

■ Noise Abatement Notice

In cases of excessive or persistent noise, the Council may seek to issue a Noise Abatement Notice under the Environmental Protection Act 1990. If someone is found guilty of failing to comply with an abatement notice, they can be fined up to a maximum of £5,000 for domestic noise. If the notice is served because of excessively loud music but the problem continues, the Council may also seize all the sound equipment that is causing the problem.

■ Anti-Social Behaviour Orders

Where formal warnings and ABC's fail to resolve the issues, the Council may apply to the courts for an Anti-Social Behaviour Order. The Order will contain conditions with which the recipient is required to comply. Breaching the conditions of an ASBO is a criminal offence and can lead to arrest and on conviction, substantial fines and/or up to 5 years imprisonment.

■ Injunction

This is a Court order made by a Judge in a County Court or in the High Court which orders someone to stop doing something, for example causing nuisance. It may also be granted to prevent someone from entering a property, even if it is their home. If they do not comply with the injunction order then they can be fined an unlimited amount or sent to prison for 2 years.

■ Eviction

The Council can seek to evict a resident of accommodation who has engaged in Anti-Social behaviour by serving a Notice to Quit. Once the notice period has ended the Council can apply to the Court for a possession order. If a person is evicted for Anti-Social behaviour they will not normally be offered any other accommodation.

How can Anti-Social behaviour affect a tenants housing

If a tenant is evicted for Anti-Social behaviour they will not normally be considered for other housing. They may also be excluded from the housing register, which means that they will not put forward for any social housing.

Housing associations will not normally accept any person for a tenancy who has committed Anti-Social behaviour in the past two years.

Private landlords will also often not consider anyone who has committed Anti-Social behaviour.

Applicants who apply as homeless after losing their home as a result of engaging in Anti-Social behaviour may after full investigation be considered to be intentionally homeless.

Engaging in Anti-Social behaviour can make it very difficult for people to get other accommodation.

Contact

If you have any questions or concerns about this information please contact the Accommodations Team on 01803 861234

Data protection and information sharing

Any information collected in relation to Anti-Social behaviour will be treated in accordance with the Council's Data Protection Policies and the Data Protection Act 1998 and its relevant subordinate legislation.

In the course of dealing with Anti-Social behaviour, it may be necessary to provide details of any complaints. This will only normally be done with the permission of the complainant



To get this leaflet in another format or language, tel. 01803 861234

Dealing With Anti-Social Behaviour



A Guide for Tenants
accommodated in
properties owned or
managed by South Hams
District Council



South Hams District Council aims to secure a better quality of life for all residents of the district. This includes encouraging good behaviour and taking action against Anti-Social behaviour. We will demonstrate by our actions that we will not tolerate Anti-Social behaviour in any of the accommodation owned or managed by the Council. What may be considered to be Anti-Social behaviour?

Tenancy conditions

We consider Anti-Social behaviour to be a serious issue, and any tenant who engages in Anti-Social behaviour is breaking the conditions of their tenancy.

At the start of your tenancy you will sign a legally binding tenancy agreement. By doing so you agree to abide by the rules and conditions laid down by the Council in the agreement. These rules include the following:

- As a tenant (or joint tenant) you are responsible for the behaviour of every person, including children and visitors, living in or visiting your home.

You are responsible for their behaviour not only in your home but also in communal areas and in the locality.

- You must ensure that you and they do not cause nuisance or annoyance to a person residing, visiting or otherwise engaged in a lawful activity in the locality'. This includes for example staff and members of the Council. Housing Officers, Social Workers, Education Welfare officers
- You must ensure that you, anyone living with or visiting you, does not use your home for any illegal or immoral activity.
- You must not commit an arrestable offence in your home, in any communal areas, or in the locality.

It is very important that you read and understand all the terms of your tenancy carefully because if you break the terms of your tenancy the Council may take action against you, which could result in you losing your home. If you do not understand anything in your tenancy agreement please ask one of the housing advice team to explain it to you.

Preventing Anti-Social Behaviour

The Council places a huge emphasis on preventing Anti-Social behaviour from occurring. All new residents are advised of the Council's policy and of the consequences of Anti-Social behaviour.

The Council will also aim to help the perpetrators of Anti-Social behaviour, particularly if they are suffering from drug or alcohol abuse, have a disability or mental health issues or are juveniles. Attempts at resolving the issue will be made prior to taking legal action against a tenant. However, the Council will take a robust stance in requiring compliance of its tenancy agreements by the tenant and any user of the property

Providing support and tackling the cause of their behaviour will often resolve the issue and will help prevent the person from homelessness in the future.

What may be considered to be Anti-Social behaviour?

Anti-Social behaviour is anything that makes other people's lives uncomfortable and prevents them having the peaceful enjoyment of their home and community

Examples of nuisance and Anti-Social behaviour include;

- Acting in a way that causes alarm or distress to at least one person living in another household. (This included shouting and swearing or saying something that makes you or others feel uneasy)
- Harassment
- drinking or drug use which leads to people being rowdy and causing trouble
- Selling illegal drugs
- Rubbish dumping
- Vandalism
- Racial harassment
- Using or threatening to use violence (including domestic abuse)
- Excessive noise

This is only a guide and not a complete list of behaviour that could be considered to be Anti-Social behaviour. Please remember that even minor nuisance behaviour can become a serious problem if it occurs often.

Also, remember that your own behaviour might be affecting someone else, even if you do not think you are doing any harm, so please think about the way you behave both at home and when you are out.

What the Council will do if it receives a complaint alleging Anti-Social behaviour

We will investigate the complaint as soon as possible by contacting the tenant(s) in question and discussing the allegation.

If there has been Anti-Social behaviour the tenant will be asked to comply with their tenancy agreement

If the Anti-Social behaviour continues the Council may take one or more of the following actions:

■ Formal Warnings

If Anti-Social behaviour is proven, the Council will issue the tenant with a formal warning.

■ Acceptable Behaviour Contracts

Acceptable Behaviour Contracts (ABC's) may be used at any time during the Council's action against nuisance. An ABC is an agreed contract signed by the tenant to act in a reasonable manner and may contain a number of specific conditions with which the tenant agrees to comply.

*cont'd
overleaf*

