour and change it for the better. They are more often than not used for children over ten years of age and young adults under 18. They are non-legal 'contracts' where an individual accepts responsibility for the issues that have been the basis for a complaint. They can be very effective and often prevent the matter reaching court.

Anti-social behaviour order (ASBO)

'ASBOs' are civil orders designed to protect communities from behaviour that causes harassment, alarm or distress to individuals. They are awarded by the magistrates' courts and can be applied for by HFI in partnership with the Police and the Council. They can be taken out against anyone over the age of ten. It is a criminal offence to break the terms of an ASBO. If this happens, the court can impose a large fine or even, in serious circumstances, a prison sentence.

Injunctions

An injunction is obtained from the county court and is designed to prevent or stop types of behaviour, access to people or to property and other actions such as threats or violence.

Organisations and individuals can apply to the court for an injunction on payment of court fees. We are also able to apply for injunctions against offenders who are not our tenants.

Equally, we can also apply for injunctions where the victim is not a tenant of ours. Injunctions may be sought with or without the power of arrest or an exclusion order, according to the severity of the behaviour.

The basis and evidence for which an anti-social behaviour injunction is applied is relatively low. The behaviour may not be intentional but if it is capable of causing a nuisance, an injunction could be granted. We can also apply for an injunction on the unlawful use of premises. In cases such as these there is no victim.

Finally, we can apply for an injunction against a breach of tenancy. We can also apply for such an injunction in anticipation of a breach of tenancy, if we have reason to expect a breach to take place.

Tenancy demotion

A demotion order has to be granted by the county court and has the effect of converting a secure tenancy into what is called 'a demoted assured shorthold tenancy.'

A tenancy demotion is less severe than eviction but it is still very serious indeed. It lasts for a year and automatically reverts to the original status if no action is taken under the demotion order.

However, if the landlord has reason, they can return to the court within a year of the demotion order becoming effective and apply for eviction. *Because the demoted tenancy is an assured shorthold tenancy, the judge has no discretion to refuse eviction.*

This is a very serious step to take and if we get a demotion order, we will offer as much support as we can to help avoid having to enforce the order.

Possession

If we believe there is sufficient evidence to justify an action for breach of tenancy caused by anti-social behaviour, we may take possession action in the county court. If a judge finds in our favour, they may either grant a postponed possession order or an outright possession order.

In reaching its decision, the court has to consider the effect of someone's conduct, the continuing effect and further effect if the conduct is repeated.

If a postponed order is awarded, it means that the offender may continue to live in their home provided they commit no further acts of anti-social behaviour. If they do, we are able to apply for a warrant of eviction without

returning to court. An outright order gives us immediate possession and is only granted in the most serious cases.

Eviction is a last resort and we will take all necessary steps to prevent it. Depriving someone of their home is a serious step, taken when all other attempts to resolve the situation have failed.

Area Housing Office contacts:

Anti-social behaviour out of office hours hotline
020 7527 7272 (24 hours)

Central Street Area Housing Office

85 Central Street
London EC1V 8DT
Tel: 020 7527 6524
Fax: 020 7527 6207
Email: csha@homesforislington.org.uk
Minicom: 020 7527 6202

Holland Walk Area Housing Office

85-88 Holland Walk
London N19 3XS
Tel: 020 7527 7497
Fax: 020 7527 7407
Email: holland.walk@homesforislington.org.uk
Minicom: 020 7527 7405

Lyon Street Area Housing Office

1 Lyon Street
London N1 1DQ
Tel: 020 7527 6834
Fax: 020 7527 6827
Email: lyon.street@homesforislington.org.uk
Minicom: 020 7527 6830

Upper Street Area Housing Office

Northway House
257 Upper Street
London N1 1RU
Tel: 020 7527 5323
Fax: 020 7527 5301
Minicom: 020 7527 5440
Email: upperstreetAHO@homesforislington.org.uk