



BRIEFING PAPER

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Constituency Casework: Anti-Social Behaviour

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Getting Help with Anti-Social Behaviour

Anti-social behaviour covers a wide range of activity, sometimes of a criminal nature, which causes alarm or distress to an individual and impacts their community or their environment. Incidents of anti-social behaviour can include actions by others which leave someone harassed or distressed, foster a fear of crime or concern for public safety, or create disorder or public nuisance.

Some examples of anti-social behaviour include:

- Nuisance, rowdy or inconsiderate neighbours
- Vandalism or graffiti
- Street drinking
- Littering, fly tipping, dumping or abandoned vehicles
- Prostitution
- Street-level drug dealing or drug use
- Fireworks misuse
- Begging

Incidents of anti-social behaviour or other community safety issues should be reported to the relevant local authority or police. For more information see www.police.uk.

If the dispute is with a neighbour, there is Government advice available from the following website: www.gov.uk/how-to-resolve-neighbour-disputes

Noise nuisances can be reported to the local council online via the Government portal: www.gov.uk/report-noise-pollution-to-council, and dog fouling at: www.gov.uk/report-dog-fouling

Reporting Anti-Social Behaviour to the Police

To contact your local police force in England, Wales, Scotland or Northern Ireland, you can call the **police non-emergency number 101**.

If it is an emergency, if you or somebody else is in immediate danger, or the crime is in progress, always call 999.

Report crime anonymously via Crimestoppers: crimestoppers-uk.org, tel. 0800 555 111.

Citizens Advice

Information on getting help with problems in your local area may be found on the Citizens Advice webpages:

England and Wales: www.citizensadvice.org.uk/housing/problems-where-you-live

Scotland: www.citizensadvice.org.uk/scotland/housing/problems-where-you-live-s

Northern Ireland: www.citizensadvice.org.uk/nireland/problems-where-you-live

Further Help from the House of Commons Library

The *Anti-Social Behaviour* Library subject page (accessible only via the Parliamentary intranet) provides a list of Library briefing papers relating to anti-social behaviour and gives details of the Library specialists who can assist with further enquiries. For non-intranet users, Library briefing papers on anti-social behaviour can be accessed from researchbriefings.parliament.uk.

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Summary

Get help with constituency casework: Anti-Social Behaviour. A briefing to assist MPs and their staff in dealing with enquiries from constituents regarding anti-social behaviour.

Concerns regarding anti-social behaviour are a regular cause of complaint by constituents to Members of Parliament. There are wide ranging civil and criminal powers which exist to combat anti-social behaviour and prevent future problems from occurring, but it is not always clear to whom a constituent should report concerns regarding anti-social behaviour or what the outcome will be.

There have recently been major changes in the law regarding anti-social behaviour: in the previous Parliament, the Coalition Government introduced the *Anti-Social Behaviour, Crime and Policing Act 2014*, the majority of which came into force in October 2014, and Part 1, which deals with new civil injunctions, in March 2015.

The well-known ASBO, introduced in 1998, has now been replaced by a civil injunction – the Injunction to Prevent Nuisance and Annoyance (IPNA) – and a post-conviction court order (the Criminal Behaviour Order or CBO).

In an attempt to streamline the powers available to tackle anti-social behaviour, the Government introduced six new powers (replacing 19) which were designed to be faster, more effective and centred around the needs of the victim.

This briefing provides an overview of these new powers available to the police, council and other agencies to tackle anti-social behaviour. It also considers the new ways in which communities can have a greater say in the way anti-social behaviour is tackled locally and the options available to victims of anti-social behaviour to have their complaint reviewed and a say in the punishment of the offender. Finally it briefly summarises the powers which now exist in cases of housing-related anti-social behaviour.

Territorial Extent

Parts I – VI of the *Anti-Social Behaviour, Crime and Policing Act 2014* (which deal with anti-social behaviour) apply to England and Wales only (s. 184(1)(a)). The specifics of this note therefore apply to England and Wales only also. However, generally across the UK dealing with anti-social behaviour is the remit of the police, local authorities and housing providers and should be reported to them in the first instance.

In Scotland, the *Antisocial Behaviour etc. (Scotland) Act 2004* remains in force and covers police and agency powers in relation to anti-social behaviour. Further advice on anti-social behaviour in Scotland can be found from the [GOV.SCOT](#) website.

In Northern Ireland the equivalent legislation is the *Anti-social Behaviour (Northern Ireland) Order 2004* as amended. Advice on anti-social behaviour for people living in Northern Ireland is available on the [NI Direct webpages](#).

1. What is Anti-Social Behaviour?

The statutory definition of anti-social behaviour is contained within section 2 of the *Anti-Social Behaviour, Crime and Policing Act 2014* which states that the term, “anti-social behaviour” means conduct which has caused, or is likely to cause, harassment, alarm or distress to any person’.¹ This wide definition encompasses a range of behaviour from low level incidents of crime to day to day nuisance and disorder. Whilst individual incidents can appear minor in isolation, the cumulative impact of long term persistent anti-social behaviour on a community can be highly damaging, especially when directed against vulnerable people.²

Anti-social behaviour is any conduct which has caused, or is likely to cause, harassment, alarm or distress to any person.

As highlighted in the Government’s explanatory notes to accompany the *Anti-Social Behaviour, Crime and Policing Bill*, most anti-social behaviour is also criminal: vandalism and graffiti, harassment, low level drug dealing, or people being drunk and rowdy in public, for example. However, since the introduction of the ASBO in 1998, a range of civil powers have existed specifically to target and curtail anti-social behaviour.

With the passage of the *Anti-social behaviour, Crime and Policing Act 2014*, the Government sought to streamline measures in place to combat anti-social behaviour, cutting the number of tools and powers from 19 to six which are designed to be faster, more effective and put the views of the victim at the centre.³ New Home Office guidance is that when dealing with reports of anti-social behaviour, agencies should no longer focus on the behaviour, ‘but on the impact it has on the victim.’⁴

Box 1: Legislative Overview – ASBOs and ASBIs to IPNAs and CBOs

The Anti-Social Behaviour Order (ASBO) was introduced by the *Crime and Disorder Act 1998*. These were designed as preventative orders which could be made in civil or criminal proceedings. Breach of an ASBO was a criminal offence punishable by up to 5 years in prison or an unlimited fine for adults, and a 24 month detention and training order for children over the age of 10.

Local authorities already had the power to bring injunctions against disruptive tenants under section 152 of the *Housing Act 1996*. These powers were furthered with the introduction of the Anti-Social Behaviour Injunction (ASBI), *Anti-Social Behaviour Act 2003*, s.13, which gave all social landlords the right to apply for an ASBI even though the person against whom the injunction was sought needn’t necessarily be a tenant.

With the introduction of the *Anti-Social Behaviour, Crime and Policing Act 2014*, the legislation covering ASBOs and ASBIs was repealed and the ASBO replaced by two new measures: a civil injunction often known as an Injunction to Prevent Nuisance and Annoyance (IPNA), and the Criminal Behaviour Order (CBO). Much of the new act came into force on 20th October 2014, but Part 1, which relates to the new civil injunctions, came into force from 23rd March 2015.

¹ 2(a), *Anti-Social Behaviour, Crime and Policing Act 2014*, in force 23rd March 2015.

² Nowhere is this more apparent than in the case of Fiona Pilkington who, in 2007, took her own life and that of her disabled daughter after suffering years of abuse and anti-social behaviour (see the IPCC report of their investigation into her death: IPCC, *Fiona Pilkington – Leicestershire Police*, 2011).

³ Home Office, *Factsheet: Overview of anti-social behaviour reforms*, October 2013, para. 7.

⁴ Home Office, *Anti-Social Behaviour, Crime and Policing Act: Reform of anti-social behaviour powers; statutory guidance for frontline professionals*, July 2014, p. 2.

2. Powers to Tackle Anti-Social Behaviour

Box 2: New powers to tackle anti-social behaviour

The Government passed the *Anti-Social Behaviour, Crime and Policing Act 2014* with the aim of reforming the previous legislation governing anti-social behaviour, replacing the existing 19 powers available to various agencies to deal with anti-social behaviour with six which are designed to be faster, more effective and centred around the needs of the victim.

The six powers contained in the new Act are:

- Dispersal Powers
- Civil Injunction (IPNA)
- Criminal Behaviour Order (CBO)
- Community Protection Notice
- Public Spaces Protection Order
- Closure Powers

2.1 Dispersal Powers

A new power giving the police the authority to disperse individuals or groups was introduced under [Part 3 of the Act](#). This power replaced two older powers contained within s. 30 of the Anti-Social Behaviour Act 2003 and s. 27 of the Violent Crime Reduction Act 2006.

Directions excluding a person from an area

Under the previous legislation the police were only able to require people to leave an area if it had been designated as a dispersal zone after consultation with the local authority. The Government argued this was a slow process and delayed the ability of the police to respond quickly to reports of anti-social behaviour.⁵

The new power can be exercised by a police officer (or designated PCSO), and allows the officer to disperse individuals or groups causing or likely to cause anti-social behaviour in public places or common areas of private land, such as shopping centres or parks, for example.

A police officer of at least the rank of Inspector must have authorised the use of these powers within a specified area. Such an authorisation is valid for up to 48 hours. Whilst it is advised, they do not need to consult with the local authority prior to giving authorisation.

‘Public Place’ means a place to which at the material time the public or a section of the public has access, on payment or otherwise, as a right or by virtue of express or implied permission.

Box 3: Police dispersal powers (section 35 of the Act)

A police constable in uniform or PCSO (if designated), may direct a person to leave a specified area and not return for up to 48 hours, if:

1. they have reasonable grounds to believe that the person’s presence in that area is likely to contribute to members of the public being harassed, alarmed or distressed, or the occurrence of crime and disorder; and
2. they consider that giving the person a direction to leave is necessary to prevent or reduce the likelihood of such events.

Any direction must be given in writing unless not reasonably practicable.

It is an offence for someone to fail to comply with a direction made under s. 35. The maximum penalty is a fine of £2,500 or three months imprisonment.

⁵ See Home Office, *Factsheet: Dispersal Powers*, para. 1ff.

Surrender of Property

When giving a person direction to leave an area under s. 35, a police constable has the power to require the person to hand over any item in that person's control which the constable has reason to believe has been, or is likely to cause anti-social behaviour.⁶ Examples of such an item might include alcohol, fireworks or spray paint.

Although the police have no right to seize any such item, failure to comply with the request is a criminal offence with a maximum penalty of a £500 fine.

Any item surrendered to the police must be returned at the end of the exclusion period if requested, unless the person is under the age of 16 in which case the item may be retained until they are accompanied by a responsible adult.

Children and Young People

A direction to leave a specified area under this Act may be given to anyone who is, or appears to be, over the age of 10.

If the person to whom the direction is given appears to be under the age of 16, the police constable may return the person home or to another place of safety.

⁶ *Anti-Social Behaviour, Crime and Policing Act 2014*, s. 37.

2.2 Civil Injunction

The 2014 Act introduced a new civil injunction to prevent people from repetitively engaging in low level anti-social behaviour. This is known as the Injunction to Prevent Nuisance and Annoyance (IPNA). Certain agencies may apply for an injunction to be made against an individual; those empowered to do so are:

- Local authorities
- The Chief Officer of Police for the local area
- The Chief of the British Transport Police
- A housing provider
- Transport for London
- The Environment Agency and the Natural Resources Body Wales
- NHS Protect and NHS Protect (Wales)

An injunction may be issued against anyone who is aged 10 or over. Applications for injunctions against people aged over 18 are made to the county court or High Court, those made against people aged under 18 are made to the youth court.

In deciding whether to issue an IPNA, the court must be satisfied that, on the balance of probabilities, the individual against whom the injunction is sought has conducted themselves in a manner which has caused, or is likely to cause, harassment, alarm or distress to another. The court must also consider that granting an injunction is a just and convenient way in preventing the individual engaging in anti-social behaviour in the future.

Injunctions issued against adults may be granted for a specified period or indefinitely. Those issued against people aged under 18 must last for a specific period of time not more than 12 months.

IPNAs may be issued for anti-social behaviour which is housing or non-housing related. For more on housing-related anti-social behaviour see section 4.

Box 4: Replacing the ASBO

The new IPNA, in force since March 2015, was modelled on the Anti-Social Behaviour Injunction (ASBI), and has been created to replace:

- the ASBO and ASBI issued in civil proceedings;
- the Drinking Banning Order issued in civil proceedings;
- intervention orders; and
- individual support orders.

An IPNA can now be obtained on a lower standard of proof than an ASBO and removes the requirement for the applicant to prove that granting an injunction is necessary.⁷ It is also available on application to a wider range of agencies and can include both prohibitive measures as well as make requirements of the subject of the injunction.

⁷ ASBOs were obtained to the criminal standard of proof – it had to be proved beyond all reasonable doubt that the accused had acted in an anti-social manner. The lower civil standard only requires this is proven on the balance of probability.

The IPNA can be used to tackle a wide range of anti-social behaviour, both in relation to housing and non-housing situations. Examples of behaviours which could be addressed through the use of an IPNA include vandalism, public drunkenness, aggressive begging, neighbour disputes or irresponsible dog ownership.

Box 5: Hearsay Evidence

Hearsay evidence may be defined as any statement not made in oral evidence in the proceedings which is being used as evidence of any fact asserted.⁸ It is a common law principle, reasserted in the Criminal Justice Act 2003, that hearsay evidence is generally inadmissible in criminal trials, but is normally admissible in civil proceedings.

Hearsay evidence is allowed in hearings to issue a civil injunction, and may in some cases be admissible in proceedings to issue a Criminal Behaviour Order (see section 2.3). This means that complainants in incidents of anti-social behaviour unable or unwilling to give evidence through fear of intimidation or reprisal may have their evidence presented by a police officer or other professional witness who has interviewed the witness directly. This is viewed as important to protect witnesses in cases of anti-social behaviour particularly when it occurs in a residential area involving local people.

Unlike an ASBO which was entirely prohibitive, an IPNA can both prohibit the individual from engaging in certain behaviour, or make requirements of the individual to engage in a particular activity in order to address the underlying causes of their anti-social behaviour. These are known as “positive requirements”. Some examples of a positive requirement are:

- Attending alcohol awareness classes for alcohol related problems.
- Presence at mediation sessions with neighbours or victims.
- Taking dog training classes for irresponsible dog owners.

The court may attach a power of arrest to an injunction giving a police officer the power to arrest an individual if they reasonably believe that they have breached a prohibition or requirement in the injunction. A court may only attach such a power if the anti-social behaviour which it addresses involves violence or the threat of violence, or if there is a significant risk of harm to others. Powers of arrest may not be used for “positive requirements” i.e. those which require an individual to participate in a particular activity.

Breach of an injunction is not a criminal offence, instead the breach is dealt with as civil contempt of court. The maximum penalty for breach of an injunction is two years in prison and/or an unlimited fine. Under 18s are dealt with by the youth court where a supervision order, curfew or detention order may be imposed.

Box 6: Youth Offending Teams

If an application for an injunction is to be made against somebody under the age of 18, the applicant must consult with the local Youth Offending Team (YOT). YOTs are run by the local council and are separate from the police and the courts. They work with young people to help them stay away from participating in crime and anti-social behaviour.

For more on YOTs and information on finding your local team see: www.gov.uk/youth-offending-team.

⁸ R. v Sharp (Colin) [1988] 1 WLR 7; Criminal Justice Act 2003, s. 114(1).

2.3 Criminal Behaviour Order

The Criminal Behaviour Order (CBO) is a direct replacement of both the ASBO made on conviction in criminal proceedings (commonly known as the “CRASBO”) and the Drinking Banning Order, also made on conviction. It is designed to tackle the most serious and persistent anti-social behaviour by dealing with offenders who engage in criminal activity. However, various changes have been made: in particular there is no longer a need for the prosecution to prove necessity in making an order, and CBOs can now make requirements of the offender as well as prohibitive measures against certain behaviours.⁹

Like its forerunner, the CRASBO, the CBO can be issued by any criminal court on the conviction of an individual for any criminal offence. In deciding whether to issue a CBO, the court must be satisfied beyond all reasonable doubt that the accused has engaged in behaviour which has caused, or is likely to cause harassment, alarm or distress to any person and consider that making such an order will help prevent future anti-social behaviour occurring. A CBO must not be used as a punishment; it is given in addition to any sentence or conditional discharge in respect of the criminal offence.

Only the prosecution in a criminal case may apply to the court for a CBO to be granted, however they may do so either on their own initiative, or following a request from the council or the police. The anti-social behaviour which the offender has been involved in need not be part of the offence for which they were convicted.

A CBO given to an adult lasts for a minimum of two years and up to an indefinite period. A CBO given to somebody under 18 must last for between one and three years. Where an order is made against someone under the age of 18, the local Youth Offending Team must be consulted, and there is a requirement for annual reviews of the order and the offender’s behaviour for the duration of the order.

CBO proceedings are civil in process and as such evidence may be led which was not admissible in the criminal trial.

Witnesses reluctant to give evidence in person may be able to submit written evidence or have it given as hearsay evidence by someone like a police officer.

Box 7: Prohibitions and Requirements

Like the IPNA, a CBO can both prohibit the offender from doing anything described in the order, and make requirements of the offender if the court believes they will help prevent further anti-social behaviour. Examples of prohibitions and requirements which could be part of a CBO include:

- Imposing a curfew
- Prohibiting an offender from entering a specified area
- Prohibiting an offender from carrying spray paint
- Mandatory attendance at an anger management course
- Substance misuse awareness sessions
- Completing a job readiness course in order to gain employment

Breach of a CBO is a criminal offence and carries a maximum penalty of five years in prison and/or a fine for adults, and a two year detention and training order if the offender is under 18.

⁹ Home Office, *Factsheet: Replacing the ASBO*, paras 14-19.

2.4 Community Protection Notice

The new Community Protection Notice (CPN) is designed to provide a means for dealing with ongoing problems in a local area which are having a detrimental effect on the community. Such problems might include regular complaints over litter, graffiti or noise. The notice is issued by local councils, the police or a registered social landlord, and given to the person identified as the source of the problem.

A CPN can be issued to any person aged over 16, or any organisation or business, if the behaviour of the individual or organisation is:

- detrimental to the quality of life of local community;
- unreasonable; and
- persistent.

A CPN can direct a person or organisation to stop a particular behaviour, or make requirements of them to take specified actions to prevent the problem from reoccurring.

Before a CPN can be issued, a written warning has to be given to the person committing the unreasonable behaviour, explaining that should the behaviour continue a CPN will be issued.

Failing to comply with a CPN is an offence which may result in:

- A Fixed Penalty Notice being issued;
- Remedial action being taken by the local council;
- On application to the courts, a remedial order or forfeiture order being made, or a warrant being issued for seizure of offending items.

Box 8: Statutory Nuisances

The Community Protection Notice has replaced previous measures in place to deal with litter: street litter control notices, litter clearing notices, litter abatement notices and defacement removal notices. It also replaces the dog control order. However, for other environmental problems, the CPN is designed to work in conjunction with the existing statutory nuisances scheme which covers a number of specific issues listed under section 79(1) of the Environmental Protection Act 1990 (EPA) which relate to:

- Noise
- Smoke, fumes, steam, dust or other emissions
- Animals or insects
- Artificial lighting
- Premises in disrepair or accumulation of litter or other deposit

Whilst a CPN may be used to deal with an ongoing statutory nuisance, it remains a principle of law that a specific law should be used in preference to a general one, and so the statutory nuisances covered under the EPA should normally be dealt with by the council under this act.

The Citizens Advice webpages offer help on dealing with environmental issues ranging from abandoned vehicles and litter, to noise control and parking:

www.citizensadvice.org.uk/housing/problems-where-you-live/problems-in-your-local-environment

Noise nuisances can be reported to the local council online via the Government portal:

www.gov.uk/report-noise-pollution-to-council, and dog fouling at: www.gov.uk/report-dog-fouling

2.5 Public Spaces Protection Order

The Public Spaces Protection Order (PSPO) is a new power which allows councils to place restrictions or impose conditions on activities which people can carry out in a designated area. They are designed to deal with issues identified in problem areas which are having a detrimental impact on the quality of life in a community.

A PSPO is issued by a local authority on consultation with the police and the owner or occupier of the land, if appropriate. A PSPO can apply over any public place (see section 2.1 for the definition of a public place) and can prohibit any activity if the council is satisfied, on reasonable grounds, that the activities:

A PSPO may last for up to three years before requiring renewal.

- have had, or are likely to have, a detrimental effect on the quality of life of those in the locality;
- are likely to be persistent in nature;
- are unreasonable; and
- justify the restrictions imposed.

The local authority issuing the order must also consult with any relevant community representatives, such as a residents association, and should try to seek the views of those living or working nearby who may be affected by the order.

It is an offence for a person to breach the terms of a PSPO for which an enforcement officer (police constable, PCSO, council officer or other authorised person) may issue a Fixed Penalty Notice. It is not an offence if the breach relates to drinking alcohol, however it is an offence not to cease drinking or surrender alcohol when requested to do so by a police constable or other authorised person.

Box 9: PSPOs in practice – some recent examples

PSPOs are designed to be broad in scope so they may be used by the local authority to deal with a wide range of anti-social behaviours: they could be used in a particular area to prohibit people from drinking alcohol, or require people to walk their dogs on leads. Some recent examples of their use are:

- A PSPO has been used to ban people from taking legal highs in Lincoln city centre.¹⁰
- Hackney council has a PSPO to target begging, drinking alcohol, urinating or defecating, and loitering and causing intimidation to others in anti-social behaviour 'hotspots'.¹¹
- Dover District Council has made a PSPO in relation to dog control to address issues such as dog fouling, keeping dogs on leads and excluding dogs from certain areas.¹²

The use of the PSPO has not been without controversy with some campaigners complaining that the new power can be used to make virtually any activity illegal.¹³ Councils using PSPOs to deal with problems of rough sleeping have proved a source of particular controversy.¹⁴

¹⁰ City of Lincoln Council, 'Legal highs' ban, www.lincoln.gov.uk/home/legal-highs-ban/124105.article, [accessed 31st July 2015].

¹¹ Hackney Council, www.hackney.gov.uk/safer-communities-crime-community-safety.htm, [accessed 31st July 2015].

¹² Dover District Council, www.dover.gov.uk/Environment/Environmental-Crime/Public-Spaces-Protection-Order/Public-Spaces-Protection-Order.aspx, [accessed 31st July 2015].

¹³ BBC News, *Council ban legislation creating 'bizarre' laws, campaigners say*, 30th March 2015.

¹⁴ Guardian, *Hackney council in east London drops threat to fine rough sleepers*, 5th June 2015

2.6 Closure Powers

A new power to temporarily close premises, contained in [Part 4\(3\)](#) of the Act, is designed to offer a fast, flexible response to nuisance or disorder. There are two stages to the power: a closure notice and a closure order. The closure notice can be issued by either the police or a local authority without the need to go to a court. After a closure notice has been issued, an application must be made to a magistrate's court for a closure order, unless the notice is cancelled.¹⁵

This new power replaces a combination of powers which authorised the police, local authorities or courts to deal with residential, business or licensed premises which were associated with nuisance and disorder, noise or other anti-social behaviour, or drug use.¹⁶

Closure Notice

A closure notice may be issued by the council or a police officer (of at least the rank of Inspector), if they reasonably believe that there has been, or is likely soon to be, nuisance or disorder near or in association with the use of a particular premises.

A closure notice can be issued for a maximum of 24 hours, unless the authorising officer is of at least the rank of Superintendent or signed by the chief executive officer of the local authority, in which case it can be issued for, or extended to, a total of 48 hours.

Closure Order

The police or local authority may subsequently make an application to the magistrates' court for a closure order to be issued. Closure orders can be issued for a period of up to six months. The court can issue a closure order if they are satisfied that:

- A person has engaged, or is likely to engage, in disorderly, offensive or criminal behaviour on a premises; or
- There has been, or is likely to be, serious nuisance or disorder near or associated with the use of a premises, and an order is necessary to prevent it from continuing.

In considering whether to issue a closure notice or order, the issuing authority should consult with the victim. Victims should be kept informed as to any outcome or decision.

As a civil order, hearsay evidence is admissible: it may not be necessary for a victim to give evidence in court or for information to be supplied about those consulted with before an order is made.

Box 10: Prohibitions, Enforcement and Offences

Closure notices and orders restrict access to the premises for a specified period of time. Notices cannot prevent access by those habitually resident or the owner of a premises; orders can prohibit all access.

A person authorised under a closure order may enter the premises or secure it against entry.

Breaching a closure notice or order is an offence with the maximum penalty of an unlimited fine and/or three months imprisonment for a notice and six months for an order.

The Act also makes it an offence to obstruct a police officer or person acting on behalf of a local authority who is serving a notice, entering a premises or securing it from entry.

¹⁵ Home Office, *Anti-Social Behaviour, Crime and Policing Act: Reform of anti-social behaviour powers; statutory guidance for frontline professionals*, July 2014, pp. 53-57.

¹⁶ Home Office, *Community Protection Notice, Community Protection Order and Community Trigger impact assessment*, p. 24.

3. Community Action

A core aim of the reforms made under the *Anti-Social Behaviour, Crime and Policing Act 2014* was to empower local communities and give them a greater involvement in deciding how anti-social behaviour should be dealt with.¹⁷

Many of the new powers (as outlined in section 2 above) require local authorities, the police or social landlords to consult with interested parties when deciding to take action, and in all cases it is strongly recommended that discussions are held with victims and local residents in order to understand what outcome they wish for and which power would be most appropriate.

The new Act contains two ways for the community and victims to have a direct input in the way that anti-social behaviour is dealt with:

3.1 Community Trigger

The Community Trigger is a means for a victim of anti-social behaviour to demand action in relation to a local problem, particularly in situations where they feel the relevant authorities have failed to adequately respond.

Essentially, the Community Trigger is a means by which a victim of anti-social behaviour can escalate their complaint and have their case reviewed, subject to a certain threshold being met. The threshold is set locally, but it must not be higher than three complaints of anti-social behaviour within six months.

If a victim requests activation of the Community Trigger and the threshold is met, a case review will be undertaken by the agencies with a statutory duty:

- Local authority
- Police force
- Clinical Commissioning Groups / Local Health Boards
- Registered social housing providers

A case review will consider the complaints, look at what action has already been taken and consider the persistence or harm caused by the anti-social behaviour. The agencies can then decide on what action needs to be taken and produce an action plan with specific timescales in discussion with the victim.

Information on how to activate the Community Trigger is available from the local council or police force and can often be applied for online.

The Community Trigger may be activated by another person on behalf of a victim, for example a friend, carer, councillor or MP.

¹⁷ Home Office, *Anti-Social Behaviour, Crime and Policing Act: Reform of anti-social behaviour powers; statutory guidance for frontline professionals*, July 2014, pp. 1-2.

3.2 Community Remedy

The Community Remedy is a form of out-of-court restorative justice to give victims of low level crime and anti-social behaviour a say in the punishment of offenders.

A Police and Crime Commissioner, in consultation with the local community and the chief constable, must produce a Community Remedy document which has a list of actions which constitute an appropriate punishment in cases of minor crime and anti-social behaviour.

If a person has committed a minor crime or been involved in anti-social behaviour, admits that they have done so and agrees to participate, the investigating officer may use the Community Remedy instead of pursuing the matter in court. If they are in agreement, victims of the crime or anti-social behaviour will be invited to choose which resolution from the Community Remedy document they wish to be used.

If the offender subsequently fails to comply with the Community Remedy, they may face court action for the original offence.

A Community Remedy is entirely voluntary – the victims need not be involved if they do not wish to be.

Box 11: Community Remedy – Possible Resolutions

The resolutions listed in the Community Remedy must be agreed between the PCC and chief constable on consultation with the local community. The resolutions must be appropriate and proportionate, and aim to have a positive impact on the offender. A resolution must be:

- Punitive;
- Reparative;
- Rehabilitative; or
- A combination of the three.

The range of possible resolutions is not specified in the legislation, but the statutory guidance suggests the following may be appropriate:¹⁸

- Mediation (in a neighbour dispute. for example).
- A written or verbal apology.
- An Acceptable Behaviour Contract (where the perpetrator agrees not to behave in an anti-social manner in the future).
- Restorative justice activities.
- Financial reparation for damage or theft.
- Take part in a PCC funded scheme to educate or rehabilitate, in an effort to reduce crime.
- Community reparation (taking part in local unpaid or voluntary work).

¹⁸ Home Office, *Anti-Social Behaviour, Crime and Policing Act: Reform of anti-social behaviour powers; statutory guidance for frontline professionals*, July 2014, p. 13.

4. Housing-related Anti-Social Behaviour

Local authorities have had powers to take action against disruptive tenants since the *Housing Act 1996*. Under the *Anti-Social Behaviour Act 2003*, these powers were extended to registered providers of social housing and strengthened with the introduction of the Anti-Social Behaviour Injunction (ASBI).

The *Anti-Social Behaviour, Crime and Policing Act 2014* has repealed the legislation relating to the ASBI (although those currently in force remain valid). Instead several of the new powers extend to local authorities and social landlords as well as the police.

4.1 Injunctions to Prevent Nuisance and Annoyance

The direct successor to the ASBI is the new Injunction to Prevent Nuisance and Annoyance (IPNA). The process in relation to injunctions for non-housing related anti-social behaviour has already been outlined above in section 2.2. Applications to the court for a housing-related IPNA to be issued are available to providers of social housing as well as the police or local authorities in the case of the private-rented sector or owner-occupiers.

IPNAs for housing-related anti-social behaviour work in exactly the same way as those for non-housing, with the slight exception that to issue an IPNA the court must be satisfied that:

- an individual's behaviour must be capable of causing a nuisance or annoyance to a person in relation to their continued occupation of the premises; or
- an individual's conduct is capable of causing a housing-related nuisance or annoyance to any person.

In extreme cases, an IPNA may be used to exclude a perpetrator from their home if the court thinks that their behaviour includes, or threatens violence against others or there is a significant risk of harm.

The injunction is applied for against the perpetrator of housing-related anti-social behaviour; this means the person against whom it applies needn't necessarily be a tenant of the social landlord.

4.2 Other Powers

A combination of the new powers (outlined in section 2 above) may be used by the police or local authority to tackle housing-related anti-social behaviour. The powers relating to anti-social behaviour contained within the new Act are not directly available to social landlords, but with a greater emphasis on inter-agency working, social landlords may be expected to work more closely with the police and local authority for a combined approach in dealing with anti-social behaviour.

Box 12: Further Information

Further detail on housing-related anti-social behaviour may be found in the following House of Commons Library Briefing Papers:

- Wilson, W., *Anti-social behaviour in private housing (England)*, SN01012, 16th June 2015
- Wilson, W., *Anti-social behaviour in social housing (England)*, SN00264, 3rd March 2015

5. Further Reading

5.1 Legislation

Environmental Protection Act 1990 c. 43

Housing Act 1996 c. 52

Crime and Disorder Act 1998 c. 37

Anti-Social Behaviour Act 2003 c. 38

Anti-social Behaviour, Crime and Policing Act 2014 c.12

5.2 Government Documents

Explanatory Notes: *Anti-social Behaviour, Crime and Policing Bill* [HC], Bill 7 of 2013-14

Home Office, *Anti-social Behaviour, Crime and Policing Act 2014: Reform of anti-social behaviour powers; statutory guidance for frontline professionals*, July 2014

Home Office Policy Paper, *Anti-social Behaviour, Crime and Policing Act: anti-social behaviour*, [collected documents] from www.gov.uk/government/publications/anti-social-behaviour-crime-and-policing-bill-anti-social-behaviour

5.3 House of Commons Library Briefings

Ares, E., *Dangerous Dogs*, Commons Library Briefing Paper SN04348, 24th June 2015

Gay, O., *Anti-Social Behaviour – new provisions*, Commons Library Briefing Paper SN06950, 25th February 2015

Priestley, S. *et al.*, *Litter*, Commons Library Briefing Paper SN06984, 2nd July 2015

Wilson, W., *Anti-social behaviour in private housing (England)*, Commons Library Briefing Paper SN01012, 16th June 2015

Wilson, W., *Anti-social behaviour in social housing (England)*, Commons Library Briefing Paper SN00264, 3rd March 2015

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