

Anti-social behaviour and going to court

Our Commitment

Sentinel Housing Association is committed to tackling anti-social behaviour and improving the lives of residents in our neighbourhoods.

It is sometimes necessary to take tenants to court because they have seriously breached the conditions of their tenancy. Sentinel can also take legal action against people who are not tenants if they have caused harassment, alarm or distress to residents, contractors or Sentinel staff.

What evidence do we need to take court action?

Sentinel will need to have enough evidence to convince a Judge that the behaviour is likely to have happened. Evidence from residents is often vital:

- **Log sheets** - These are often used to show the frequency of anti-social behaviour and the impact this has had on residents. If you are not sure how to complete the log sheets, please see our leaflet 'How to make a Complaint & Collect Evidence'.
- **Photographs and video footage** - This type of evidence can be used in court. Photographs and video evidence will need to be accompanied by a statement from the resident stating where and when they took the photographs or video footage.
- **Letters** - Any written communication from residents which describes anti-social behaviour incidents can be used as evidence. This can include letters or emails.
- **Notes of visits and telephone calls** - When investigating a case, the Neighbourhood Co-ordinator will make records of any meetings and important telephone calls. These can be presented in court as evidence.
- **Copies of police statements** - Copies of statements made to the Police can be used in court, but only with permission from the resident.
- **Professional witnesses** - Staff of other agencies can make statements including Community Wardens, Police Officers and local authority staff.

Giving evidence

There are two ways that residents can give evidence:

Hearsay evidence – we do not use your name and make your evidence anonymous. The court cannot make us reveal your identify and you will not have to appear in court. Hearsay evidence does not carry as much weight in court as direct evidence.

Direct evidence – you will make a statement and can be asked to appear in court. This can be quite a daunting experience and we offer support to help residents, please see our leaflet 'Safer With Sentinel: support for victims & witnesses' for more details.

If you would like
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in large print, braille or translated please contact the
Customer Service Centre on
0800 195 5515 from a landline or
0300 666 5515 from your mobile.



The legal process

Before court

- **In Possession cases** - The tenant will be served with a Notice Seeking Possession or a Demotion Notice which is the first stage in legal action. This Notice lasts for a year and Sentinel can commence legal action at any point during this year. In very serious cases, we can apply for an Injunction or Anti-Social Behaviour Order without informing the defendant. In all other cases the legal paperwork is given to the Defendant at least three days before the court hearing.
- **In court** - A court date or hearing will be set by the court. The hearing will take place in a court room or a smaller room called chambers. The defendant, witnesses, solicitors, barristers and Judge will be present in the court room. The Solicitor or Barrister will normally present (ie summarise) the case for the Judge. The Judge will normally have read the witness statements before the hearing and may ask the defendant and witnesses for further information. The solicitors and barristers can also ask the witnesses and defendant questions.
- **Court orders** - The Judge will make an Order if they are convinced that the behaviour is likely to have happened and it is 'reasonable' to make the Order. There a range of Orders which can be made, please see our leaflet 'Remedies for Anti-Social Behaviour' for more details. The Judge can 'suspend' an Order which gives the defendant another chance to change their behaviour. If the behaviour continues, then Sentinel can go back to court and ask for a 'full' Order.

After court

- **Eviction** - If the Judge grants an 'outright' Possession Order, Sentinel must then apply for a warrant and await a bailiff appointment. Evictions are usually carried out about 6 weeks after court.
- **Breach of ASBOs or Injunction** - The defendant will be taken to court if there is evidence that they have breached their ASBO or injunction. If they are found guilty of the breach, the defendant may be given a fine or be sent to prison.

Safer With Sentinel

Sentinel offers an enhanced support scheme for victims and witnesses of anti-social behaviour involved in court cases. Some residents make complaints but are not prepared to go that extra step and make a statement or go to court. This is often because of fear of reprisals. Residents need to feel able to take a stand against perpetrators and we have introduced a series of measures to support them if the case goes to court, such as

- secure waiting rooms (where available)
- accompanied journeys to and from court
- pre-hearing visits
- expenses for child care, transport and food & drink while waiting
- regular contact after a court hearing to reassure residents

Legal terms explained

Barristers Lawyers who represent Sentinel in court for complicated cases. They are skilled at persuading the Judge and cross-examining witnesses. They are also referred to as 'Counsel'.

Solicitors They will organise the legal paperwork, draft witness statements and prepare the case for court. In simple cases, they may represent Sentinel in court.

Ushers Court staff who prepare the courtrooms, take witnesses into the court room, help maintain order in the court and assist with the swearing in of witnesses and jurors.

Hearing This is the first time the case is heard in court. The Judge can make a decision at a hearing or may decide that they need more information or time and will set a date for a trial.

Directions Hearing In complex cases there will be a directions hearing for the Judge to set the dates that paperwork must be filed at court such as witness statements and other evidence. The Judge will also decide how long and when the trial will be. The Judge will not usually hear any evidence at this hearing.

Trial is when all the involved parties come to court and the Judge hears all the evidence. The trial can last for a couple of hours or a few days, depending on how complicated the case is. The Judge will make a decision at the end of the trial.

Adjournment This means that the Judge will not make a decision on that day, and we will have to go back to court at a later date.

Defended When the Defendant comes to court and presents evidence to dissuade the Judge from making an order.

Un defended The Defendant does not come to court and the Judge will decide on the evidence presented by Sentinel and their witnesses.

Civil Proceedings When an individual or organisation takes another individual to court, often for breaking an agreement. All Sentinel cases are Civil Proceedings and these cases are heard in the County Court. The Police may give evidence in civil proceedings, but it is not a criminal case. For example, if you are found to have breached the conditions of your tenancy, it does not mean that you have a criminal conviction.

Other leaflets on anti-social behaviour:

- How to make a complaint & collect evidence
- Support for victims & witnesses of anti-social behaviour
- Support for perpetrators of anti-social behaviour
- Leaseholders & anti-social behaviour
- Domestic violence
- Remedies for anti-social behaviour
- Dealing with anti-social behaviour