

## Anti-Social Behaviour, Crime and Policing Act 2014

## Outline of the new powers

New Power	Old Powers	Test	Details
Civil Injunction	<ul style="list-style-type: none"> <li>▪ Anti-social Behaviour Order (ASBO) on application</li> <li>▪ Anti-Social Behaviour Injunction (ASBI)</li> <li>▪ Drinking Banning Order (DBO) on application</li> <li>▪ Individual Support Order (ISO)</li> <li>▪ Intervention Order</li> </ul>	<ul style="list-style-type: none"> <li>• On the balance of probabilities;</li> <li>• Behaviour likely to cause harassment, alarm or distress (non-housing related anti-social behaviour); or</li> <li>• Conduct capable of causing nuisance or annoyance (housing-related anti-social behaviour); and</li> <li>• Just and convenient to grant the injunction to prevent anti-social behaviour.</li> </ul>	<ul style="list-style-type: none"> <li>• Civil order in County Court or High Court for over 18s and Youth Court for 10-17yr olds</li> <li>• Positive requirements can be included aimed at getting the perpetrator to address the underlying causes of their anti-social behaviour</li> <li>• Local councils, social landlords, police (including BTP), Transport for London, Environment Agency &amp; NHS Protect can apply</li> <li>• Breach is not a criminal offence</li> </ul>
Criminal Behaviour Order (CBO)	<ul style="list-style-type: none"> <li>▪ Anti-Social Behaviour Order on conviction (CRASBO)</li> <li>▪ DBO</li> </ul>	<ul style="list-style-type: none"> <li>• If the court is satisfied beyond reasonable doubt that the offender has engaged in behaviour that has caused or likely to cause harassment, alarm or distress to any person; and</li> <li>• The court considers that making the order will help prevent the offender from engaging in such behaviour.</li> </ul>	<ul style="list-style-type: none"> <li>• Issued by any criminal court for any criminal offence</li> <li>• Crown Prosecution Service (CPS) is most likely to be the applicant whether through their own initiative or following a request from the police or council</li> <li>• Breach is criminal offence and must be proved to a criminal standard of proof, that is, beyond reasonable doubt</li> <li>• The ASB does not have to relate to the criminal offence being dealt with but maybe linked as a cause/effect</li> <li>• Consultation requirement with Youth</li> </ul>

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Dispersal Power (Police power)	<ul style="list-style-type: none"> <li>▪ Dispersal Order</li> <li>▪ Direction to leave</li> </ul>	<ul style="list-style-type: none"> <li>• Contributing or likely to contribute to members of the public in the locality being harassed, alarmed or distressed (or the occurrence of crime and disorder); and</li> <li>• Direction necessary to remove or reduce the likelihood of the anti-social behaviour, crime and disorder.</li> </ul>	<p>Offending Teams for under 18s</p> <ul style="list-style-type: none"> <li>• Powers for Police Officers in uniform and PCSOs if designated by the Chief Constable</li> <li>• Dispersal for up to 48 hours within a specified area</li> <li>• Under 16s can be returned home or taken to a place of safety</li> <li>• Powers to confiscate any item that could be used to commit ASB, crime or disorder</li> <li>• Breach is a criminal offence</li> </ul>
Community Protection Notice (CPN)	<ul style="list-style-type: none"> <li>▪ Litter clearing notice</li> <li>▪ Street litter control notice</li> <li>▪ Defacement removal notice</li> </ul>	<p>Behaviour has to:-</p> <ul style="list-style-type: none"> <li>• Have a detrimental effect on the quality of life of those in the locality;</li> <li>• Be of a persistent or continuing nature; and</li> <li>• Be unreasonable</li> </ul>	<ul style="list-style-type: none"> <li>• Applies to individuals aged 16 and over, organisations &amp; businesses</li> <li>• Council officers, police officers, PCSOs (if designated) &amp; social landlords (if designated by the council) can issue them</li> <li>• CPN follows a written warning when behaviour persists</li> <li>• Breach is a criminal offence</li> </ul>
Public Spaces Protection Orders (PSPO)	<ul style="list-style-type: none"> <li>▪ Designated Public Place Order (DPPO)</li> <li>▪ Gating Order</li> <li>▪ Dog control Order</li> </ul>	<p>Behaviour being restricted by the order has to:-</p> <ul style="list-style-type: none"> <li>• Be having, or be likely to have, a detrimental effect on the quality of life of those in the locality;</li> <li>• Be persistent or continuing in nature; and</li> <li>• Be unreasonable.</li> </ul>	<ul style="list-style-type: none"> <li>• Council makes a PSPO after consultation with the police, P&amp;CC and other relevant bodies (In East Northamptonshire these have usually been requested by Town and Parish Councils but made by ENC.)</li> <li>• Can be enforced by police officers, PCSOs &amp; council officers</li> <li>• Breach is a criminal offence</li> <li>• Will replace any existing DPPOs &amp; need to be renewed after 3 years</li> <li>• Order must be published in accordance with regulations (usually by notice in local</li> </ul>

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Closure Power	<ul style="list-style-type: none"> <li>▪ Premises Closure Order</li> <li>▪ Crack house closure Order</li> <li>▪ Noisy Premises Closure Order</li> <li>▪ S161 Closure Order</li> </ul>	<p>The following has occurred, or will occur, if the closure power is not used:-</p> <p>Closure notice (up to 48 hours)</p> <ul style="list-style-type: none"> <li>• Nuisance to the public; or</li> <li>• Disorder near those premises.</li> </ul> <p>Closure order (up to 6 months)</p> <ul style="list-style-type: none"> <li>• Disorderly, offensive or criminal behaviour;</li> <li>• Serious nuisance to the public; or</li> <li>• Disorder near the premises.</li> </ul>	<p>paper)</p> <ul style="list-style-type: none"> <li>• Police and Council can move quickly to close premises which are being used, or likely to be used, to commit nuisance or disorder.</li> <li>• Closure notice - up to 48hrs (can be issued by ENC)</li> <li>• Closure Order - up to 3 months in first instance, can be extended to six months (Both require Magistrates approval).</li> <li>• Breach is a criminal offence</li> </ul>
Absolute Ground for Possession (social and private landlord power)	NEW POWER	<p>The tenant, a member of the tenant's household, or a person visiting the property has met one of the following conditions:-</p> <ul style="list-style-type: none"> <li>• Convicted of a serious offence (specified in Schedule 2A to the Housing Act 1985);</li> <li>• Found by a court to have breached a civil injunction;</li> <li>• Convicted for breaching a Criminal Behaviour Order (CBO);</li> <li>• Convicted for breaching a noise abatement notice; or</li> <li>• The tenant's property has been closed for more than 48 hours under a closure order for ASB</li> </ul>	<ul style="list-style-type: none"> <li>• Social landlords and private sector landlords can apply</li> <li>• Can apply to the tenant, a member of the tenant's household or a person visiting the property</li> <li>• Grounds include: <ul style="list-style-type: none"> <li>i. Convicted of a serious offence</li> <li>ii. Found by a court to have breached a civil injunction</li> <li>iii. Convicted for breaching a CBO</li> <li>iv. Convicted for breaching a noise abatement notice</li> <li>v. Tenant's property has been closed for more than 48hrs under a closure order for ASB</li> </ul> </li> </ul>