



# Outcomes

Updates from Radian's in-house solicitor

## Antisocial Behaviour (ASB) Outcomes August 2012 to November 2018

Adjourned	4
ASB injunctions*	2
ASB injunctions with power of arrest	14
ASB injunctions with power of arrest and exclusion	10
Civil injunction under the ASB, Crime & Policing Act 2014	6
Civil injunction under the ASB, Crime & Policing Act 2014 with power of arrest	16
Civil injunction under the ASB, Crime & Policing Act 2014 with power of arrest and exclusion	4
Outright possession orders	37
Outright possession orders on absolute grounds**	3
Suspended possession orders	18
Undertakings***	9
<b>Total number of outcomes</b>	<b>123</b>

\* An injunction is a court order requiring a person to stop doing something.

\*\* On absolute grounds means that if we have the right legal reasons, the court must give us an order allowing us to take back the property.

\*\*\* An undertaking is a promise that's legally binding.

## Arson threat leads to prompt action

**Radian v Mr A (Solent)**  
Southampton County Court

**A civil injunction and power of arrest was granted against Mr A after he threatened arson and assault.**

Mr A threatened to burn down his property, which caused immediate concerns for the safety of other residents. He also threatened to assault another resident.

We successfully applied to the court for a civil injunction and power of arrest on a without-notice, urgent basis. The order said Mr A must not:

- cause or threaten violence towards other residents and our staff
- cause or threaten arson in relation to our property including the communal areas and the surrounding area
- make threats and direct abuse at our residents and staff
- cause nuisance and annoyance.

That order was made on an interim basis. At the return hearing, Mr A said he wished to defend the matter, so the interim order stayed in place. At a final hearing, the court ordered the injunction and power of arrest to remain in force until November 2019.

During the interim period, Mr A complied with the order and continued to comply with it when it was made final. He is now engaging with us regarding his behaviour.

We take threats of violence towards our residents very seriously, as we do any threats of damage to our properties. If there is enough evidence, we will act quickly to apply to court for civil injunctions and power of arrests.



## Threats to kill ended after a series of events

**Radian v Ms B (Thames)**  
Slough County Court

**Ms B made verbal threats against her neighbour and physical attacks on her neighbour's property. After our court application, we were granted a civil injunction and power of arrest.**

In this serious case of ASB, Ms B made verbal threats to kill her neighbour and repeatedly kicked at the front door, banged on the windows and was very intimidating and threatening. Other residents witnessed this. We made a without-notice, urgent application for a civil injunction and power of arrest. The court granted the order forbidding Ms B from:

- using or threatening the use of violence towards any of our residents and staff
- causing harassment, alarm or distress to any of our residents and staff
- using threatening, foul or abusive language towards our residents and staff
- communicating directly via social media with any residents who gave witness evidence to support our application.

This order was made on an interim basis. At the return hearing, Ms B said she wished to defend the matter. But she did not produce a defence, and at the final hearing the court changed the interim civil injunction and power of arrest into a final order. It remains in place until 25 May 2019.



## Urgent action spells the end of abusive language

**Radian v Mr C (Rother)**  
Chichester County Court

**A persistent campaign of abusive language, threats against a vulnerable individual and a history of breaching court orders meant we had to act quickly to get a possession order.**

Mr C caused a great deal of nuisance and disruption to his neighbours by shouting random abuse and profanities in the road outside his property and in the surrounding streets. This persisted for many weeks, gradually becoming worse and including verbal abuse towards other residents.

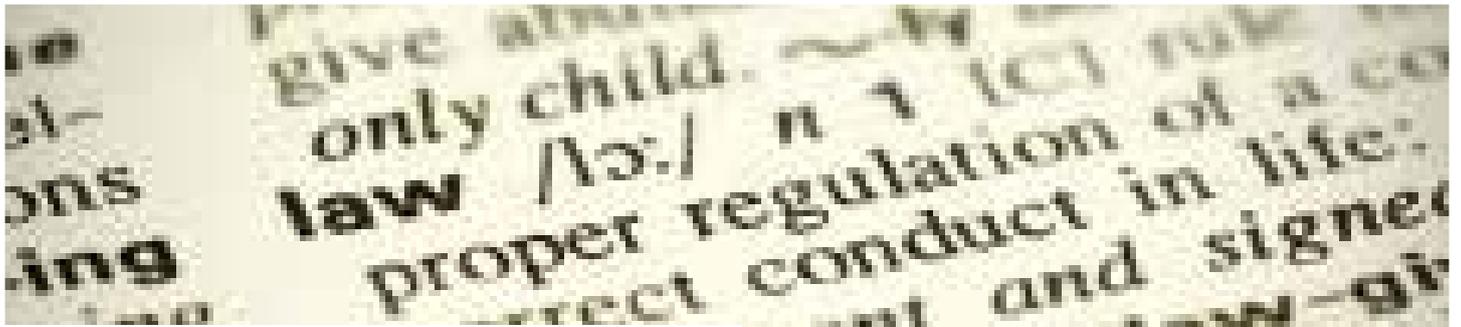
Mr C also had an order against him under the magistrates' court. He was arrested for breaching it and sentenced to seven days in prison. On release he breached the order again. He was again arrested and committed to a further ten days in prison. This evidence was important as it showed a disregard for court orders.

Due to the seriousness of his conduct, we issued possession proceedings. However, before the first hearing Mr C continued to shout obscenities in the street and made threats to kill a vulnerable and disabled resident. As a result, we made an urgent without-notice application for a civil injunction. This was granted by the court, which said Mr C must not:

- use or threaten the use of violence towards our residents or staff
- engage in conduct causing, or likely to cause, harassment, alarm or distress to our residents or staff
- use threatening, foul, racist or abusive language including body language and gestures towards our residents or staff
- communicate directly with specified residents and their families or visitors
- engage in conduct causing or capable of causing a nuisance or annoyance to our residents or staff.

At the possession hearing the court made an immediate outright possession order. We took back possession of the property with help from the court bailiff, in line with the warrant.





## Violent threats and abusive language brought to an end

**Radian v Mr D (Thames)**  
Slough County Court

**Mr D's neighbours were severely frightened by his threats of violence, abusive language and possession of an offensive weapon while under the influence of alcohol. With support from witnesses, we successfully repossessed Mr D's property.**

In this serious case, Mr D threatened violence and was abusive to people who were visiting another resident in our block. In front of these visitors, he went on to be abusive and threatening towards our resident including trying to follow them into the resident's property, preventing the door to the property being closed. Mr D then went to a shed where he collected an axe and walked back towards the visitors, swearing and directing abuse towards them while they were getting into their vehicle. The police were called, and their evidence confirmed that Mr D was under the influence of alcohol. They arrested him. After criminal proceedings where he pleaded guilty, he was convicted of possessing an offensive weapon and received a community order.

As a result of these serious threats, we made an urgent without-notice application for a civil injunction and power of arrest. After considering our witness evidence, which included supportive police evidence, the court made an order forbidding Mr D from:

- engaging in conduct causing, or likely to cause, harassment, alarm or distress towards any person
- using or threatening to use violence towards any person
- possessing an offensive weapon.

Mr D was in a starter tenancy. As we were concerned about his serious and intimidating conduct towards a vulnerable resident, which was witnessed by a number of others, we also applied for accelerated possession. The court granted an outright possession order. We have now taken back possession of his property with help from the court bailiffs.

## Physical assault gives leave to power of arrest

**Radian v Miss E (Solent)**  
Southampton County Court

**Miss E and her partner were involved in instances of threatening to kill, violence and verbal abuse. This left us no option but to seek a civil injunction and power of arrest.**

The couple had been involved in an assault on a neighbour's visitor including verbal threats to kill. Miss E was arrested for this. Her partner also made threats of violence towards other residents.

We therefore made an urgent application on a without-notice basis for a civil injunction and power of arrest. After considering our witness statements and evidence, the court granted an order forbidding Miss E from:

- using or threatening violence towards our residents and staff
- engaging in conduct causing, or likely to cause, harassment, alarm, nuisance, annoyance or distress towards our residents and staff
- using threatening, foul or abusive language, including body language and gestures towards our residents or staff
- communicating with specific residents directly or indirectly in any way.

The order was made on an interim basis. Miss E did not attend the return hearing to defend or contest the order, so it was made final and remains in force until 31 December 2019.

## Zero tolerance maintained in ASB against our staff

**Radian v Mr F (Rother)**  
Basingstoke County Court

**Mr F moderates his behaviour so we adjust our approach accordingly, changing an injunction to an undertaking.**

Mr F threatened violence towards our staff who were attending his property to carry out a maintenance inspection. After they left, he phoned our offices. He was aggressive and threatened to destroy his flat. In a threatening and intimidating way, he said he would come to our office to speak to our employee face to face.

As a result of this conduct and threats, we made an urgent, without-notice application for a civil injunction and power of arrest. The court considered our evidence and made an injunction order on an interim basis that Mr F be forbidden from:

- using or threatening violence towards any of our residents and staff
- engaging in conduct causing, or likely to cause, harassment, alarm or distress towards our residents or staff
- using threatening, foul or abusive language, including body language and gestures, towards our residents and staff
- engaging in conduct causing or capable of causing a nuisance or annoyance to our residents or staff.

At the return hearing, Mr F was apologetic and engaged with us. So we agreed to replace the injunction with an undertaking in which he promised:

- not to use, or threaten to use, violence towards any of our residents or staff
- to comply with the terms and conditions of the tenancy agreement.

The undertaking remains in place until 1 October 2019.

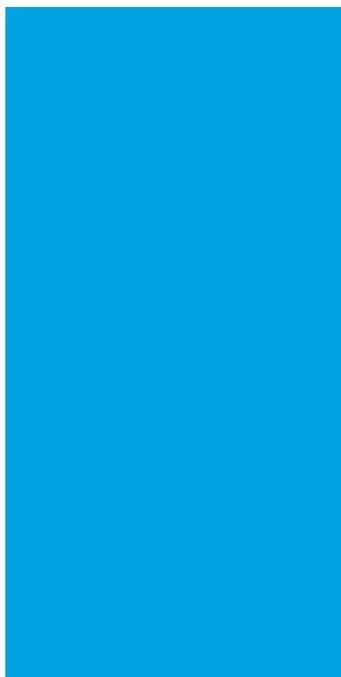
## Different approaches achieve a successful resolution

**Radian v Miss G and Mr H (Thames)**  
Salisbury County Court

**We took a measured and understanding approach to this case of hoarding, which led to a good outcome for both parties.**

We had considerable concerns about the hoarding of various items of clothing and possessions in Miss G and Mr H's property as it posed a fire and health-and-safety risk. They refused to clear the property, even after our offers of support and other help. So we applied for a civil injunction.

After issuing proceedings, Miss G and Mr H did start to engage with us. They removed many items to prevent further concerns about a fire risk. We adjourned our application for the injunction on the basis that they made an undertaking to the court to allow us access to inspect the property and to allow us to do any necessary work to comply with the fire service's requests. These proceedings succeeded in getting Miss G & Mr H to engage with us and resolve the obvious health-and-safety concerns.



## A New Deal for Social Housing – the Government’s new Green Paper

In Outcomes Issue 12, we commented on the sad events at Grenfell Tower in London and described our approach to our residents’ health and safety and how we used enforcement tools when necessary. Since then, the Government has taken various steps. These have included Lady Hackitt’s review of building regulations and fire safety, with its various recommendations.

### Our feedback

Part of a recent consultation paper, ‘A New Deal for Social Housing’, asks various questions of social landlords, residents, interested groups and stakeholders about what may be done to improve health and safety in social housing. We have responded to this after full consultation with our residents’ scrutiny panel. We said that the present regulation by the Regulator of Social Housing, in particular the Home Standard, lays down strong and robust safeguards to ensure that residents’ homes are safe. We ourselves have very robust processes to ensure compliance with this Standard.

We have suggested that the Government consider giving social landlords a legal right of entry in cases of emergency where there are urgent health-and-safety issues including fire safety. At present, this does not exist.

Sometimes, we face serious cases where we cannot get a resident to engage with us despite giving them full support and directing them towards independent help. We therefore have serious worries about health and safety in the home, including fire safety. So we have proposed that the Government introduce a mandatory ground for possession similar to the mandatory ground that exists for anti-social behaviour. This means that if we prove our case, the court must give us possession of the property.

### New bill makes its way through parliament

The Homes (Fitness for Human Habitation) Bill is making its way through parliament. It will give tenants more redress if a landlord does not reduce or stop health-and-safety concerns in their homes and communal areas. We’ll be giving briefings and training to our staff on the new law.

We have also said in our response to the consultation that this bill will give more assurances to all residents of social housing. One reason the law is being introduced is that if the local authority is the landlord, it cannot serve prohibition enforcement notices on itself under the Hazard Standards in the Housing Act 2004. So the Government said residents should have redress against their local-authority landlord if they are concerned about fitness for habitation.

### Our current practice

We continue to use civil injunctions and possession proceedings if there are health-and-safety and fire-safety concerns. In urgent cases, this means we can apply to the court on the same day as being told about the concerns. In this edition of Outcomes, a case in our Thames area shows how we used a civil injunction to engage with residents and get them to comply with a timetable of work. Issuing an application helped with this and led to the residents giving an undertaking to the court.



NEXT  
ISSUE

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