



ANTI-SOCIAL BEHAVIOUR TOOLKIT (APPENDIX)

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Mediation Service.

Ealing Mediation service offers a confidential and professional service, mainly focusing on neighbourhood disputes. They assist residents resolve disputes/conflicts without the need of legal action. All categories (A, B and C) can be referred to mediation with the exception of domestic violence, or where a person is unable to represent himself/herself unless they have an advocate that can attend with them e.g. social services. One of the parties involved must consider mediation for a referral to be made.

Acceptable Behaviour Contract.

Acceptable Behaviour Contracts (ABCs) are written agreements between a young person, the young persons parent(s), Ealing Homes, the Police and Youth Services in which the young person agrees not to carry out a series of identifiable behaviours which have been defined as anti-social. ABCs are mainly used for young persons but they can also be used for adults. ABCs are voluntary agreements and are signed by all the parties mentioned above. The contract specifies a list of anti-social acts in which the young person has been involved and which they agree not to continue. This is monitored by the ASB Team and the police. Youth Services offer support to the young person. ABCs usually last for six months after which the contract is reviewed. They can be used to improve the quality of life for local people by tackling behaviour such as harassment, graffiti, criminal damage and verbal abuse.

There is no penalty in law for refusing to sign an ABC, or breaching one, however these circumstances can be used as evidence in applications before the courts.

Parenting Contracts.

A parenting contract is a written agreement that can be made when there is reason to believe that a child has engaged in, or is likely to engage in criminal conduct or anti-social behaviour. The aim is to prevent further such behaviour and a parent and a team member will sign up to an agreed standard of behaviour for the child. The contract lasts for six months but can be extended. As with ABC's Youth Services offer support to the young person, but also to the parent(s). Also as with ABC's, there is no penalty in law for refusing to sign or breach, however these circumstances can be used as evidence in applications before the courts.

Parenting Orders.

A parenting order is obtained upon application from the magistrates' court. It contains conditions e.g. instructs the parent or guardian to attend parenting programmes. Depending on the conditions, Parenting Orders can last from three months to a maximum of twelve months.

Breach of a parenting Order usually results in a fine being imposed by the court.

Notice of Seeking Possession.

A Notice of Seeking Possession (NOSP) is served on a secure tenant when the tenant breaches their tenancy condition(s). The notice can start with immediate effect. The Housing Officer should monitor the situation. If the situation is resolved then no action need be taken, but if the conditions of the NOSP are breached at any time during the next 12 months then the Housing Officer should consider legal action.

Legal Action.

If the breaches are of a serious nature and a NOSP has been served then the Housing Officer should prepare witness statements and refer the case to the legal department. The Housing Officer should instruct the Legal Department of what they wish applied for in Court e.g. Demotion Notice, Outright Possession Order etc.

Possession Orders.

Outright Possession Order (OPO) – If the Court grants an OPO, then Ealing Homes can gain re-possession of the property in question. The Court gives ample notice to the resident e.g. 28 days to arrange alternative accommodation and to store their belongings. If after this period the resident has not cleared the property, police assistance (with the presence of the Bailiff and Housing Officer) should be requested to evict the tenant. If there are belongings within the property, an inventory should be prepared and the items should be placed in storage for a period of three months. The Housing Officer is to arrange for the Repairs Department to send a locksmith to change the locks and board up any windows and put up a steel door.

Postponed Possession Order (PPO) – The Court does not usually grant a suspended possession order in cases where there are only acts of anti-social behaviour. A suspended possession order means that the Court suspends the possession on terms for the tenant to abide by.

Varied Possession Order (VPO) – If an order has already been obtained e.g. for rents and the anti social behaviour is being caused by the resident or visitors in the property then a varied possession order can be applied for.

Demotion Order.

A Demotion Order replaces a secure tenancy with a less secure form of tenancy e.g. options such as right to buy and right to exchange are removed. This is applied for at the County Court. If the tenant continues to breach the tenancy conditions then there are serious implications, such as the tenants home being repossessed by the local authority. A tenant that has had their tenancy demoted will not regain their secure tenancy status after the demotion period has ended but will become an assured tenant. The demotion period is for 12 months but can be extended if a NOSP is served during the 12 months.

Anti-Social Behaviour Orders.

Anti-Social behaviour Orders (ASBO's) are civil orders to protect the public from behaviour that causes or is likely to cause harassment, alarm or distress to anyone not of the same household. An order contains conditions prohibiting the perpetrator from carrying out specific anti-social acts or from entering defined areas and is effective for a minimum of two years.

Examples of anti-social behaviour that can be tackled by ASBO's include racial abuse, harassment, threats, verbal abuse, criminal damage, noise nuisance and vandalism. Where the behaviour is serious and on-going, or the application is adjourned, interim orders may be sought and if need be without notice.

If, without reasonable excuse, the subject of an order does anything which they are prohibited from doing by the order, they are liable on conviction to a term of imprisonment not exceeding five years (24 months Detention and Training Order if a minor) or to a fine or to both.

Anti-Social Behaviour Injunction.

An anti-social behaviour injunction is an order obtained from the court that can control and remedy anti-social behaviour. It prohibits the person concerned from engaging in the behaviour detailed in the injunction and can exclude the person from specified places or areas. The conduct need not cause any such nuisance or annoyance to any specific individual. It is sufficient that it is capable of having that effect. Similarly the anti-social behaviour need not occur in the vicinity of the landlord's housing accommodation. A power of arrest can be requested from the Court to be attached to the ASBI. The duration of the injunction is decided by the Court.

Apart from general anti-social behaviour, injunctions can be obtained to; prevent a house being used for an illegal purpose and against a breach of Tenancy Agreement. Where the behaviour is serious and on-going, or the application is adjourned, interim injunctions may be sought and if need be without notice.

Breach of an injunction carries a penalty of a period of imprisonment and or a fine.

Crack House Closures Orders.

A closure order is a police lead application on properties where they have reason to believe that the property is being used for the production, supply or use of Class A drugs and there is associated behaviour causing serious nuisance or disorder. This order lasts for three months, however, it can be extended for a further three months. During this time, Ealing Homes boards up the property and may apply for a possession order.

Failure to comply with a closure order carries a penalty of a maximum of six months' imprisonment and/or a fine of up to £5,000.

Premises Closure Order.

A Premises Closure Order is made possible by the changes made to the Anti-social Behaviour Act 2003, relating to Crack House Closures, by the Criminal Justice and Immigration Act 2008. The lead authority for this application can be either the police, or the Local Authority. This legislation allows for a Closure Order to be applied for on premises where, a person has engaged in anti-social behaviour on the premises, and that the use of the premises is associated with significant and persistent disorder or persistent serious nuisance to members of the public.

Penalties are the same as for crack houses. It should be noted that this legislation has not yet come into effect.