

APPENDIX 2

1. **Civil Injunction** A quick remedy to stop or prevent individuals engaging in ASB

Available to: Local councils; Social landlords; Police (including British Transport Police); Transport for London; Environment Agency and Natural Resources Wales; and NHS Protect and NHS Protect (Wales)

Injunction will include prohibitions and should also include positive requirements to get the perpetrator to address the underlying causes of their anti-social behaviour.

Test: On the balance of probabilities:

Penalty: Breach of the injunction is not a criminal offence, but breach must be proved to the criminal standard. Over 18s - civil contempt of court with unlimited fine or up to two years in prison; Under 18s: supervision order or, as a very last resort, a civil detention order of up to three months for 14-17 year olds.

2. **Criminal Behaviour Order (CBO)** 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.

Available to: The prosecution, in most cases the Crown Prosecution Service (CPS), either at its own initiative or following a request from the police or council.

Order will include prohibitions to stop the anti-social behaviour but it can also include positive requirements to get the offender to address the underlying causes of the offender's behaviour.

Penalty (on breach): Breach of the order is a criminal offence and must be proved to a criminal standard of proof, that is, beyond reasonable doubt. For under 18s on summary conviction: up to six months imprisonment or a fine or both; for over 18s on conviction on indictment: up to five years imprisonment or a fine or both;

3. **Community Protection Notice (CPN)** To stop a person aged 16 or over, business or organisation committing anti-social behaviour, which spoils the community's quality of life.

Available to (issue the CPN): Council officers; Police officers; Police community support officers (PCSOs) if designated; and Social landlords (if designated by the council).

Test (behaviour has to): have a detrimental effect on the quality of life of those in the locality; be of a persistent or continuing nature and unreasonable

4. **Public Spaces Protection Order (PSPO)** Designed to stop individuals or groups committing anti-social behaviour in a public space.

ASB, Crime & Policing Act 2014 Tools Summarised

Available to: Councils issue a public spaces protection order (PSPO) after consultation with the police, Police and Crime Commissioner and other relevant bodies.

Test Behaviour being restricted has to: have a detrimental effect on the quality of life of those in the locality; be of a persistent or continuing nature and unreasonable

Restrictions and requirements set by the council; These can be blanket restrictions or requirements or can be targeted against certain behaviours by certain groups at certain times; Can restrict access to public spaces (including certain types of highway) where that route is being used to commit anti-social behaviour; Can be enforced by a police officer, police community support officers and council officers.

Penalty (on breach): Breach is a criminal offence; Enforcement officers can issue a fixed penalty notice of up to £100 if appropriate; A fine of up to level 3 on prosecution.

5. Closure Power To allow the police or council to quickly close premises which are being used, or likely to be used, to commit nuisance or disorder.

Available to: Local council; Police.

Test: The following has occurred, or will occur, if the closure power is not used:

- Closure notice up to 48 hours - nuisance to the public; or disorder near those premises.
- Closure order (up to six months) - disorderly, offensive or criminal behaviour; serious nuisance to the public; or disorder near the premises.

Penalty (on breach): Breach is a criminal offence; Notice: Up to three months in prison; Order: Up to six months in prison; Both: Up to an unlimited fine for residential and non-residential premises.

6. Dispersal Powers: Requires a person committing or likely to commit anti-social behaviour, crime or disorder to leave an area for up to 48hrs.

Available to: Police officers in uniform and Police Community Support Officers (if designated the power by their chief constable).

Test: 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 direction necessary to remove or reduce the likelihood of the anti-social behaviour, crime or disorder.

Penalty (on breach): 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.

Details:

- No requirement to consult council
- Must specify the area to which it relates and can determine the time and the route to leave 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;

ASB, Crime & Policing Act 2014 Tools Summarised

- A person who is under 16 and given a direction can be taken home or to a place of safety.
- The direction must be given in writing, unless that is not reasonably practicable.

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