

Legal and Other Action for Anti-social Behaviour (Non CBC Tenants)

This guidance gives brief details of the main sorts of legal action we can take to stop people who are not tenants of chesterfield Borough Council from engaging in anti-social behaviour.

Do you need help?

If the Council is considering taking legal action against you for anti-social behaviour, you must contact us. If you need support to help you to stop you engaging in anti-social behaviour (perhaps help to change your behaviour), we may be able to put you in touch with someone who could help. Please remember that we would much prefer not to take legal action. We just want the problem to stop.

Acceptable Behaviour Contract (ABC)

An ABC is a written voluntary agreement between a person who has been involved in anti-social behaviour and one or more agencies whose role it is to prevent such behaviour. ABCs can be used effectively with adults, young people and children.

Normally, the need for an ABC will be agreed following discussion between any agencies concerned with the person who is involved in anti-social behaviour – for instance, the Council, the school, the Police or Social Services.

The ABC will include conditions that will state clearly:

- What the person must not do
- What the person must do
- What the agencies involved will do
- The consequences of breaking the agreement. Although an ABC is an informal agreement, if it is broken and legal action needs to be taken, the court can take this into account.

The ABC is signed by the person and, if the person is aged under 16, by the person's parent or guardian.

Safer Chesterfield Agreement (SCA)

An SCA is a type of ABC (see above) where we do not consider that other agencies need to be involved. Other than that, the information for ABCs applies to SCAs.

Action Under Environmental Protection Laws

Where someone is causing a nuisance as a result of noise, particularly where that noise is amplified, from machinery or from animals, the Council's Pollution Control section can take action under various environmental protection laws.

This will involve the service of a notice to prohibit the activity that is causing the nuisance (known as an Abatement Notice). If the nuisance continues, the court can fine the person responsible. The Council has powers to confiscate items such as stereo systems.

Injunction Order

This is an order made by a court. It normally instructs a person (normally aged 18 or over) not to do something (for instance, not to behave in a certain way or not to enter a certain area). The injunction lasts for a period that is specified on the injunction. An injunction normally relates to the breach of a tenancy agreement.

If we have evidence that the behaviour is serious enough, we can apply for an interim injunction at very short notice. The person responsible need not be in court. This injunction lasts for a short period to allow a full hearing to take place. We would only apply for an interim injunction for the most serious cases (for instance, to stop violence, threats or intimidation).

If someone breaks the terms of an injunction, we can go back to the court. If the court is satisfied that a term has been broken, the court can treat this as "contempt of court". This is a serious offence. The court can fine the person or give a prison sentence of up to 6 months or more in very serious cases.

If someone's behaviour is violent, threatening or intimidating, the injunction can have a power of arrest. This means that if a term of the injunction is broken, the Police can arrest the person responsible. That person may then be kept in prison until another court hearing is arranged.

Anti-social Behaviour Order (ASBO)

ASBOs are similar to injunctions. However, they can normally be used for people aged 10 or over. A person does not need to be a Council tenant or a member of a tenant's household.

An ASBO can prohibit any anti-social behaviour – it does not need to be confined to the terms of a tenancy agreement. Where an ASBO is breached, the maximum term of imprisonment is 5 years.

ARE WE ACCESSIBLE TO YOU?

IF NOT - ASK US!

- **We want everyone to be able to understand us.**
- **We want everyone to be able to read our written materials.**
- **We aim to provide what you need for you to read, talk, and write to us.**

On request we will provide free -

- **Language interpreters, including for sign language.**
- **Translations of written materials into other languages.**
- **Materials in Braille, large print, on tape or Easy Read.**

Please contact us:

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