

## There are various tools which Cannock Chase Council may use to resolve cases of anti-social behaviour

### Non-Legal Tools

**Warning Letters** - Warnings resolve the majority of cases of anti-social behaviour. We will issue initial and official written warnings to people who are causing anti-social behaviour. If someone fails to take heed of a warning, we will make use of the other tools described in this leaflet.

**Mediation** - Mediation empowers people to work together to resolve their problems. Solutions are offered by the parties themselves, enabling them to remain in control of any outcomes. Resolutions are only created if all parties are in full agreement. Agreements made are not legally binding however parties are more likely to adhere to them because they have created them themselves. Participation in the mediation process is entirely voluntary; parties cannot be forced to enter into mediation.

**Extension of Introductory Tenancy** - S179 Housing Act 2004 allows an introductory tenancy to be extended once for a period of 6 months. This may be on the grounds of any breach of tenancy conditions including an on-going case of ASB.

**Acceptable Behaviour Contracts (ABC)** - An ABC is a voluntary agreement between one or more agencies, for example, Landlord, Police, Youth Offending Service and an individual, outlining what they should or should not do. The terms of the contract will reflect the behaviour expected of the individual and will also set out the possible consequences of breaking the agreement.

ABCs are often used with children and young people, but they can equally be used for adults. They will be used when someone is involved in low to medium level anti-social behaviour or when a warning has been unsuccessful in addressing the problem.

**Family Intervention Projects (FIPs)** - we can refer families to them. FIPs work with persistently anti-social families to change their behaviour. They consider the needs of the whole household and assess the underlying problems that are causing the family's behaviour. The projects involve key workers who make sure that the family stick with the project and get the help they need. If the family does not engage with the FIP, the landlord will take enforcement action in order to change their behaviour.

### Legal Tools

**Anti-social Behaviour Orders (ASBO)** - ASBOs are civil orders made in the courts. They protect the public from behaviour that causes, or is likely to cause harassment, alarm or distress. Orders can be made on anyone aged 10 or over who has displayed anti-social behaviour in the previous six months.

ASBOs can be imposed for a fixed period – from a minimum of two years to an unlimited maximum limit. Orders made on young people are usually reviewed after a year. The orders are not criminal penalties and are not intended to punish the offender, but rather to protect the well-being of the community. However, breach of an order is a criminal offence. We will usually try to resolve the behaviour by asking the individual to agree to an ABC first. If this does not work, it may be necessary for us to make an ASBO application. If this is the case, we may ask any victims or witnesses to provide evidence in court, as it is necessary to prove to the court that giving someone an ASBO is justified.

**Demotion Orders** - Demotion orders allow social landlords to apply to the courts to reduce the security of someone's tenancy. A Demotion Order can remove a number of tenancy rights such as the right to buy and the right to exchange. When an Order is granted, the individual's tenancy is replaced with a less secure form of tenancy. Demoted tenancies last for a year and can be extended under some circumstances. If the anti-social behaviour continues, the landlord can serve a notice to seek possession of someone's home.

**Injunctions** - Injunctions are **civil orders** which can be obtained from the County Court and they stop someone from causing anti-social behaviour. Some injunctions can exclude the person from certain places or areas or have a 'power of arrest' attached, which means that the person can be arrested by the police if they breach the injunction. Most injunctions have a time limit but in some circumstances the injunction is enforceable for the lifetime of the person it is obtained against.

Section 13 of the Anti Social Behaviour Act 2003 introduces new provisions allowing social landlords to apply for injunctions to prohibit anti-social behaviour that affects their management of their housing stock.

An **Injunction** can be sought to not only stop someone from doing something or behaving in a certain way, but also to insist that a person does do something. This may be to tidy their garden, for example to cut their grass, overgrown hedge or remove rubbish.

**Possession order** - In some very serious cases, it is necessary for us to apply to court for possession of someone's home. A notice of seeking possession must be served on the tenant and this will give the person notice of what we intend to do and why. A possession order can only be granted by the courts if they are satisfied that the behaviour is serious enough to evict someone from their home and that every other option has been exhausted before the landlord applied for possession.

If the behaviour is very serious and the court thinks it is appropriate, an outright possession order will be granted; this will require a person to leave their home within a fixed period of time, usually 28 days. In other circumstances, the court may grant a suspended possession order. This means that, although the person does not have to leave their home immediately, if they cause any further anti-social behaviour we can apply for the court to set a date for them to give up possession of their home.

We will only use this action as a **last resort** and only when it is appropriate to do so.