

## **Case Study 1 – Allenton**

The tenant lives at the above property with her daughter (age 19) and her three sons (ages 14, 16, 18).

Derby Homes has received numerous complaints since the tenancy commenced mainly regarding the tenant's sons. However, some complaints have been regarding the tenant herself for being verbally abusive towards local residents and Derby Homes' contractors.

The first complaint was made on 11 July 2005 by a resident who named two of the sons as having damaged residents' fencing, been verbally abusive and having thrown stones towards residents' properties. The resident also reported loud music being played from the property.

In May 2006 one son signed an Acceptable Behaviour Contract where he voluntarily agreed not to cause nuisance or annoyance, not to use foul or abusive language, not to enter private property without permission or to damage private property.

In 2007 Derby Homes received various complaints from residents including the two sons having climbed on fencing, thrown stones, thrown objects at residents' windows, entered gardens without permission, having vandalised a car, knocked on residents' doors and run off, and having sworn at and been verbally abusive towards local residents.

In 2008 Derby Homes received various complaints from residents including the two sons having entered gardens without permission, having taken items from gardens and having used obscene hand gestures to residents. Police Community Support Officers also reported that these youths had been verbally abusive towards them whilst on foot patrol.

In 2009 Derby Homes received various complaints from residents and police officers including the sons being verbally abusive, riding quad bikes and mini motos in the vicinity, throwing objects at residents' properties and damaging property. The police confirmed that these youths had been arrested for several offences including shoplifting in the local vicinity.

In 2009 the Derbyshire Constabulary received calls, that were not made anonymously, from local residents of Bemrose Road and the surrounding area regarding the two sons causing anti-social behaviour including intimidating local residents, throwing snowballs at a house's windows, riding a quad bike, goading their dog to chase cats, throwing stones and shouting abuse at residents and riding mini motos in the vicinity.

On these occasions the residents did not want the police to take any further action as they feared reprisals.

On numerous occasions residents have not allowed Derby Homes to interview the tenant regarding the complaints they have made as they feared being identified.

Where residents have given their authorisation Derby Homes has investigated the complaints and interviewed the tenant who has either denied the allegations against her sons or assured Derby Homes that there would be no further problems. She was continually warned that legal action could be taken against her tenancy if further complaints were received.

Although further complaints were received Derby Homes was unable to take legal action as residents did not, under any circumstances, want to be identified as they feared repercussions. They would not provide witness statements or attend court as witnesses.

This meant that Derby Homes did not have a strong enough case for legal action as hearsay evidence alone could not be defended if challenged in court. Specific incidents could not be used as they would identify the residents concerned. Therefore, it was established that there was insufficient evidence to proceed with court action.

Furthermore, on several occasions residents reported incidents where they assumed the two sons were involved or where a third party had told them they had been involved. They had not witnessed these incidents directly and could not be certain that the two sons were involved.

Throughout 2009 Police Community Support Officers witnessed the two sons being verbally abusive towards them. Officers also witnessed them riding on quad bikes and mini motos.

Derby Homes took statements from the Police officers who agreed to attend court to act as witnesses. Derby Homes discussed the case with Derby City Council's Legal Services and it was determined that there was sufficient evidence with the Police officers' statements to take legal action against the tenancy due to the tenant's sons' behaviour. Derby Homes prepared statements so that Derby City Council could apply to the court for a Demotion Order.

Although no evidence was being included from local residents Derby Homes could still prove the youths' behaviour was affecting its housing management function.

At this time Derbyshire Constabulary were also preparing Anti Social Behaviour Orders against the two sons consisting of evidence from Police officers and three local residents.

Derby Homes contacted these residents who agreed to attend court as witnesses for Derby Homes as well as for the Police.

Derby Homes prepared statements in their names and submitted all statements to Derby City Council's Legal Services Department.

Derby Homes is waiting for a court hearing date for the demotion application.

**Case Study 2 – Chaddesden**

The family consists of mother, four sons and one daughter. The family have links to other families in the City who are well known for their criminal activities.

There were numerous complaints whilst at this address of drug use, criminal and anti-social behaviour. Diary sheets were completed by neighbours and the nature of the complaints from neighbours were regarding abusive language from the family and unruly children. On 9 March 2000 syringes and what appeared to be drugs were found in the property by contractors whilst they were carrying out repairs to the floorboards. A Notice of Seeking Possession was served on 23 June 2000.

On 30 January 2003 an 18 month Suspended Possession Order was granted in Court. The Housing Officer continued to receive complaints so a warrant was requested and the eviction was set for May 2003. The tenant made an application to suspend the order with the help of a support worker from Social Services and the case was adjourned for 3 months. No further complaints were received from the neighbours during this time and the case was not pursued.

In 2006 the Police executed a warrant and the tenant was charged with possession of drugs. Other members of the family were involved in criminal behaviour during the following 2 years and the Housing Officer was working with the tenant to clear her untidy garden following complaints from a neighbour regarding the state of it. There were no complaints from neighbours about ASB.

In August 2008 complaints were forwarded to the Housing Officer by the Local Councillors following a Surgery. The complaints were from 8 residents regarding drug dealing, the tenant and visitors causing noise and nuisance by allowing children out late at night playing on the street and damaging neighbouring properties, criminal behaviour, drinking on the street, swearing and abusive language, Police raids, and the poor state of the Property. The Housing Officer was able to collect evidence from the Police regarding convictions however when asking for evidence of the nuisance from residents they were unwilling to come forward. Despite the lack of evidence regarding ASB in July 2008 an NOSP had been served detailing the criminal convictions. There were concerns for the children's welfare so a referral was made to the Family Intervention Project (FIP) and they were accepted onto the project. Visits were made to the complainants however the evidence that was collected was poor and could not be verified.

The FIP worked with the family for a year until the contract with them was seriously breached and the support was withdrawn. A further NOSP and Notice for Demotion was served July 2009.

The tenant was diagnosed with cancer in September 2009 and although there is now enough evidence to seek possession of the property it is highly unlikely that the Courts will give DCC/DH possession due to the terminal illness the tenant and the very sensitive matter of making the tenants' children potentially homeless.

The witness statements have been finalised and Derby Homes is in Court on 3 March 2010 applying to have this tenancy demoted.