

# Dealing with anti-social behaviour

A guide to how we can help



## Dear Resident

Haringey Council is aware that anti-social behaviour can cause real misery for people who simply want to get on with their lives. We have a commitment to deal with our cases quickly and efficiently.

Anti-social behaviour comes in many different forms. It ranges from serious acts of violence and harassment, to more 'everyday' incidents like noisy neighbours. Whatever the problem, we take all complaints seriously. Our Anti-Social Behaviour Action Team will act quickly to stop anti-social behaviour.

This leaflet gives information on how we can help council tenants, leaseholders, private sector residents and home owners, who experience anti-social behaviour. If you are a housing association tenant you should note that your housing association has similar powers to the council to deal with anti-social behaviour and you should contact them.

This guidance leaflet has been produced so that if you are the unfortunate victim you will know what to do and how we can help. Tackling anti-social behaviour is one of the council's key priorities to enable an improved quality of life to all who live, work, study or visit the borough.

We all have our part to play and can work together to tackle anti-social behaviour so that the borough is a safer place for all.



Councillor Nilgun Carver  
Executive Member for Crime and Community Safety

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# A general guide to dealing with anti-social behaviour (ASB)

## Letting us know

Residents can report anti-social behaviour at one of our customer service centres. Homes for Haringey tenants can also make a report to their tenancy management officer. If you live in privately owned or privately rented accommodation you can call or visit our **Housing Advice Team**. You can also write to us or ask a friend, relative or your local ward Councillor to report the problem for you. Once your report is recorded, you will be contacted so that we can begin to look into your complaint. You will find details of all the offices where you can make a report and our dedicated ASB telephone line at the back of this leaflet.



## The first steps

If the problem is an obvious one, we may be able to sort it out easily. For example, if you tell us about an overgrown, rubbish-filled garden we can simply go round and check. We will tell the other person to get it cleaned up and take whatever action is necessary if they do not.



But most cases are not quite so simple. If the anti-social behaviour is not obvious to everyone, or if it is aimed directly at you, we will need to talk to you before we can start an investigation. Once we have spoken to you and have a full picture of what has happened, we will decide if your report should be investigated by the Anti-Social Behaviour Action Team. Alternatively, we may decide that your report should be investigated by your Homes for Haringey Tenancy Management Officer (public sector) or a Housing Advisor (private sector), if appropriate.

## The next stage

In most cases we will need to meet you to talk about the problem. We will invite you to come and see us or we can meet you at your home. In serious cases we will aim to meet you within 24 hours.

We will ask you questions to help us get a picture of the problem. For example, who is affected; how they are affected; where it happens; when it happens; and why you think the person is acting anti-socially. We will also want to speak to other people in your household who may have been affected. At the end of a meeting we will draw up a plan that describes what you should do, and what we will do to resolve the problem.

## Talking it through

As a good neighbour you should be reasonably understanding of the different lifestyles of others. For example, you do not have to put up with regular noisy parties, but try to tolerate a one off event, especially if you are warned about it first.

If the disagreement does not involve threats, violence or harassment, we may suggest that you discuss the problem with the other person.

Sometimes a neighbour just needs reminding that their behaviour is upsetting you. Only you can judge when and how to do this.



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**If the other person is unreasonable, just walk away.  
Do not get involved in an argument.**

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In some situations we can help you to resolve problems at an early stage by using a **mediation service**. There is always a better chance of solving a dispute if you try to see each other's point of view in a safe and controlled environment. This independent mediation service could help you and the other person talk to each other and try to come to an agreement. If you would like us to make a referral for you, please ask the officer who is dealing with your case.

## Gathering evidence

**We cannot take action against someone simply because another person has complained about them. We need evidence.**

The most important evidence is the incident diary – a sheet we give you to record incidents that you see or hear. Your ASB caseworker will explain how to fill it in.



We may need to collect other evidence, like photographs, video or tape recordings of the incidents happening. We may be able to do this ourselves, but if the incident happens suddenly you can do this too, if it is safe to do so.

We may have to speak to other people who have witnessed the problem, for example, your neighbours. It could be difficult to take the case any further without these other witnesses. Your neighbours could fill in their own incident diaries as supporting evidence.

We may also recommend involving other services like the Police or social services.

## Taking action

When we have collected evidence we will decide if the other person (called the perpetrator) has a case to answer. If so, we will take action. In very serious cases where the perpetrator has put you or another person in danger we will go straight to legal action. In other situations we will take a more step-by-step approach to try to get them to change their behaviour.



We will interview the perpetrators. You can ask us not to but this will make it difficult to take the case further. We will tell them to change their behaviour and warn them that we will act firmly if they do not. If necessary, we will take legal action against them.

The process described in this leaflet should be enough to solve the majority of problems but if anti-social behaviour continues after a final warning, or if the perpetrator has put someone in danger, we will start legal action straight away. The second part of this leaflet gives more details of what action we can take.

# Your guide to court action

- How the council will support you through the legal process
- What a witness is and what to do



***To protect our communities we must take legal action against anyone who is a threat to others or who has refused to stop acting anti-socially.***

***A witness is someone who has suffered anti-social behaviour or has seen or heard it happening, and may be asked to give evidence in a court.***

***If you are a witness to anti-social behaviour you can help us win this legal action.***

# Your guide to court action

## Evidence

### What evidence we will use to show the court

We must have evidence to show a judge that a person has been guilty of anti-social behaviour.

#### Diaries

We give you an incident diary to record things that will be used as evidence. Write down what you see or hear then date and sign the diary. Courts will only accept diaries if they are written in a certain way. Fill it in while the incident is still fresh in your mind and put down as much detail as possible including swear words. This can be upsetting but it shows the court how serious the case is.

#### Statements

We will go through your incident diary with you and turn it into a written witness statement describing exactly what happened. It could also include information about how the problems started and how you and your family have been affected. We will seek your permission before submitting your statement as part of any legal proceedings.

#### Giving evidence at court

Sometimes the court will accept your witness statement without asking you any questions, but you may be asked to give your evidence personally. If you go into the witness box you will be asked to swear an oath to confirm that what you say will be true. You can affirm your evidence if you are not religious. You may be asked questions by the judge; the perpetrator's solicitor; or the perpetrator themselves if they have not got a solicitor.

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**Try to stay calm, take your time and always speak the truth.**

**REMEMBER, we will be at court to help you every step of the way.**

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#### If you do need to attend court, here are some tips...

We will be at court to help and advise you and we will try to find a separate waiting room, away from the perpetrator.

You may have to wait some time for the case to start, so you might want to bring something to read or a friend to keep you company.

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**You are not alone. Haringey Council officers will be with you and our solicitor will tell you what to expect, listen carefully to the solicitor's advice.**

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## Which court

### Where your case will be heard

This depends on what we are asking for. Most anti-social behaviour cases are heard in the County Court because it is a civil case. This means that there are two sides contesting a case: the council and the perpetrator. The other type is a Criminal Court where the State puts someone on trial.

## At court

### An explanation of what will happen

The organisation bringing the case (the council) is called the plaintiff. The person we are bringing the case against (the perpetrator) is called the defendant. You are a witness. The judge will wear a wig and gown. If you speak to the judge call him or her "Your Honour".

The procedure is different depending on what action we are taking. The perpetrator may or may not be in court. They may have a solicitor or they could defend themselves.

At the end of the hearing, the judge will make a decision. They will explain their reasons and say what the decision means for everyone involved.

## What we will ask for

### A short explanation of the type of orders available to protect residents

#### This is a summary of what we will ask a court for:

- An Anti-social Behaviour Order (ASBO): a legal order to protect you and others from behaviour likely to cause harassment, alarm or distress. You may not need to attend court if we apply for this type of order; or
- An injunction: a legal order that tells the perpetrator to do or not do a certain thing; or

- A possession order: giving us permission to evict them from their council home: or
- A committal to prison: if they break an injunction.

**Read on for detailed descriptions of these orders.**

### Anti-social Behaviour Order (ASBO)

An ASBO is a legal order made by the court. It can be made against anyone aged 10 or over to prevent them causing harassment or nuisance. Orders can be made against offenders living in any type of accommodation and can state that they must not cause the same type of nuisance anywhere else in England or Wales. Orders made by the court are usually for a period between two to five years and if broken, can carry a prison sentence of up to five years (if the person is an adult).



### Injunction

An injunction is an order from a court that tells someone to either stop doing a certain thing (like banging walls), or to do a certain thing (like remove a dog from their home). Breaking an injunction is a serious offence.

There are two types of injunction:

- Ex-parte injunction

These are used when we need to act immediately in cases of violence or threatened violence. The case is brought very quickly and the perpetrator will not know it is happening and so will not be in court. The injunction gives instant protection to the witness, but only usually lasts for a week or two until there is a second hearing. The judge will read your statement and may ask you questions.

- Interim injunction

These are used in cases that do not need instant action because there is not an immediate threat, or as the second hearing after an ex-parte injunction. The perpetrator gets a copy of the evidence and could be there to defend themselves. The injunction lasts for a specified time, usually three, six or twelve months. The judge will read your statement and may ask you questions.

### Undertakings

Sometimes the perpetrator can agree to give an undertaking rather than go through the full injunction procedure. They have to make a promise to the court to do a certain thing or not to do something. You will not normally need to answer questions. Breaking an undertaking is as serious as breaking an injunction.

### Possession

We can ask the court to evict a council tenant because of their anti-social behaviour, or because of the actions of someone living with them or visiting them.

A case can last several days. You will almost certainly have to answer questions from the perpetrator's solicitor or the perpetrator themselves if they have not got a solicitor. The judge may ask you questions too.

The judge listens to the evidence and decides if the possession can go ahead. There are two types:

- Immediate possession: the tenant has to move out within a certain time decided by the judge, usually no more than 28 days.
- Suspended possession: the judge sets a time period (usually one year) when the tenant must not repeat their behaviour. If they do, we will go back to court and ask for immediate possession.

### Committal

If someone ignores an injunction or an undertaking they are in contempt of court which is a very serious offence. When this happens we go to a hearing called a committal. The penalties for breaking an injunction are serious, so the evidence must be detailed and strong. You will probably have to answer questions from the judge and perpetrator's solicitor. The judge decides if the injunction has been broken and if so what action to take. They can decide to:

- Send the perpetrator to prison or fine them (or do both); or
- Give them a suspended sentence. This is a prison sentence, but it is only enforced if the perpetrator breaks the order again within a certain time set by the judge, six months for example.



# Words and phrases used in court

## Affirm

Confirm the truth of something in court, a non-religious alternative to swearing an oath.

## Barrister

A legal representative who can put someone's case to court and question witnesses.

## Breach (of an injunction)

When someone ignores an injunction, or breaks the conditions in it.

## Committal case

A court case held when someone breaks an injunction the judge could send (or 'commit') them to prison.

## Complainant

The person who has suffered from (and complained about) someone's anti-social behaviour.

## Contempt of court

Disobeying the court, breaking an injunction for example.

## County Court

The court where a civil case is heard.

## Defendant

The person we are bringing the case against.

## Ex-parte injunction

A type of injunction used in cases that need immediate action because of violence or threats.

## Interim injunction

A type of injunction used in cases that do not need immediate action or as follow up to an ex-parte injunction.

## Injunction

An order from a court that tells someone to stop doing a certain thing or to do a certain thing.

## Perpetrator

The person causing the anti-social behaviour.

## Plaintiff

The person or organisation bringing the case.

## Possession case

A hearing to decide if a council tenant should be evicted from their home.

## Solicitor

A legal representative who can put someone's case to a court and question witnesses.

## Statement

A written record of events, based on their incident diary that a witness signs as true.

## Suspended possession

The judge sets a time period (usually of one year) when the tenant must not repeat their behaviour. If they do we will go back to court and ask for immediate possession.

## Suspended sentence

A prison sentence that is only enforced if the perpetrator breaks a court order within a time set by the judge.

## Swear on oath

Confirm the truth of something in court, done on a Bible or other religious book.

## Tenancy agreement

The legal contract of rules between the council and a tenant.

## Undertaking

A promise made to the court by a perpetrator to do a certain thing or not do something.

# Contacts – getting in touch

## How to contact Haringey Council and Homes for Haringey.

To report anti-social behaviour, or talk to someone about the advice in this leaflet, please get in touch.

All reported cases will be referred to the Anti-social Behaviour Team (ASBAT) for assessment and appropriate action will then be taken.

### Haringey's anti-social behaviour line

Phone: 0845 671 1177

Opening hours: Monday – Friday 8.00am – 6.00pm

Email: [customer.services@haringey.gov.uk](mailto:customer.services@haringey.gov.uk)

### Drop into one of our customer services centres:

#### North Tottenham customer service centre

639 High Road, Tottenham, N17 8BD

Opening times: Monday to Friday 8.45am to 5.00pm

#### South Tottenham customer service centre

Apex House, 820 Seven Sisters Road, Tottenham, N15 5PQ

Opening times: Monday to Friday 8.45am to 5.00pm

#### Wood Green customer service centre

Ground Floor, 48 Station Road, Wood Green, N22 7TY

Opening times: Monday to Friday 8.45am to 5.00pm.

### Hornsey customer service centre

Broadway Annexe, Hornsey Town Hall, Crouch End, N8 9JJ

Opening times: Monday to Friday 8.45am to 5.00pm

Private tenants and owner occupiers can also make a report of ASB to:

### Preventions and Options Service

**Housing Advice Team**, Apex House, 820 Seven Sister Road, Tottenham, N15 5PQ

Phone: 020 8489 4309

Opening hours: reception and telephone Monday to Friday 8.45am – 5.00pm

### What to do if you live in a housing association property.

If you are a housing association tenant you should contact your housing association.

**If you are not sure who to contact, please ring the council's main switchboard number on: 020 8489 0000**  
**Opening hours: 8.45am to 5.00pm**

**If you feel you are in any danger, you should phone 999 to contact the police immediately.**

Shqip

Kjo fletushkë është udhëzues mbi si të merreni me sjelljen antishoqërore dhe veprimin gjyqësor. Për një kopje falas në gjuhën tuaj, ju lutem shënjoni ✓ kutinë, plotësoni formularin dhe dërgojeni tek adresa e mëposhtme me postim falas.

Kurdî Kurmancî

Ev belavok rêbereke pêmiyûlbûna şêlên antîsosyal û doza dadgehê ye. Heke hun kopîyeke bêpere bi zimanê xwe dixwazin, ji kerema xwe qutîkê îşaret bikin, formê tije bikin û ji navnîşana posta bêpere ya jêrîn re bişînin.

বাংলা

সমাজ-বিরোধী কার্যকলাপের এবং আদালতের নেওয়া ব্যবস্থার মোকাবেলা কিভাবে করা যায়, এই প্রচারপত্র তার নির্দেশিকা। আপনার নিজের ভাষায় এটার কপি পাওয়ার জন্য, বাঞ্চে টিক্ চিহ্ন দিন, ফর্ম পূরণ করুন এবং নিচের ফ্রীপোস্ট বা বিনা ডাকমাণ্ডলের ঠিকানায় সেটা ফেরত পাঠান

Soomaali

Warqaddani waa hage ku saabsan sida wax looga qabto asluubxumada ijtimaaciga ah iyo tallaabayinka maxkamadda. Si aad u hesho koobbi lacag la'aan ah oo luqaddaada ku qoran, fadlan calaamadi sanduuga, buuxi fooka kuna soo celi cinwaanka boostiisu lacag la'aanta tahay ee hoose.

Français

Ce dépliant est un guide sur comment gérer le comportement anti-social et les poursuites en justice. Pour en obtenir un exemplaire dans votre langue, veuillez cocher la case, compléter le formulaire et le renvoyer à l'adresse au port payé ci-dessous.

Türkçe

Bu broşür sosyal olmayan tavırlar ve mahkeme konusunun nasıl ele alınacağına ilişkin rehberlik sağlamaktadır. Kendi dilinizde ücretsiz bir kopyası için lütfen kareyi işaretleyip formu doldurarak aşağıda verilen, posta ücreti gerektirmeyen adrese gönderiniz.

Please tell us if you would like a copy of this dealing with anti-social behaviour leaflet in another language that is not listed above or in any of the following formats, and send the form to the Freepost address below.

- In large print     On audio tape     In Braille
- In another language, please state: \_\_\_\_\_



Name: \_\_\_\_\_ Tel: \_\_\_\_\_

Address: \_\_\_\_\_

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published by Haringey Council's Communications Unit 17647 • 04/07

