



Outcomes

The Neighbourhood & Community Standard

How we meet the standard and our approach to antisocial behaviour (ASB)

We are regulated by the Homes & Community Agency, so we must comply with its regulatory framework for social housing. The framework includes consumer standards. Governing our work to combat ASB is the Neighbourhood & Community Standard. One way we report our work is through our regular publication, Outcomes.

This is our 12th issue of Outcomes, prepared and presented by our in-house solicitor. We have given these updates to our customers, partner agencies and stakeholders since having an in-house legal function, with the first issue in July 2012. In each issue we show our robust stance towards taking enforcement action in the worst ASB cases. Serious ASB can badly damage our local communities, but our firm but fair approach creates successful outcomes that prevent or limit its effects.

We have covered many serious cases over the last few years, taking some of them to court and getting injunctions or possession orders. We have worked closely with partner agencies including the police and social services to achieve these outcomes on our residents' behalf.

Our dedicated Community Safety Teams and Neighbourhood Teams work closely with our in-house solicitor and the external legal panel that supports him. The Neighbourhood Team receives a lot of support with training and updates and in dealing with the less serious ASB cases. Both teams work together in a joined-up approach to deal with complex and challenging ASB.

We publish a policy document on our approach to ASB, available to all customers. We also give our staff a clear procedure on how to deal with ASB. Although Outcomes focuses on court cases, much work goes on to resolve ASB without going to court. Our Neighbourhood and Community Safety Teams work hard to mediate and prevent ASB. This includes working closely with our partner agencies including external mediation and victim support services.

We take a robust stance to enforcement, but we only use it when doing so is reasonable and proportionate. We also work hard to use and adopt measures and practices to prevent ASB occurring or escalating. We constantly look to improve best-practice measures to help our residents tackle ASB.

HouseMark, our sector's benchmarking organisation evaluated our approach to tackling ASB as part of their accreditation inspections in 2012 and 2015. They found we were robust and fair in our approach to difficult and complex ASB.

HouseMark's report included the following comments:



“The ASB Service benefits from a specialist Community Safety Team (CST) and in-house solicitor which delivers a proactive, swift and proportionate response to high level, serious incidents of ASB.”

“Medium and low level ASB support continues to be delivered locally from Regional Neighbourhood Management teams, with specialist advice, support and mentoring delivered via monthly CST and Solicitor ‘surgeries’ to ensure a proactive, proportionate and consistent ASB service across the breadth of Radian’s geography.”

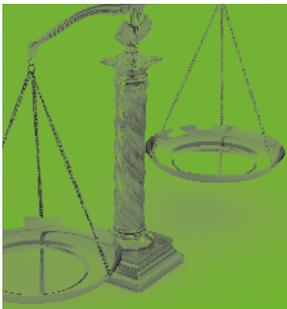
“Given Radian’s reaccreditation, it is unsurprising that there remains a wealth of good practice identified during the review.”



The good-practice examples it cited included:

- “Continued investment in a dedicated CST supported by an in-house legal service enables Radian to deliver robust, swift and proportionate action against perpetrators of ASB.”
- “The significant reduction of ASB cases coupled with a mixed economy model of in-house solicitor service with additional legal call-off provision for peaks in caseloads continues to realise significant savings in legal fees achieving savings of £1.4m since the appointment in 2012.”
- “Proportionality and justification processes are robust.”
- “The continued level of community investment and support for diversionary activities and place-based engagement of local communities makes a tangible difference to local people with many reporting heightened feelings of safety and security.”
- “Regional resident-led governance via Area Panels supported by the Group’s Residents’ Council provides robust service scrutiny and challenge. Devolved budgets enable residents to target investment decisions to improve service delivery.”
- “The lean review of ASB processes conducted in partnership with residents has enabled an already strong service to transform delivery to residents even further. Newly introduced KPIs focusing upon prompt response and weekly contact is exemplary practice.”
- “The culture of the business in driving excellence within a commercial setting is tangible in the energy and commitment shown by staff expressed in the tone of language used and in staff conduct and behaviours. This should be widely acknowledged and celebrated.”
- “The launch of a reinvigorated approach to Safeguarding branded as ‘See Something, Say Something’ has strengthened the visibility of Radian’s approach to identifying and supporting vulnerable people and is a great example of good practice.”
- “YouTube videos presented by CST staff, Area Panel members, LA partners and residents experiencing ASB are available online to provide confidence to complainants reporting nuisance are a great example of good practice.”
- “Radian’s Schools Project is an exemplary tool to engage young people in understanding ASB and the impact this has on individual and family life – building awareness of healthy relationships and mutual respect.”
- “Radian has also secured TPAS Accreditation for Resident Involvement and Community Development in 2015 which highlighted the real focus on resident involvement across all aspects of the business and across core services.”





Updates from the Radian in-house solicitor

Antisocial behaviour (ASB) Outcomes by number – August 2012 to October 2017

Outright possession orders	28
Outright possession order on absolute grounds	1
Suspended possession orders	15
Adjourned	4
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	10
Civil injunction under the new ASB, Crime & Policing Act 2014	4

Tackling serious ASB

Radian v Mr E (Solent) County Court at Southampton

This is the first case in which we have been granted a possession order based on mandatory possession grounds.

This case was featured in issue 10 of Outcomes, where we achieved a civil injunction and power of arrest against Mr E. We made our application after he threatened to burn down other residents’ property, made threats to kill and generally threatened abuse and nuisance. That order remains in force until 16 August 2018.

Mr E breached this order and was arrested under the injunction and power of arrest and brought before the court. He chose to defend our application for committal to prison regarding a breach of the order. After hearing our evidence, the Court sentenced him to a suspended prison sentence on 16 April 2016, which remains suspended until 16 April 2018.

On the basis of this finding in the committal order, we issued possession proceedings regarding Mr E’s property. We relied on the ASB mandatory ground (ground 7A) part of the Anti-

social Behaviour, Crime and Policing Act 2014 (see previous Outcomes). On 16 August 2017, after a contested hearing with Mr E, the judge awarded us an order on the mandatory ground. We have now taken back possession of Mr E’s property with help from the court bailiffs and the police.

This is the first case in which we have obtained a mandatory order for possession on the ground of ASB. This ground is reserved for the most serious cases. In this case, Mr E had had an injunction order against him and breached it with threats of violence and aggression towards other residents. This resulted in a suspended prison sentence. We will consider the use of this power in serious cases and will pursue a possession order on that basis if it is reasonable and proportionate.

Zero tolerance for sexual assault

Radian v Mr A (Thames) County Court at Slough

We issued accelerated possession proceedings against Mr A following his conviction for a serious sexual assault at his property. We were successful in being granted an outright possession order and have since taken back possession of the property.

This was a very serious ASB case in which Mr A committed a serious sexual crime at the property. It resulted in him being convicted in the Crown Court for sexual assault, being made the subject of a restraining order and getting a six-year prison term.

Our staff visited Mr A in prison to serve notices on him and see if he wished to end his tenancy. He chose not to and said he would defend any proceedings. We then issued accelerated possession proceedings and the court made an outright order for possession of his property on 14 August 2017. With the court bailiff’s help, we have taken back possession.

This is another example of how we will protect other residents and our communities where there is serious ASB by using accelerated possession action to take back a defendant’s property.



Outcomes

Police witness incident

Radian v Ms B (Solent)

County Court at Southampton

As a result of Ms B's behaviour towards other tenants, activities in her property and threats against our staff, we successfully applied for a civil injunction and power of arrest.

In this serious ASB case, Ms B had on occasions used foul and abusive language towards surrounding residents, smoked cannabis in the property and played loud music. She also made threatening and abusive comments to other residents, which was witnessed by a member of our staff who called the police. During the police visit, they witnessed Ms B threatening violence and giving further abuse to the member of staff.

As a result, we applied on a without-notice basis for a civil injunction and power of arrest, which was granted by the court and remains in force until 3 July 2018. The order includes the following terms.

Ms B is forbidden from:

- (1) using or threatening to use violence towards residents and staff
- (2) engaging in conduct causing or likely to cause harassment, alarm or distress towards residents and staff
- (3) using threatening, foul or abusive language, including body language and gestures, towards any residents and staff
- (4) engaging in conduct causing or likely to cause a nuisance or annoyance to residents or staff
- (5) using or being in possession of any illegal substance at the address or its locality. To avoid doubt, this includes the communal areas and gardens.

When an application is made without notice, the court requires us to serve the papers and the order on the defendant in person via a process server. There is then a return hearing held and in this case, the court ordered the injunction order and power of arrest to remain in force.

As stated in previous issues, we will apply for and obtain civil injunctions with power of arrest if the defendant uses threatening and abusive behaviour towards other residents and our staff. We take a zero-tolerance approach to such conduct.

Tenant arrested over threats to kill

Radian v Mr C (Rother)

County Court at Portsmouth

Serious threats to kill other residents and damage to their property forced us to urgently make a without-notice application. We successfully achieved a civil injunction and power-of-arrest order.

Mr C made serious threats to kill and cause violence towards other residents and also caused damage to their property. Police arrested him over the threats to kill.

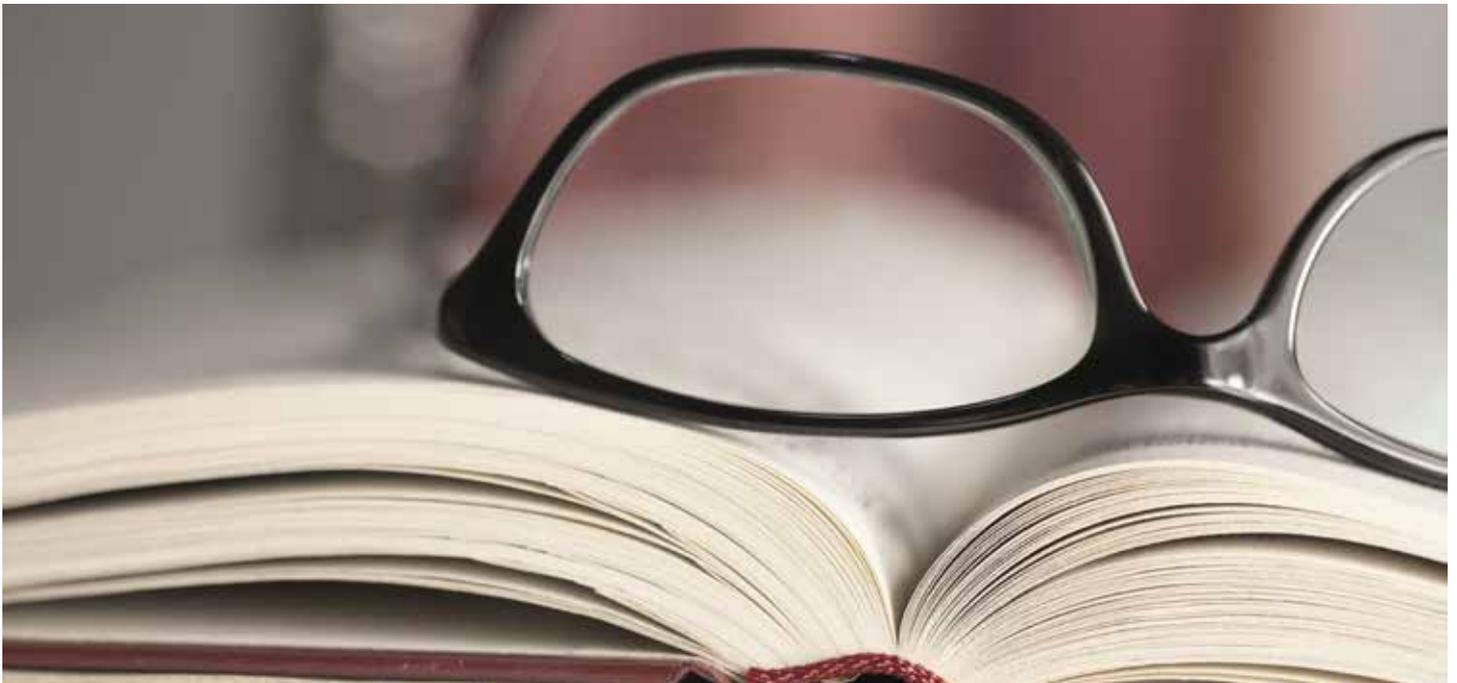
As a result of Mr C's serious conduct, we made an urgent and immediate without-notice application to the court for a civil injunction and power of arrest. The court made an order on 26 May 2017, which was extended to 26 May 2018.

The order forbids Mr C from:

- (1) using, or threatening the use of, violence towards residents and staff
- (2) engaging in conduct causing, or likely to cause, harassment, alarm or distress towards residents and staff
- (3) using threatening, foul or abusive language, including body language and gestures, towards residents and staff
- (4) engaging in conduct causing or likely to cause a nuisance or annoyance to residents and staff
- (5) making threats to commit, or committing, criminal damage against any property in or in its locality
- (6) communicating directly or indirectly with specified residents
- (7) engaging in conduct causing or likely to cause a noise nuisance to residents and staff.

As we had made the application without notice, a return hearing was necessary. At this, the court said the order would remain in force. Mr C was later tried in a magistrates' court for the harassment and public order offences. He was made the subject of a restraining order that remains in force until 19 June 2018.





No right to be in property

Radian v Mr D (Avon)

County Court at Bournemouth & Poole

Mr D was not a lawful tenant of the property and engaged in abusive behaviour towards other residents despite an order being in place. The lawful former resident had died so we issued proceedings against the estate and were granted by the Court an outright possession order. We have now taken back possession of the property.

This case was featured in Outcomes issue 11. We had obtained a civil injunction and power of arrest against Mr D as a result of his abusive and threatening behaviour towards other residents. The former resident of the property had died but Mr D continued to live there unlawfully after the order. We therefore issued possession proceedings against the former resident's estate and the court granted an outright possession order on 1 August 2017 because Mr D had no legal interest in the property. We have now taken back possession of the property with help from the court bailiff and police.

This was a shared ownership property. The case shows our right to seek and get a possession order against someone who lacks any right to a tenancy or a lawful right to live in one of our properties. We will issue possession proceedings to take back possession in such cases. This makes a property available for other families waiting for accommodation.

Stop the racket

Radian v Ms F (Solent)

County Court at Southampton

As a result of sustained and prolonged noise nuisance we applied for a civil injunction. While proceedings were ongoing, the nuisance stopped so the court adjourned the matter.

We received complaints from a neighbouring resident of noise nuisance caused by Ms F. We therefore applied for an on-notice civil injunction. Ms F defended the proceedings, but from issue of the proceedings until the adjourned hearing date the nuisance reduced and eventually stopped. The court considered it reasonable to adjourn the matter until 20 March 2018.

Keep pets under control

Radian v Miss G (Thames)

County Court at Slough

Miss G allowed a dog to stray on to a neighbour's property and attack the neighbour's dog. We successfully achieved a civil injunction to prevent another similar incident.

In this case Miss G allowed a visitor's dog to stray from her property into a neighbouring property and attack the neighbour's dog. This had a distressing effect on the neighbouring resident, who witnessed this incident. A police investigation followed. We therefore applied for a civil injunction against Miss G to prevent further such conduct.

On 21 August 2017, the court made an order lasting two years against Miss G that she must:

- remove any dogs from the premises with immediate effect
- comply with specific clauses in her tenancy.

She was also forbidden from:

- having any dogs residing, visiting or staying at the property
- causing nuisance, annoyance or harassment to specific residents.

Staff refused entry following infestation

Radian v Mr H (Thames)
County Court at Slough

A severe infestation of bed bugs coupled with various displays of nuisance and a refusal to allow us entry to the property led us to successfully apply for a civil injunction.

On previous inspection of Mr H's property, we found a severe infestation of bed bugs and later required access to assess and treat the problem, which he refused. In addition, he had caused a nuisance and annoyance to other neighbours including banging doors and swearing and shouting in the property. He also shouted obscenities from within the property, which other residents overheard.

As a result of this conduct, we applied on notice for a civil injunction. The court made an order, which remains in place until 28 August 2019, that Mr H must not:

- (1) engage in conduct causing or likely to cause a nuisance or annoyance to residents and staff
- (2) engage in conduct causing, or likely to cause, harassment, alarm or distress towards residents and staff
- (3) act or behave in an intimidating manner to residents and staff
- (4) use threatening, foul or abusive language including body language and gestures, towards residents and staff.
- (5) refuse access to Radian and/or its staff as long as we give at least 48 hours' written notice to carry out an inspection for pest control
- (6) refuse access to Radian staff and/or contractors and/or employees to the property to carry out any treatment to the property reasonably needed to address any infestation, upon Radian giving Mr H at least 48 hours' written notice.



Outcomes



Health and safety

Using civil injunctions to address health and safety concerns

At the end of this issue, we felt it was important to extend our sorrow and sympathy towards those who lost their lives and loved ones in the terrible Grenfell Tower fire in London this summer.

Radian takes the health and safety of our residents, in particular fire safety, very seriously. We have several teams who work closely with partner agencies such as the fire service, the local council and other external agencies to ensure we give our residents' safety the highest priority.

At the start of this issue, we mentioned regulatory standards. An important one that applies to residents' health and safety is the Home Standard. It sets out the statutory requirements that registered providers like us must meet. We work hard to ensure we do so.

We also take a robust stance on enforcing tenancy terms and conditions in the courts if there is a health-and-safety concern. This also applies when we need to get access to our properties or have to do work on them but a small minority of residents fail to co-operate or deny us access.

We have used, and will continue to use, civil injunctions and other remedies in the courts to protect our residents' health and safety and to gain access to our properties to inspect and do any necessary work including fire-safety work. In an emergency, we will make these applications without notice and ask the court to deal with them urgently.

In the post-Grenfell climate, we have noticed that the courts are taking a strong line by granting such orders when residents' health and safety are at stake. In serious cases, we will not only apply for injunctions but will aim to exclude a defendant from their property and apply for expedited possession proceedings if this is reasonable and proportionate.



NEXT ISSUE

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

