

# Outcomes

## Antisocial behaviour (ASB) outcomes by number – August 2012 to April 2017

Outright possession orders	28
Suspended possession orders	15
Adjourned	3
ASB injunctions with power of arrest and exclusion	10
ASB injunctions with power or arrest	14
ASB injunctions	2
Undertakings	7
Civil injunction under the new ASB Crime & Policing Act 2014 with power of arrest and exclusion	4
Civil injunction under the new ASB Crime & Policing Act 2014 with power of arrest	8
Civil injunction under the new ASB Crime & Policing Act 2014	2

## Violent threats stop after court order

### Radian v Mr A (Solent) County Court at Southampton

**Mr A's verbal abuse over the phone escalated into face-to-face verbal abuse and threats of violence. We obtained a civil injunction with power of arrest forbidding Mr A to behave like this. To date he has complied with its terms.**

Mr A verbally abused our staff over the phone, using foul language. It escalated into face-to-face aggression and intimidation towards our staff. Mr A approached our staff aggressively while they were on site, verbally abusing them with foul language and threatening violence.

We applied for and obtained a civil injunction and power of arrest against Mr A. The order said he must not:

- (1) cause or threaten violence towards any of our staff or agents
- (2) verbally abuse or use obscenities against any of our staff or agents while on site or when communicating with us or our agents, whether over the phone or in writing
- (3) harass or intimidate our staff or agents whether on site, over the phone or in writing

## Updates from the Radian in-house solicitor

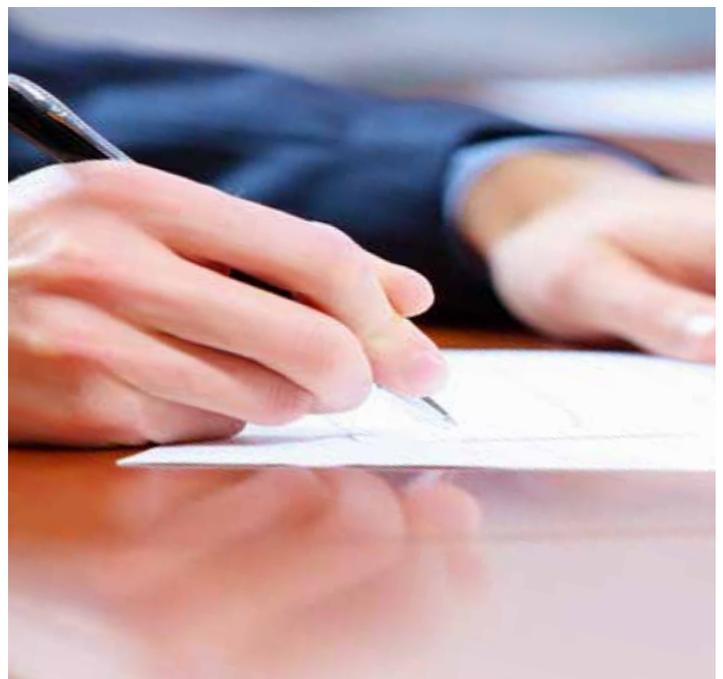
(4) approach our staff or agents while on site. If he wishes to discuss a tenancy-management or repair matter, he should only do so by contacting our Customer Services Department

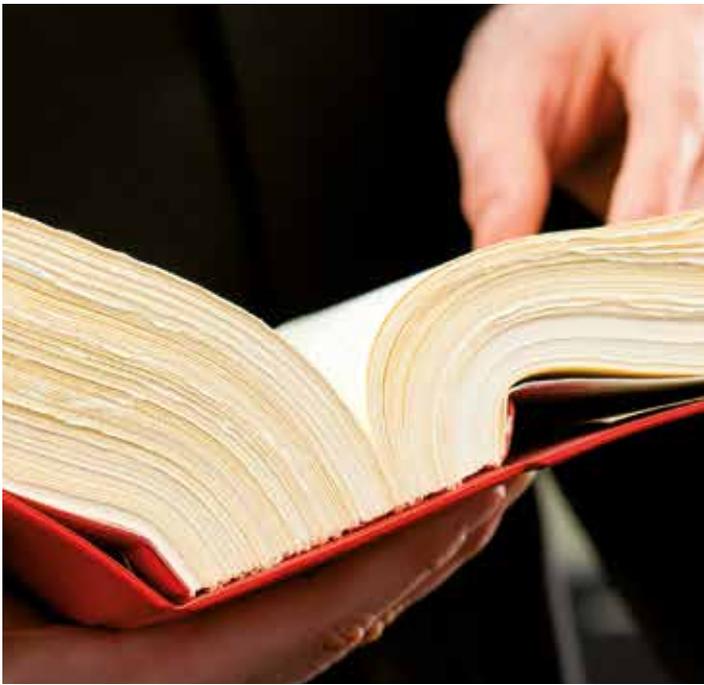
(5) cause a nuisance or annoyance to any of our staff or agents.

The court attached a power of arrest to paragraphs (1) and (2). The order remains in force until 30 November 2018. Since we got the order, Mr A has complied with it.

We take all threats against our staff very seriously. We will act quickly to apply for civil injunctions with powers of arrest attached to them as this protects our staff in their work.

A power of arrest means that if defendants breach an order, the police can arrest them and put them before the County Court immediately. The court may then decide to impose a prison sentence or fine.





## Resident keeps promises after court hearing

**Radian v Mr B (Thames)**  
County Court at Slough

**A court hearing was enough to stop Mr B's verbal abuse and threats of violence towards our staff. At the hearing Mr B promised to behave himself well, and we are pleased he has kept his promise.**

Mr B, one of our residents, was abusive towards our staff. He threatened physical violence when visiting our offices, and once did the same over the phone. His threats occurred even after we sent him a warning letter.

We applied to the court on a without-notice basis for a civil injunction and power of arrest. We filed evidence about the threats of violence and the significant risk of harm he posed to our staff, but the court decided to hold a full hearing with Mr B present. After Mr B received the court papers, his abusive conduct ceased. At the hearing he gave an undertaking, promising the court he would not:

- (1) go to any of our offices unless invited by us
- (2) use or threaten violence towards any of our staff or contractors
- (3) engage in conduct causing or likely to cause harassment, alarm or distress towards any of our staff or contractors
- (4) use threatening, foul or abusive language towards any member of our staff or contractors.

We have the right to restart proceedings if we have further concerns.

Again, this action shows that if our staff are threatened, intimidated, harassed or abused, we will go to court for protection and powers of arrest. This can act as a strong deterrent.

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### Tenant breaches court order, loses home

**Radian v Ms C (Rother)**  
County Court at Portsmouth

**This long series of ASB incidents ranged from verbal abuse of Ms C's neighbours to the discarding of rubbish in her gardens and the discovery of drugs at the property. We served notices and got an injunction leading to a suspended possession order. When Ms C breached the injunction we took back the property under court order.**

Ms C had committed serious ASB over several years. Her behaviour included verbally abusing neighbours and discarding rubbish, furniture and other stuff (including a vehicle) in her garden. In several raids, police found drugs and drug paraphernalia on the property.

We served notices on Ms C, got an ASB injunction with power of arrest – which she breached – and began proceedings to commit her to prison. We also obtained a suspended possession order.

The order required Ms C to comply with her tenancy's terms and conditions including:

- not to use foul or abusive language towards any residents or our staff
- to maintain the gardens at the property
- not to have any illegal drugs on the property including in the garden.

We received evidence from the police that they raided Ms C's property and found what they thought were drugs and drug paraphernalia. So we applied to enforce the order by applying for permission to seek a warrant of possession. Ms C contested our application. It went to a full one-day trial where we succeeded in getting a court order giving us permission to get a warrant of possession.

The court accepted our evidence that Ms C had breached the suspended possession order by having illegal drugs at the property. We have now taken back the property with help from the bailiffs, using a court warrant.

## Young person behaves badly and leaves after court order

**Radian v Mr D (Rother)**  
County Court at Portsmouth

**Mr D was under 18 years old. After consulting our partner agencies, we took court action against him because of the scale and seriousness of his ASB. The court gave us a civil injunction and power of arrest that came into force on his 18th birthday.**

This is the first time we have obtained a civil injunction and power of arrest against a minor since it became available under the Anti-Social Behaviour, Crime and Policing Act 2014.

Mr D's conduct caused concern to us and residents. It included:

- using cannabis on the premises
- causing significant damage to the inside of the property including criminal damage
- allowing visitors to come and go throughout the night, contrary to the specific housing-scheme rules on site
- verbally abusing our staff including foul language
- badly damaging a communal kitchen.

We obtained the civil injunction and power of arrest on 11 November, which became effective when Mr D turned 18 at the end of November. The order, which remains in force until 24 November 2017, says he must not:

- (1) cause or threaten violence directly or indirectly against any of our staff or contractors including the scheme's support staff
- (2) verbally abuse or shout at or use verbal obscenities against any of our staff or contractors including the scheme's support staff
- (3) cause or threaten to cause any damage in his home and the communal areas
- (4) use illegal drugs in his home and the communal areas
- (5) allow visitors to stay at his property overnight, and must keep to the scheme's visitors policy
- (6) cause annoyance to any of our staff or contractors including the scheme's support staff.

We can apply for civil injunctions and powers of arrest against minors, but we will only do so after consulting our partner agencies. In this type of case, these agencies include the Youth Offending Team and Social Services. This is to ensure they support the order we are seeking, then they can give the necessary support to the minor to help them comply. In this case, since we got the order Mr D has turned 18 and left the property, which we now have back in our possession.



## Court tells unlawful occupier to stop ASB

**Radian v Mr E (Avon)**  
County Court at Bournemouth & Poole

**Mr E should not be occupying our property and is causing many ASB problems that affect other residents' enjoyment of their homes. We have succeeded in getting a civil injunction and power of arrest against him.**

Mr E is living unlawfully in our property. He has caused ASB including significant noise nuisance, drug- and alcohol-related nuisance, and suspected drug dealing at the premises, which led police to visit often. Visitors have been coming and going and urinating in the back garden, rubbish was accumulating on the driveway of the property, and a dog has been continually barking. All this has caused significant worry and harm to other residents, and they have lived in fear of Mr E and his visitors.

We applied for and obtained a civil injunction and power of arrest against Mr E forbidding him from:

- (1) using or threatening violence towards any person with a right to live in the same road, or any lawful visitor
- (2) using abusive or offensive language towards any person in (1) above
- (3) intimidating or acting in an intimidating manner towards any person in (1)
- (4) harassing or trying to harass, whether physically or verbally, any person in (1)
- (5) causing nuisance, annoyance or distress to any person in (1)
- (6) contacting directly or indirectly two named residents.

Mr E was also required to remove the existing items of rubbish and discarded furniture from the drive of the property within 72 hours of the order.

The injunction and power of arrest remains in force until 26 March 2018 and we are applying to the court to take back possession of the property.

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### Intimidating tenant forced to leave

**Radian v Mr G (Avon)**  
County Court at Bournemouth & Poole

**This was a serious and long-running case of ASB. It caused increasing harm to the health and welfare of Mr G's neighbours and led us to take back possession of the property with help from court bailiffs and the police.**

We first commented on this case in Outcomes issue 8, explaining we had obtained an ASB injunction and power of arrest against Mr G. He had harassed and intimidated his previous neighbour, who was forced to move away permanently. In addition his visitors continued to harass, intimidate and cause neighbours to live in fear. Several of them were very vulnerable.

One resident wrote to Mr G saying his conduct was affecting their wellbeing and asking Mr G to stop knocking on their door and entering their property. Despite the letter, he continued.

Mr G also committed noise nuisance and his visitors caused disruption by coming and going at all hours of the day and night. Several people lived at his property without our consent.

The police carried out a warrant under the Misuse of Drugs Act at Mr G's property in March and May 2016, when they found drug paraphernalia. We were also told he had convictions for serious criminal offences including acts of violence.

The local authority also served a warning notice on Mr G and a Community Protection Notice about dog fouling. In addition, they obtained a closure order of his property in the magistrates' court, but allowed him to remain there.

As a result of his continuing conduct and the significant disruption caused to other residents, we obtained an outright order for possession of his property. We have now taken it back using a warrant, with help from court bailiffs and the police.

### We act against another landlord's tenant, who quits

**Radian v Ms H (Thames)**  
County Court at Slough

**We took action against Ms H, another landlord's tenant, for her behaviour towards one of our residents. Thankfully, the ASB ended before we needed to proceed with our application as Ms H left her property.**

The ASB was directed against our resident by Ms H, another landlord's tenant. It included verbal abuse directed at our resident including racial remarks, noise nuisance and shouted verbal obscenities that were overheard by our resident and their children. In addition, Ms G was verbally abusive and aggressive towards our staff.

We asked the other landlord to take legal action to deal with their tenant's conduct. They failed to do so and our resident made a formal complaint to them as a 'community trigger' (a request to a partner agency to review steps and actions they have taken if the complainant is dissatisfied with the outcome). We prepared and gave a notice to the landlord of our application for a civil injunction with power of arrest. We also gave notice that we would be asking for their tenant to be excluded from the property. As a result, we understand that their resident has now abandoned the tenancy and left.

This is an important case because it shows we can apply for a civil injunction for ASB even when it is another landlord's tenant who is causing the ASB.



# NEXT ISSUE

Keep up to date with the next issue of **Outcomes**, due in the Winter