

# Introduction to New Anti-Social Behaviour Powers

## Introduction

Anti-social behaviour is a varied term that is used to describe the daily incidents of crime, nuisances and disorder that can make many people's lives a misery this can vary from littering and vandalism, to public drunkenness or aggressive dogs, to noisy or abusive neighbours. With a wide range of behaviours this means that the responsibility for dealing with anti-social behaviour is shared between different agencies like the police, councils and social landlords.

## New Measures

The Anti-social Behaviour, Crime and Policing Act 2014 includes two new measures which are designed to give victims and communities a say in the way anti-social behaviour is dealt with:-

- The **Community Trigger** gives victims the ability to demand action, starting with a review of their case, where the threshold is met.
- The **Community Remedy** gives victims a say in the punishment out of court for the perpetrators for low-level crime and anti-social behaviour.

## Community Trigger

<b>Purpose</b>	Gives victims and communities the right to request a review of their case.
<b>Relevant bodies and responsible authorities</b>	<ul style="list-style-type: none"><li>▪ Councils.</li><li>▪ Police.</li><li>▪ Clinical Commissioning Groups in England and Local Health Boards in Wales.</li><li>▪ Registered providers of social housing who are co-opted into this group.</li></ul>
<b>Threshold</b>	<p>To be defined by the local agencies but not more than:-</p> <ul style="list-style-type: none"><li>▪ Three complaints in the previous six month period.</li></ul> <p>May also take account of:-</p> <ul style="list-style-type: none"><li>▪ the persistence of the anti-social behaviour;</li><li>▪ the harm or potential harm caused by the anti-social behaviour;</li><li>▪ The adequacy of response to the anti-social behaviour.</li></ul>

<b>Details</b>	<p>When a Community Trigger request is received agencies must decide whether the threshold has been met and communicate this to the victim, If the threshold is met there will be a case review by the partner agencies. Agencies will then share information related to the case, look at what action has previously been taken and decide what actions are better suited. The local Community Trigger procedure should say the timescales in which the review will be undertaken;</p> <ul style="list-style-type: none"> <li>▪ The review encourages a problem-solving approach aimed at dealing with some of the most persistent, complex cases of anti-social behaviour;</li> <li>▪ The victim is informed of the outcome of the review. Where further actions are necessary an action plan will be discussed with the victim, including timescales.</li> </ul>
<b>Who can use the Community Trigger?</b>	<ul style="list-style-type: none"> <li>▪ A victim of anti-social behaviour or another person acting on behalf of the victim such as a carer or family member, Member of Parliament or councillor;</li> <li>▪ The victim can be an individual, a business or a community group.</li> </ul>

## Purpose

Victims will be able to use Community Trigger to demand a review of their case. The agencies involved will have to undertake a case review when a victim requests one and the also when the case meets the threshold.

The Community Trigger can be also used on behalf of a victim for example a family member, friend, carer or neighbour. This makes sure that all victims are able to get the help they need, Even if they don't think they need it. If someone has applied for a Community Trigger the victim's behalf the victim should give their consent.

The community Trigger can be applied for by a person of any age and agencies should make it accessible for all victims.

## Threshold

The threshold must be no higher than three complaints of anti-social behaviour in a six months period. Where a person makes an application for a case review and the number of qualifying complaints has been made, the threshold review is met.

## Community Remedy

<b>Purpose</b>	The Community Remedy gives victims a say in the punishment of perpetrators for a low-level crime and anti-social behaviour.
<b>The Community Remedy document</b>	The act relies on the police and crime commissioner to consult with members of the public and community representatives on what actions would be appropriate to be on the Community Remedy document.
<b>Applicants/who can use the Community Remedy</b>	<ul style="list-style-type: none"> <li>▪ Police officer.</li> <li>▪ An investigating officer (can include community support officers).</li> <li>▪ A person authorised by a relevant prosecutor for conditional cautions or youth cautions.</li> </ul>
<b>Community resolutions</b>	When using community resolution to deal with a low level crime or anti-social behaviour the police officer may use the Community Remedy document as a way of getting the victim to have a say in the punishment.
<b>Test</b>	<ul style="list-style-type: none"> <li>▪ The officer must have evidence that the person has been involved in anti-social behaviour or committed an offence.</li> <li>▪ The person must admit to the behaviour or offence.</li> <li>▪ The officer must think that the evidence is enough for court proceedings.</li> </ul>
<b>Conditional cautions</b>	The Community Remedy Document should consider when it is that a perpetrator be given a conditional caution or youth conditional caution as a means of consulting the victim about the possible conditions to be attached to the caution.
<b>Failure to comply</b>	If the perpetrator fails to comply with a conditional caution or youth conditional caution they can face court action for the offence.
<b>Important changes/differences</b>	The Community Remedy document is a list of actions which may be chosen by the victim for the perpetrator to undertake in consequence of their behaviour.

## Purpose

The Purpose of Community Remedy is to give victims a say on the action for perpetrators of low level crime. The community remedy will be used as part of the existing process for delivering community resolutions.

## Civil Injunction

<b>Purpose</b>	To prevent individuals engaging in anti-social behaviour.
<b>Applicants</b>	<ul style="list-style-type: none"> <li>▪ Local councils.</li> <li>▪ Social landlords.</li> <li>▪ Police.</li> <li>▪ Transport for London.</li> <li>▪ Environment Agency and Natural Resources Wales.</li> <li>▪ NHS Protect.</li> </ul>
<b>Test</b>	<p>Behaviour likely to cause harassment, alarm or distress.</p> <p>Conduct capable of causing nuisance or annoyance</p> <p>Just convenient to grant the injunction to prevent anti-social behaviour.</p>
<b>Details</b>	<ul style="list-style-type: none"> <li>▪ Injunction will include positive requirements to get the perpetrator to address the cause of their anti-social behaviour.</li> <li>▪ Issued by the county court and high court for over 18s and the youth court for under 18s.</li> </ul>
<b>Penalty on breach</b>	<ul style="list-style-type: none"> <li>▪ Breach of the injunction is not a criminal offence but the breach must be proved to the criminal standard.</li> <li>▪ Over 18s: civil contempt of court with unlimited fine or up to two years in prison.</li> <li>▪ Under 18s: supervision order or as a very last resort a civil detention order up to three months for 14-17 year olds.</li> </ul>
<b>Appeals</b>	<ul style="list-style-type: none"> <li>▪ Over 18s to the High Court.</li> <li>▪ Under 18s to the Crown Court.</li> </ul>
<b>Important changes/differences</b>	<p>Available to a wider range of agencies than Anti-social behaviour injunctions</p> <p>No need to provide necessity's unlike ASBO's</p> <p>Breach is not a criminal offence</p> <p>Scope for positive requirements to focus on long-term solutions.</p>

## Purpose

The injunction under part 1 of the Anti-social behaviour, crime and policing act 2014 is a power which can be applied for to deal with anti-social individuals. The injunction can be affective for victims and also sets a standard for behaviour for perpetrators, stopping the person's behaviour from escalating.

## Criminal Behaviour Order

<b>Purpose</b>	Issued by any criminal court against a person who has been convicted of an offence to tackle the most persistently anti-social individuals who are getting involved in criminal activity.
<b>Applicants</b>	
<b>Test</b>	<ul style="list-style-type: none"> <li>▪ If the court is satisfied that the offender has been involved in behaviour causing harassment alarm or distress to any person.</li> <li>▪ The court thinks that making the order will help prevent the offender from getting involved in criminal behaviour again.</li> </ul>
<b>Details</b>	<ul style="list-style-type: none"> <li>▪ Shall be issued by any criminal court for any criminal behaviour.</li> <li>▪ The anti-social behaviour doesn't need to be apart of the offence.</li> <li>▪ Need to find the view of the youth offending team for applicants under 18.</li> </ul>
<b>Penalty on breach</b>	<ul style="list-style-type: none"> <li>▪ For over 18s on summary conviction: up to six months imprisonment or a fine or both.</li> <li>▪ For over 18s on conviction on indictment: up to five years imprisonment or a fine or both.</li> <li>▪ For under 18s the sentencing powers in youth court apply.</li> </ul>
<b>Appeals</b>	<ul style="list-style-type: none"> <li>▪ Appeals against orders made in the magistrates' court (which includes the youth court) lie to the Crown Court.</li> <li>▪ Appeals against orders made in the Crown Court lie to the Court of Appeal.</li> </ul>
<b>Important changes/differences</b>	<ul style="list-style-type: none"> <li>▪ Consultation with YOT for under 18s.</li> <li>▪ No need to prove necessity unlike Anti-social behaviour orders.</li> <li>▪ To focus on long-term solutions.</li> </ul>

## Purpose

The Criminal Behaviour Order (CBO) is available on conviction for any criminal offence in any criminal court. It is aimed at tackling more serious offenders where their behaviour has brought them before a criminal court.

## Dispersal Power

<b>Purpose</b>	<ul style="list-style-type: none"> <li>Requires a person committing or likely to commit anti-social behaviour or disorder to leave an area for up to 48 hours.</li> </ul>
<b>Used By</b>	<ul style="list-style-type: none"> <li>Uniformed police officers.</li> <li>PCSO's.</li> </ul>
<b>Test</b>	<ul style="list-style-type: none"> <li>Direction necessary to remove or reduce the likelihood of the anti-social behaviour, crime or disorder.</li> </ul>
<b>Details</b>	<ul style="list-style-type: none"> <li>Must specify the area in which incident happens and also give a time for the offender to leave.</li> <li>Can confiscate any item that could be used to commit anti-social behaviour.</li> <li>A direction can be given to anyone over the age of 10.</li> <li>A person who is under 16 and given a direction can be taken home or to a place of safety.</li> </ul>
<b>Penalty on breach</b>	<ul style="list-style-type: none"> <li>Breach is a criminal offence.</li> <li>Failure to hand over items: up to a level 2 fine.</li> </ul>
<b>Appeals</b>	A person who feels that have been incorrectly dealt with should speak with the duty inspector at the local police station. Details should be given to the person on the written order.
<b>Important changes/differences</b>	<ul style="list-style-type: none"> <li>It is a more flexible power it can be used to provide immediate action to a community effected by anti-social behaviour, crime or disorder.</li> <li>An area does not been to be designated as a dispersal area in advance to the anti-social behaviour, crime or disorder.</li> <li>May consider contacting the local council in some circumstances before authorising the use of dispersal.</li> <li>PCSO's may use all elements of the dispersal power.</li> </ul>

## Purpose

The purpose of the dispersal power is so that the police can use it in a range of ways to disperse anti-social individuals to provide immediate action. It also allows officers to deal with someone's behaviour immediately. In an area where there are a lot of incidents of anti-social behaviour then the police should work with the local council.

## Community Protection Notice

<b>Purpose</b>	To stop a person over 16 committing anti-social behaviour which spoils the quality of life.
<b>Who can issue a CPN</b>	<ul style="list-style-type: none"> <li>▪ Council officers.</li> <li>▪ Police officers.</li> <li>▪ Police community support officers.</li> <li>▪ Social landlords.</li> </ul>
<b>Test</b>	Behaviour has to; <ul style="list-style-type: none"> <li>▪ Have an effect on the quality of life in the locality.</li> <li>▪ Be of persistent or continuing nature.</li> <li>▪ Be unreasonable.</li> </ul>
<b>Details</b>	<ul style="list-style-type: none"> <li>▪ Written warning issued informing the perpetrator to stop and the consequences if they don't.</li> </ul>
<b>Penalty on breach</b>	<ul style="list-style-type: none"> <li>▪ Breach is a criminal offence.</li> <li>▪ A fixed penalty notice can be issued up to £100.</li> <li>▪ A fine of up to level four or £20,000 for businesses.</li> </ul>
<b>Appeals</b>	<ul style="list-style-type: none"> <li>▪ Terms of a CPN can be appealed by the perpetrator within 21 days.</li> </ul>
<b>Important changed/differences</b>	<ul style="list-style-type: none"> <li>▪ The CPN can deal with wider ranges of behaviours like noise nuisance and litter on private land.</li> <li>▪ Can include requirements that ensure problems are solved.</li> </ul>

## Purpose

The community penalty notice is designed to deal with certain on going problems or nuisances in the community by targeting those responsible. In many areas councils are taking the lead on dealing with these kinds of issues and they will start to work more closely with the police.

## Public Spaces Protection Order

<b>Purpose</b>	Designed to stop individuals or groups committing anti-social behaviour.
<b>Who can make a PSPO</b>	Councils issue a public spaces protection order after consulting with the police and crime commissioner.
<b>Test</b>	<ul style="list-style-type: none"> <li>▪ Have or likely to have an affect on the community.</li> <li>▪ Be persistent or continuing.</li> </ul>

	<ul style="list-style-type: none"> <li>▪ Be unreasonable.</li> </ul>
<b>Details</b>	<ul style="list-style-type: none"> <li>▪ Restrictions and requirements set by the council.</li> <li>▪ Can restrict access to public spaces.</li> <li>▪ Can be enforced by a police officer.</li> </ul>
<b>Penalty on breach</b>	<ul style="list-style-type: none"> <li>▪ Breach is a criminal offence.</li> <li>▪ Enforcement officers can issue a fixed penalty notice of up to £100.</li> <li>▪ A fine of up to level 3 on prosecution.</li> </ul>
<b>Appeals</b>	<ul style="list-style-type: none"> <li>▪ Anyone who lives, works or regularly visits the area can appeal a PSPO in the High Court within six weeks.</li> </ul>
<b>Important changes/differences</b>	More than one restriction can be added to the same PSPO.

## Purpose

PSPO's are intended to deal with nuisance or problems in a certain area by applying conditions to the area which will apply to everyone. They are there to ensure that the area is safe from anti-social behaviour.

## Closure power

<b>Purpose</b>	To allow the police or council to quickly close premises which are being used or likely to commit nuisance or disorder.
<b>Applicants</b>	<ul style="list-style-type: none"> <li>▪ Local council.</li> <li>▪ Police.</li> </ul>
<b>Test</b>	<ul style="list-style-type: none"> <li>▪ Nuisance to the public.</li> <li>▪ Disorder near those premises.</li> <li>▪ Disorderly or offensive behaviour.</li> <li>▪ Serious nuisance to the public.</li> </ul>
<b>Details</b>	<ul style="list-style-type: none"> <li>▪ A closure notice is issued out of court firstly.</li> <li>▪ Notice: can close premises for up to 48 hours out of court.</li> <li>▪ Order: can close premises for up to six months and can restrict all access.</li> <li>▪ Both: can cover any land whether enclosed or not.</li> </ul>
<b>Penalty on breach</b>	<ul style="list-style-type: none"> <li>▪ Breach is a criminal offence.</li> <li>▪ Notice: up to three months in prison.</li> </ul>

	<ul style="list-style-type: none"> <li>▪ Order: up to six months in prison.</li> <li>▪ Both: up to an unlimited fine for residential and non-residential premises.</li> </ul>
<b>Who can appeal</b>	<ul style="list-style-type: none"> <li>▪ Any person the closure notice was served on.</li> <li>▪ Any person who has an interest on the premises.</li> <li>▪ The council.</li> <li>▪ The police.</li> </ul>
<b>Important changes/differences</b>	Covers a wider range of behaviour and is quick, flexible and can be used for up to 48 hours out of court.

## Purpose

The closure power is a fast, Flexible power that can be used to protect victims and communities by quickly closing premises that are causing a nuisance or disorder to the community.

## New absolute ground for possession

<b>Overview</b>	
<b>Purpose</b>	To expedite the eviction of landlords to bring faster relief to victims.
<b>Applicants/who can use the new ground</b>	Social landlords. Private rented sector landlords.
<b>Test</b>	Convicted of a serious offence. Found by the court to have breached a civil conviction. Convicted for breaching a criminal behaviour order. Convicted for breaching a noise abatement notice. The tenant property has been closed for more than 48 hours under a closure order for anti-social behaviour.
<b>Details</b>	Offence/breach has happened in the property or affected a person with the right to live in the area.
<b>Results of action</b>	If the above test is met then the court must grant a possession order.
<b>Important changes/differences</b>	The landlord will not be required to prove to the court that it is reasonable to grant possession. Better protection and faster relief for victims. Flexibility for landlords to obtain possession.

	The court will not be able to postpone to a date later than 14 days.
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## Purpose

The purpose for the new ground for possession is to speed up possession processes in cases where anti-social behaviour has already been proven in another court. as the landlord no longer needs to prove that it is reasonable to grant possession, the court will be more likely to determine cases in a single short hearing.