

ACTION THAT MIGHT BE TAKEN

I have been asked to have mediation with my neighbour. Why should I do this?

Mediation is a way to resolve disputes between neighbours, particularly when there are underlying issues as a result of a difference in lifestyle or fall out between neighbours.

Trained mediators can help people to resolve their differences themselves. They are independent, impartial, confidential and non-judgmental.

If you have been asked to go to mediation, we ask that you consider it. It is often a quick and effective way to resolve the anti-social behaviour you are experiencing and will also allow the person causing the behaviour to understand the effect it is having on you.

We will only offer mediation where it is appropriate to do so and will not normally offer to use mediation where there is violence involved.

I've been asked to attend a Restorative Justice session. What does this mean?

Restorative Justice (RJ) is where the person harmed and the person who caused the harm can talk in a safe environment and ask questions relating to their particular incident. This helps both parties to find a positive way forward through their issues.

Our Tenancy Compliance Officers have been trained in RJ and work in partnership with the local Police and other participating agencies to offer this service, and try to resolve ASB in our neighbourhoods.

What is an injunction and why is it used?

An injunction can be given to anyone aged 10 years or above if two conditions are met. Firstly, the court must be satisfied the individual has engaged or threatens to engage in anti-social behaviour. Secondly, it must be considered convenient and just, in order to prevent the behaviour.

Anti-social behaviour injunctions can be used against both tenants and non-tenants who cause (or threaten to cause) nuisance or annoyance to others in the community. They are a court order that requires someone to do something or to stop someone from doing something.

We can apply to the court for two types of injunction:

Without Notice (Interim Injunction)

This is where we apply to the court, without notice to the person causing the nuisance, and ask the Judge to make an order without them knowing about it or being present in court.

These types of injunction are only used in the most serious anti-social behaviour cases and will only be applied for where there is strong evidence to suggest the witnesses would be at risk if the perpetrator was to know about the proceedings before the hearing.

The first the perpetrator will know is when they are personally served with the court papers. Following this type of injunction, we will then need to apply to the court for a full hearing date when the perpetrator will be present to give their side of the story.

On Notice Injunction

This type of injunction is where we notify the perpetrator of our intention to apply to the court for an injunction against them. They will be given notice of the hearing and will be able to attend court to defend the application.

If an injunction is breached, it becomes a criminal offence. It can result in the perpetrator receiving a fine, a prison sentence of up to five years, or both.

What is an Acceptable Behaviour Contract? (ABC)

Acceptable Behaviour Contracts (ABCs) are used to stop people from causing anti-social behaviour.

It is a voluntary contract, agreed with the perpetrator, which sets out the standards of future behaviour and is often used in conjunction with other types of support to help the person change their behaviour. An ABC can last up to six months and is closely monitored throughout this time.

What is a Section 21 Notice? (Starter Tenancy)

A Section 21 Notice can only be served on a tenant in the first 12 months of their tenancy or 18 months if their starter tenancy has been extended. It is the first stage of legal action which may result in the tenant losing their home. These can be served on tenants if anyone living in, or visiting their home has been the cause of repeated and/or serious ASB.

Anyone served this type of Notice has the right to an Appeal Hearing, and further advice regarding this is given when the Notice is served. With this type of Notice there is no court hearing.

What is a Notice Of Seeking Possession? (Assured Tenancy)

A Notice Of Seeking Possession can be served on tenants with an Assured Tenancy if anyone living in, or visiting their home has been the cause of repeated and/or serious ASB. It is the first stage of legal action which may result in the tenant losing their home.

This type of Notice stays in place for 12 months and if there is further ASB during that time, we may apply to court for a hearing to request possession of the property. At the hearing, the judge will hear the evidence from all parties and will decide the outcome.