

## Injunctions and Powers of Arrest

S153 of the Housing Act 1996 allows a power of arrest to be attached to any injunction brought by a social landlord where:-

- Violence or threats of violence are made to any resident, visitor or person lawfully engaged in the locality of the premises let by a social housing provider, or in their vicinity.
- There is a significant risk of harm to one or more of that group and an injunction is not granted.

A power of arrest enables the police to arrest and bring before the Court, within 24 hours of breach, a person they reasonably suspect of breaking an injunction.

The Court can remand the person in custody, detain them in hospital for assessment, or grant them bail if unable to deal with the committal there and then.



هەر زانیاریەک دەربارەی ئاشفیلد هومس که به زمانی ئینگلیزی نوسراوه لهههوانرێت بۆ زمانی کوردی تهرچوووه بکریت. لکایه داواى زانیاری زیاتر له ئاشفیلد هومسکى دهستکەى فەرمانبهران بکە.

Ashfield Homes 印製的所有英文刊物，都可翻譯成中文。請聯絡本處職員，查詢詳情。

داخليد اوجرے مطلق اگر کسی زبان میں مستحب کی کسی معلومات کا اردو زبان میں ترجمہ فراہم کیا جاسکتا ہے، مزید معلومات کے لیے راجے سرپائی اشفیلڈ کے کسی رکن سے بات کریں۔

અંતરજાતીયાં લખેલ એશફીલ્ડ હોમ્સની કોઈ પણ માહિતી ગુજરાતીમાં તરજૂમો વર્ધ શકે - કૃપા કરી વધારે વિગત માટે સ્પર્શના સમ્યને પૂછો

Wszelkie informacje dotyczące Ashfield Homes napisane po angielsku mogą być przetłumaczone na język polski - o dalsze szczegóły proszę zapytać osobę z personelu.

Any Ashfield Homes information is available in large print, audio, Braille and other languages. Please contact Jeanette Worthington, Tenant Participation Officer on 01623 608921 Minicom 01623 608989.



**Ashfield Homes Limited**

Please contact our freephone anti-social behaviour hotline on 0800 9520193 for more information.

# Injunctions Against Anti-social Behaviour



Targeting antisocial behaviour in Ashfield

# Injunctions

## Who can apply?

Under the Housing Act 1996, and as amended by the Anti-social behaviour Act 2003, Local Authorities, housing trusts, or other housing organisations or companies who are landlords, can apply for an Injunction against the tenant, or anyone else living in the area to stop them behaving in a way which causes nuisance or annoyance to others living in or around the rented property itself. These are known as **"injunctions against anti-social behaviour"**.

Anti-social behaviour can include noise, harassment, drug dealing, threats, violence or using the property for immoral or illegal purposes. An injunction can stop a person coming to a property or into an area. All tenancy agreements should include a requirement not to cause a nuisance or annoyance to neighbours.

Where your tenancy is breached it is possible to obtain a civil or 'common law' injunction. This is a contractual law matter, between the landlord and tenant.



## When can an Injunction be used?

The Court will grant an injunction if: -

- A person is engaging in or threatening to engage in behaviour which is a nuisance or annoyance and which affects the landlord's housing function; and
- The behaviour is capable of causing a nuisance to either:-
  - Someone residing in the landlord's property by virtue of a tenancy, licence or long lease or their families;
  - Those residing in other accommodation in the neighbourhood, for example, owner occupiers and tenants of other landlord's;
  - Those engaging in a lawful activity in the locality, using local facilities, passing through the locality or working in the neighbourhood;
  - Persons employed in connection with the landlord's housing management functions, for example, staff employed in connection with the management of the landlord's stock.

The County Court can also grant an injunction where a tenant or visitor is using the accommodation or threatens to use the accommodation for an unlawful purpose.

Also, if there is either: -

- The use of violence or threatened use of violence; or
- A risk of significant harm.

The Court can attach a Power of Arrest to any of the clauses of the injunction, and they can also exclude the perpetrator from: -

- The premises
- The area.

In short, an injunction can be sought to not only stop someone from doing something or behaving in a certain way, but also to insist that a person does do something. This may be to tidy their garden, for example, to cut their grass, overgrown hedge, or remove vehicles. It may be to prevent them visiting an area of the District or simply to not walk down a particular street.

