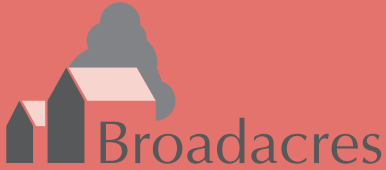


Antisocial behaviour – Action to stop antisocial behaviour



It's not

just
the
bricks

about

bricks





What is antisocial behaviour?

Antisocial behaviour is behaviour by one person or group of people that unreasonably interferes with the quality of life of someone else.

Examples of antisocial behaviour include:

- noise (for example, regular loud parties, shouting, noise from televisions and music systems, and noise from pets);
- dumping rubbish (fly-tipping);
- nuisance from vehicles (for example, illegal parking);
- graffiti;
- using our properties to sell drugs or for other illegal purposes;
- aggressive and threatening language and behaviour; and
- actual violence against people and damage to property.

Some of the above examples may also be seen as harassment or hate crime.

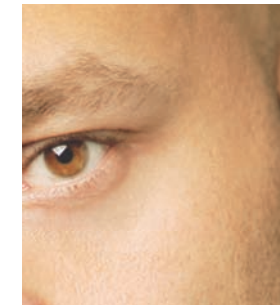
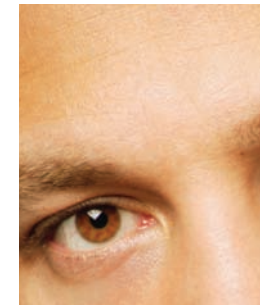
- Harassment is an offence committed against a person or property to intimidate people and make them feel uncomfortable.
- Hate crime is a more specific type of harassment. Hate crime is a criminal offence committed against a person or property because of their ethnic background, nationality, religion, sex, sexuality or disability.

What we will do to stop antisocial behaviour

We hope that, in most cases, if you or we contact the person who is causing the nuisance, they will change their behaviour and the problem will end.

However, if this doesn't happen and, after further warnings, they continue to cause a problem, we will have to take more formal action. This leaflet describes the action that we can take.

Other agencies such as the police and local councils can also take action and we will work with these other agencies to make sure that, together, we achieve the most effective solution.



Acceptable behaviour contracts

An 'acceptable behaviour contract' is a written agreement between the person involved in the antisocial behaviour, us and any other relevant agency (for example, the police.)

This agreement gives a list of antisocial activities the person has been involved in and which they agree not to continue. Although the contract is not legally binding, if the person continues to act in an antisocial way, we will use the agreement as evidence in future legal action.

If the person causing the nuisance is under 18, we will ask the parent or guardian to sign the agreement with them. If a child under 10 is causing the nuisance, we will make the agreement with the parent. This is known as a 'parental guidance agreement'.

We can use acceptable behaviour contracts to tackle a wide range of antisocial activities, including:

- harassment;
- verbal abuse;
- criminal damage;
- vandalism;
- noise nuisance;
- threatening behaviour; or
- substance misuse (such as glue-sniffing or drug-taking).

An agreement will usually last for six months, but we will review it every four weeks. If the person causing the nuisance breaks the agreement, we will start legal action.

Parenting orders

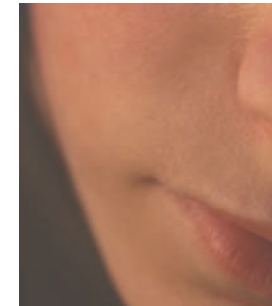
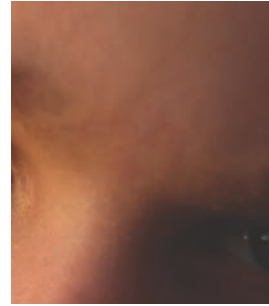
Parenting orders are granted by a criminal court and are supportive measures designed to help parents improve their parenting skills so they can stop their children becoming involved in antisocial behaviour and criminal activities.

The order will usually last up to one year and can be made up of two parts.

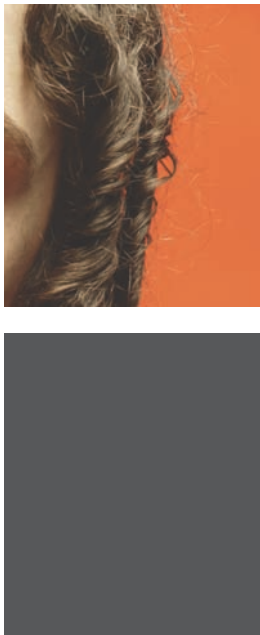
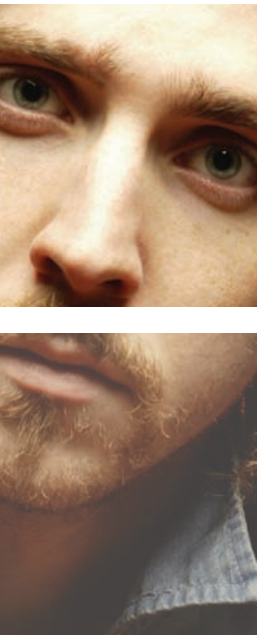
- A parenting programme, which is designed to improve the parent's skills and allow them to tackle their child's behaviour.
- Ways in which the parents need to take control over their children (for example, making sure their children go to school every day).

The following can apply for a parenting order.

- The local education authority
- The Youth Offending Team
- The local authority
- Broadacres



If a parent does not keep to the conditions of the order, they will first receive a written warning letter. If they still fail to keep to the conditions of the order and cannot give a genuine reason for doing so, they may be fined up to £1,000.



| Injunctions

Under our tenancy agreement

Our tenancy agreement is a contract between us and the tenant. If the tenant breaks the tenancy agreement, we can apply to the court for an order for them to keep to the tenancy agreement (for example, to stop causing a nuisance). If the tenant does not keep to the terms of the injunction, they may be fined or sent to prison.

We will use injunctions when stopping the nuisance (for example, the noise) will solve the problem.

We may use an immediate injunction (where the person causing the nuisance is not given notice of the first court hearing) if it is important to take urgent action to stop the nuisance or protect any witnesses. We can also use an immediate injunction along with other legal action, such as applying to take possession of a person's home.

Under the Housing Act 1996 (as amended by the Antisocial Behaviour Act 2003)

We can apply for an antisocial behaviour injunction against any person who is involved in or threatens to get involved in, behaviour which:

- is capable of causing nuisance or annoyance to any person who lives or works in an area where we own properties; and
- directly or indirectly relates to or affects our housing management services.

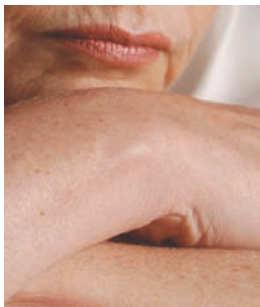
We can also apply for an injunction if a property is being, or may be, used illegally. The tenant does not have to have been convicted of a criminal act for us to get the injunction.

The court can prevent the person committing the offence from going into an area or property. They can also attach a power of arrest (which means the police can arrest the person if they break the court order) to any injunction for antisocial behaviour, including under our tenancy agreement, or illegal use of the premises if:

- there has been violence or a threat of violence; or
- there is significant risk of harm to anyone living or working in the area.

We will work with our partners in using antisocial behaviour injunctions, particularly if the behaviour is committed by people who are not our tenants.

We will use injunctions to stop a property being used illegally if the behaviour is clearly reducing the quality of life of people in the area. If there has been a conviction, we may take action to repossess the property.



Demotion orders

We can apply for a demotion order against our tenants. If the court grants a demotion order, we can change an assured tenancy to an assured shorthold tenancy. This is a less secure form of tenancy and means that the tenant will lose certain rights (for example, the right to buy their home). If the tenant breaks their tenancy agreement again (for example, by not paying the rent), we can ask the court to give us possession of the property. The court cannot refuse our request. However, if the tenant does not break their tenancy agreement again for 12 months after the demotion order is granted, the tenancy will go back to an assured tenancy.

If appropriate, we will consider using demotion orders to give the tenant a chance to change their behaviour.

Possession

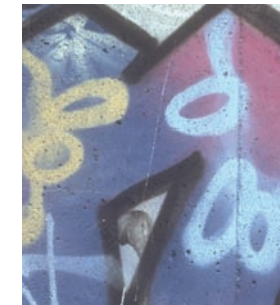
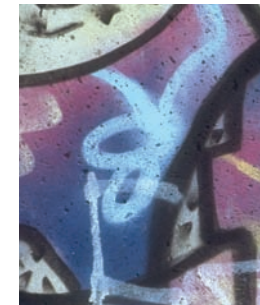
A possession order is when we ask the court for permission to evict the tenant. We will do this if:

- it is inappropriate for the tenant to stay in that property (for example, if they have been involved in racial harassment or drug-dealing);
- other action (for example, an injunction) has not stopped the antisocial behaviour; or
- we feel it is the most appropriate solution.

Antisocial behaviour orders (ASBOs)

ASBOs are civil orders that aim to protect the public from behaviour that causes, or is likely to cause, harassment, alarm or distress to one or more people who live in a different household to the person responsible for the behaviour.

An ASBO contains conditions preventing the person causing the problem from carrying out specific antisocial acts or entering certain areas. An ASBO applies for at least two years.



We can get ASBOs against anyone aged 10 and over.

The type of behaviour that can be tackled by ASBOs include:

- general loutish behaviour;
- verbal abuse;
- harassment and hate crime;
- assault;
- graffiti;
- excessive noise;
- drunk and disorderly behaviour; and
- prostitution.

There are four types of ASBOs.

1 Interim order

A magistrates' court or a county court can grant one of these. They are meant to protect the public before a main trial or hearing if:

- the court thinks it is fair;
- the application for a full order has been properly made; and
- there is evidence of an urgent need to protect the community.

2 Stand-alone order

A magistrates' court can grant these. A stand-alone order applies for at least two years. During this period, either the person applying for the order (the applicant) or the person behaving antisocially (the defendant) can apply for the order to be changed. The order can only be cancelled within two years if both sides agree.

3 On conviction in criminal proceedings

The police have the power to apply for ASBOs as well as criminal proceedings for antisocial behaviour. The court makes these orders after the criminal conviction, based on the evidence used in the criminal trial and on any further evidence given to the court after the verdict.

Once the court has granted the order, it cannot be changed in any way.

If the person behaving antisocially is sent to prison (or another institution), the court may order that the ASBO comes into force when they are released.

4 A county court order

We can ask for an order at the same time as other proceedings in the county court (for example, action to evict the tenant). We may do this if we think it is necessary to prevent the tenant continuing their antisocial behaviour at their future home.

What if an ASBO is broken?

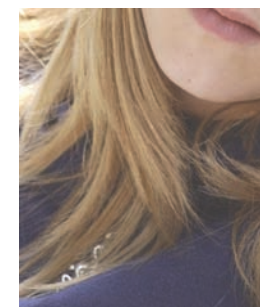
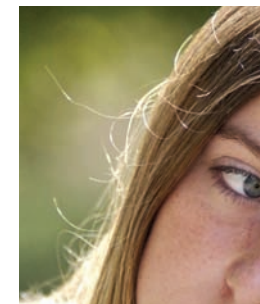
If an ASBO is broken, it is a criminal offence. The court can give young people aged 10 and 11 a community order for breaking the order. For young people aged 12 to 17, the maximum sentence is a 24-month detention and training order.

We will use ASBOs particularly when the antisocial behaviour is committed by young people and we believe that action against the young person, rather than the parent, is the best course of action.

Other information

We have other antisocial behaviour leaflets available.

- A summary of our policy and procedures. (Full copies of our policy and procedures are also available if you ask for them.)
- Are you a victim of harassment or hate crime?
- What should I do?
- Being a witness



If you ask, we can supply our documents in large print, on CD, in Braille, in picture format and in languages other than English.

How you can contact us



Please write to us at:

Broadacres Housing Association

Freepost RRBZ-TATA-BYHL (you do not need a stamp)

Mount View

Standard Way

Northallerton

DL6 2YD.

Phone: **01609 767900**

or **0800 587 5291** 24 hours (free from a landline)

Fax: 01609 777017

E-mail: info@broadacres.org.uk

Website: www.broadacres.org.uk

Call in at one of our offices:

Broadacres House, Mount View, Standard Way, Northallerton, DL6 2YD

Monday to Thursday 8.45am to 5.15pm | Friday 8.45am to 4.45pm

1 York Vale House, Elder Road, Northallerton, DL6 1RT

Monday, Friday and Saturday 9.30am to 12.30pm | Wednesday 2pm to 6pm

The Old Surgery, Masonic Lane, Thirsk, YO7 1PS

Monday to Friday 9.30am to 12.30pm

Woodville, 25 College Square, Stokesley, TS9 5DN

Monday to Friday 9.30am to 12.30pm

32a St. Monica's Garth, Easingwold, YO61 3GZ

Tuesday and Friday 10am to 12 noon

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