



Anti-Social Behaviour Crime & Policing Act 2014

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Background Information

- The Anti-Social Behaviour Crime & Policing Act 2014 received Royal Assent on 13th March 2014 and will begin to take effect from 20th October 2014.
- The Act replaces nineteen pre-existing measures with six new measures for tackling anti-social behaviour and providing protection for victims and communities.
- The community trigger and community remedy will empower victims and communities, giving them a greater say in how agencies respond to complaints of anti-social behaviour and out-of-court sanctions for offenders



New Powers

- Civil Injunctions
- Criminal Behaviour Order
- Dispersal Power
- Community Protection Notice
- Public Spaces Protection Order
- Closure Power Notice and Order
- Community Remedy
- Community Trigger



Civil Injunctions

- Recently the Home Office have said that the Civil Injunction power will not be available to use until 15 Jan 2015. This is due to changes to the civil legal aid system and amendments needing to be made to the Legal Aid, Sentencing & Punishment of Offenders Act 2012. Anti-Social Behaviour Orders can continue to be used until the Civil Injunction can be enforced.
- To stop or prevent individuals engaging in anti-social behaviour.
- It is a civil order for anyone over the age of 10yrs old. A civil rather than criminal standard of proof is required – it is awarded on balance of probabilities that the person has engaged or is threatening to engage in behaviour capable of causing nuisance and annoyance
- Can prohibit individuals from engaging in certain behaviour and can require them to engage in positive interventions
- Applicants – Local Authority, Social landlords, Police, Transport for London, Environment Agency, NHS Protect
- Power of arrest can be applied
- Can be fixed or indefinite period for adults but can be a maximum of 12 months for under 18s



Criminal Behaviour Orders

- 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 also engaged in criminal activity
- The court must be satisfied beyond reasonable doubt that they have engaged in behaviour that has caused or likely to cause harassment, alarm or distress and that the Order will help prevent them from engaging in such behaviour.
- The applicant can only be Prosecution in the criminal case (usually CPS) but can apply for a Criminal Behaviour Order at the request of the Police or Council who would then become responsible for the cost of the Criminal Behaviour Order
- The anti-social behaviour does not need to be part of the criminal offence the individual are in court for.
- Will prohibit individuals from engaging in certain behaviour and can also require them to engage in positive interventions
- Can be fixed for a period of not less than 2 years or for an indefinite period



Dispersal Power

- The dispersal power is a flexible power which the police can use in a range of situations to disperse anti-social individuals and provide immediate short-term respite to a local community. The Council is not able to use this power
- There is no statutory requirement to consult the local council with the new dispersal power, but the authorising officer may consider doing so in some circumstances.
- Must specify the area to which it relates and can determine the time and the route to leave the area by
- Can confiscate any item that could be used to commit anti-social behaviour, crime or disorder
- Use in a specified locality must be authorised by a police inspector and can last for up to 48 hours
- A direction can be given to anyone who is, or appears to be, over the age of 10



Dispersal Power continued

- A person who is under 16 and given a direction can be taken home or to a place of safety. The community should be considered before using the dispersal power
- Breach is a criminal offence
- Failure to comply with a direction to leave: up to a level 4 fine and/or up to three months in prison although under 18s cannot be imprisoned
- Failure to hand over items: up to a level 2 fine (£1000)



Community Protection Notice

- To stop a person, business or organisation committing anti-social behaviour which spoils the community's quality of life
- Behaviour has to have a detrimental effect on the quality of life in the locality, be of a persistent or continuing nature and be unreasonable
- Imposes requirements to stop doing specified things, requirements to do specified things and a requirement to take reasonable steps to achieve specified results
- Written warning has to be issued informing the perpetrator of the behaviour, requesting them to stop and the consequences of continuing
- Council Officers, Police Officers, PCSOs, if they have delegated powers and social landlords



Public Spaces Protection Order

- Designed to stop individuals or groups committing anti-social behaviour in a public space
- Behaviour has to have a detrimental effect on the quality of life in the locality, be of a persistent or continuing nature and be unreasonable
- Restrictions and requirements set by the council after consultation with Police, PCC and other relevant bodies
- Can be blanket restrictions/requirements or targeted against certain behaviours/times
- Can be enforced by Police Officer, Council Officers and PCSOs, if they have delegated powers
- Breach is a criminal offence
- The maximum duration of a PSPO is 3 years so they can be shorter. They can also be varied if other problems are faced in the area during that time.



Closure Notice & Order

- **Closure Notice**
- To allow the Police or Council to quickly close premises which are being used, or likely to be used, to commit nuisance or disorder
- To be used if the following has occurred or will occur if power not used – nuisance to the public or disorder near premises
- Last for up to 48 hours
- Can be served out of court but cannot prevent owner or occupants accessing premises
- **Closure Order**
- To allow the Police or Council to quickly close premises which are being used, or likely to be used, to commit nuisance or disorder
- To be used if the following has occurred or will occur if power not used – disorderly, offensive or criminal behaviour, serious nuisance to the public or disorder near the premises
- Needs to be applied for through the courts after Notice has been served
- Can close a premise for up to 6 months and can restrict all access



Community Remedy

- The Police and Crime Commissioner (PCC) has recently consulted with members of the public, community groups and local authorities on the options to be included in a community remedy menu.
- The PCC needs to have the community remedy document in place by October 2014 and the findings from the consultation will support the development of the final proposals to be agreed between the PCC and Chief Constable.
- The Act requires each local policing body (and therefore not the Council) to prepare a community remedy document for its area with a list of actions to be carried out by a person who has:
 - engaged in anti-social behaviour or has committed an offence; and
 - is to be dealt with for that behaviour or offence without court proceedings



Community Remedy continued

- The community remedy document will be used by the police as part of the existing process for delivering community resolutions
- It is proposed that this will give victims of low-level crime and anti-social behaviour a say in the punishment of perpetrators out of court
- The community remedy may also be used by the police when a conditional caution or youth conditional caution is given, as a means of consulting the victim about the possible conditions to be attached to the caution



Community Trigger

- **Home Office Guidance states** - To be defined by the local agencies but not more than: 3 complaints in the previous 6 month period. May also take account of: The persistence of the anti-social behaviour; the harm or potential harm caused by the anti-social behaviour; the adequacy of response to the anti-social behaviour.
- The Act also enables the public to request a review of the actions taken to deal with anti-social behaviour complaints, referred to as the Community Trigger. Government has conducted various pilots around the Country to test how differing criteria would be activated and how the review process would work in practice.
- The decision is left to all local authorities to decide what the criteria for their area will be and how the review process will take place



Community Trigger continued

- In Kent, it is being adopted as one policy, but with adaptation to local needs
- The application for the trigger will be considered by the Community Safety Unit at its daily tasking meeting to decide whether or not the trigger threshold has been met at which point the Community Trigger application will be validated and a review will be initiated.
- If the Community Trigger has not been met, there will be a full reply whether by letter or e-mail, which will list all the incidents that were reported and the actions that have been taken by the partner agencies and how to report future community safety incidents.
- If the Community Trigger is met a review will be initiated, partners and agencies that form part of the case review will be share relevant information in a timely fashion. If information is not provided this will be recorded as part of the review findings.



Community Trigger continued

- The process from beginning to end will last no longer than 25 working days and the applicant will be contacted and notified as appropriate during this time
- There will be a final review after 6 months, by which point any actions set as part of a plan created by the recommendations and findings will need to be completed. This will be communicated to the resident and the case closed if no further action is required.
- If the applicant requests a secondary review of the way their application for a Community Trigger was dealt with or are not satisfied with the way their Community Trigger review was carried out then the borough/district council will initiate an independent panel to conduct a second stage review.
- A review panel made up of senior members of the Community Safety Partnership together with an elected District Council Member who could be the Portfolio Holder for Housing and Community Safety or a deputy



Thank you

