



## BRIEFING PAPER

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# Tackling anti-social behaviour

By Jennifer Brown  
Georgina Sturge

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2. Who is responsible for tackling anti-social behaviour?
3. Anti-social behaviour powers
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## Summary

The information in this research briefing relates to England and Wales only

Anti-social behaviour (ASB) encompasses a wide range of behaviours that cause nuisance and harm to others. Local authorities, the police and social landlords share responsibility for tackling ASB at a local level. These public bodies have a range of powers, set out in Parts 1 to 4 of the [Anti-social Behaviour, Crime and Policing Act 2014](#), to tackle ASB. Local public services may tackle ASB with informal remedies.

### ASB powers

Parts 1 to 4 of the [Anti-social Behaviour, Crime and Policing Act 2014](#) provide six ASB powers to local public services. These powers (summarised in the table below) are a consolidation of nineteen that existed prior to the 2014 Act. Taken together, they provide a broader enforcement regime than in the past in which local agencies have stronger powers they can use in more circumstances.

	Power	Effect	Relevant authority	Sanction on breach
People	ASB civil injunctions	Individuals (aged ten and older) conducting anti-social behaviour can be issued with an ASB injunction which prohibits them from certain activities and/or requires them to attend rehabilitative activities.	Police Local authorities Social landlords Transport for London & Transport for Greater Manchester The Environment Agency & Natural Resources Wales NHS Protect	A "contempt of court" punishable by up to 2 years in prison.
	Criminal Behaviour Orders	Individuals with a criminal conviction can have a CBO attached to their sentence if they have behaved anti-socially. CBOs can place prohibitions or requirements on an offender designed to address their anti-social behaviour.	The courts (upon application from the prosecution)	Criminal offence punishable by up to five years in prison (if tried at a Crown Court)
	Community Protection Notices	Adults or businesses responsible for environmental issues which have diminished the 'quality of life of those in the locality' can be required to remedy the problem.	Police Local authorities	Criminal offence punishable by Fixed Penalty Notice. Remedial action.
Place	Public Space Protection Orders	Specific activities can be prohibited in a designated area.	Local authorities (in consultation with the police)	Criminal offence punishable by Fixed Penalty Notice.
	Dispersal Powers	Individuals (aged ten or older) conducting anti-social behaviour in a public space can be directed to leave that specified area for up to 48 hours. Their property can be confiscated if they are using it to conduct ASB.	Police	Criminal offence punishable by up to 3 months in prison.
	Closure Powers	Access to a building associated with ASB can be restricted for up to 48 hours (for those other than the residents). The courts can extend the restriction for up to 6 months. Extensions approved by the courts can apply to residents.	Police Local authorities	Criminal offence punishable by up to 3/6 months in prison (depending on the circumstance).

There are no centrally collated and published statistics on the use of these powers. Without robust data, it is hard to assess how these powers are being used and what impact this is having on ASB.

Civil rights groups have expressed concern that these powers are being used to criminalise vulnerable groups such as homeless people and young adults. There has been particular concern at the inappropriate use of Public Space Protection Orders. In December 2017 the

Government revised its statutory guidance to frontline professionals on the powers in order to emphasise that they should not be used to target “behaviour that is neither unlawful nor antisocial.”

### Putting the victim first?

The 2014 Act also provides two mechanisms which aim to empower ASB victims and involve them in the response to ASB. These are:

- **Community resolutions:** A form of ‘out of court disposal’ in which victims are provided an opportunity to influence how their perpetrator is punished.
- **The Community Trigger:** A mechanism by which victims (or those close to them) can request that the relevant authority review how their ASB case was handled.

These mechanisms are key to the Government’s priority to put the ‘victim at the heart of the response to ASB’. Despite this emphasis, the Victims Commissioner said in April 2019 that victims of ASB were ‘being let down’ by local public services who were not adequately prioritising ASB. The Victims Commissioner and the charity *ASB Help* have called on the Government to provide more oversight on how local public services are running their Community Trigger schemes.

# 1. What is anti-social behaviour?

Anti-social behaviour (ASB) encompasses criminal and nuisance behaviour that causes distress to others. Typical examples include: noisy neighbours, vandalism, graffiti, public drunkenness, littering, fly tipping and street drug dealing.<sup>1</sup>

How we define ASB and what behaviours we consider to be “anti-social” is often contentious. For example, begging, prostitution and loitering youths are often treated as ASB issues. For some, this is detrimental to the wellbeing of vulnerable people.

## 1.1 Legal definition

ASB has two legal definitions depending on where it takes place:

- ASB that occurs within a **housing context** is defined as behaviour that causes or is likely to cause “**nuisance or annoyance**”.<sup>2</sup>
- ASB that occurs in **public spaces** is defined as behaviour that causes or is likely to cause “**harassment, alarm or distress**”.<sup>3</sup>

Both definitions rely heavily on the impact of the behaviour rather than the details of the actual behaviour. A wide variety of behaviour can be defined as ‘anti-social’ if it has a negative impact on others.

### Nuisance or annoyance

‘Nuisance’ is an established term in civil law which is closely associated with neighbour disputes. It is used to describe behaviour on private property that negatively impacts neighbours.<sup>4</sup> For example, playing loud music or growing plants over a property boundary. Those affected by “nuisance” behaviour can bring civil proceedings against their neighbour. These proceedings can result in the awarding of damages.<sup>5</sup>

### Harassment, alarm or distress

‘Harassment, alarm or distress’ is a legal phrase that has been associated with ASB since the late 1990s.<sup>6</sup> The phrase is borrowed from public order legislation. Under [section 5](#) of the *Public Order Act 1986* it is a criminal offence to cause “harassment, alarm or distress” by using “threatening or abusive words or behaviour”.<sup>7</sup>

The Coalition Government tried, through the [Anti-social Behaviour, Crime and Police Bill 2013](#), to define all ASB (no matter where it takes place) as behaviour causing “nuisance or annoyance”.<sup>8</sup> However, following opposition from civil rights groups and some in the House of Lords, the term ‘harassment, alarm or distress’ was retained as a

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<sup>1</sup> Victim support, [Antisocial behaviour](#), [last accessed 7 April 2020]

<sup>2</sup> s2(1)(b)(c), *Anti-social Behaviour, Crime and Policing Act 2014*

<sup>3</sup> s2(1)(a), *Anti-social Behaviour, Crime and Policing Act 2014*

<sup>4</sup> Thomas Reuters Practical Law: [Glossary: Nuisance](#),

<sup>5</sup> Ibid

<sup>6</sup> [s1\(1\)](#), *Crime and Disorder Act 1998* [as enacted]

<sup>7</sup> [s5](#), *Public Order Act 1986*

<sup>8</sup> Clause 1(2), [Anti-social Behaviour, Crime and Police Bill](#)



definition of anti-social behaviour in the public space in the eventual Act. Lord Deer (the Peer who tabled the successful amendments to the Bill) argued that ‘nuisance and annoyance’ was “altogether more imprecise” than ‘harassment, alarm and distress’ and that using it to provide a definition of public anti-social behaviour would “open the door to uncertainty, confusion and legal injustice.”<sup>9</sup>

## 1.2 Criminality and anti-social behaviour

ASB occupies the space where criminal and civil law overlap. The legal definitions of ASB use concepts from both civil and criminal law. Much of what we consider to be anti-social could be covered by criminal law but there are also civil remedies used to address it.

An array of criminal offences could apply to anti-social behaviour; graffiti could constitute criminal damage under [section 1](#) of the *Criminal Damage Act 1971*, fly-tipping is an offence under [section 33](#) of the *Environmental Protection Act 1990* and being “drunk and disorderly” is an offence under [section 91](#) of the *Criminal Justice Act 1967*. These offences can be sanctioned with an ‘out of court disposal’.<sup>10</sup> However, it can sometimes be difficult or undesirable to dispose of low level anti-social behaviour through the courts. This is either because the **burden of proof** cannot be reached, or because it will not be in the **public interest** to do so. Therefore, civil or informal remedies are often favoured above criminal sanctions.

### Burden of proof

The courts must be satisfied *beyond any reasonable doubt* that an individual committed an offence to convict them of a crime. However, to seek a civil remedy, like applying an [injunction](#), the burden of proof is lower. To apply a civil remedy the court needs to be satisfied that on the *balance of probabilities* the individual concerned behaved anti-socially.

### Public interest test

The police and the Crown Prosecution Service (CPS) may find that it is not in the public interest to pursue a criminal justice outcome for those who commit ASB. This is in part because ASB can be addressed through civil remedies which require a lower burden of proof. It is also because the police and CPS must direct their resource to offending that causes the most harm. They may decide it is more efficient and effective to resolve low harm ASB outside the criminal justice system.

## 1.3 Scale of anti-social behaviour

There are two main measures of the scale of anti-social behaviour:

- **The Crime Survey of England & Wales (CSEW)** provides information about people’s experiences and perceptions of anti-social behaviour.

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<sup>9</sup> HLDeb, [Anti-social Behaviour, Crime and Police Bill Report \(1<sup>st</sup> Day\)](#), 8 January 2014, c1513

<sup>10</sup> See: House of Commons Library, [Introduction to police powers](#), section 4.2

- **Police data** provides information about the incidents they record as anti-social behaviour.

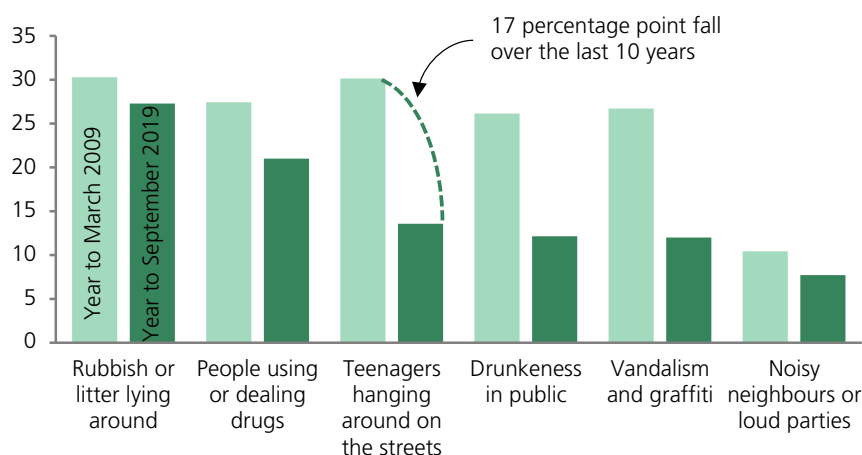
Both datasets have data quality issues which make it difficult to estimate the true scale of anti-social behaviour in England & Wales.

## Crime Survey of England & Wales

According to the CSEW, around **39% of people personally experienced anti-social behaviour** in their local area between October 2018 and September 2019.<sup>11</sup> This was an increase from the year before but the Office for National Statistics (ONS) has said changes in how the survey questions were asked contributed to the increase.<sup>12</sup>

The CSEW showed a marked decrease in people's perceptions of anti-social behaviour as a "very big" or "fairly big" problem over the past ten years. Overall, 7% of people thought that "high level anti-social behaviour" was a very/ fairly big problem between October 2018 and September 2019. This is down by almost ten percentage points from ten years ago (from 16% between April 2008 and March 2009).

### Percentage of people saying there is a very/fairly big problem with anti-social behaviour



## Police data

Police data also shows a decrease in anti-social behaviour over the last ten years. However, it is not clear how much of this decrease can be attributed to police recording practices. The ONS say these figures should be treated with caution because improvements in police crime recording could mean that incidents that would have previously been recorded as 'anti-social behaviour' are now being recorded as crime.<sup>13</sup>

English and Welsh **police forces recorded 1.4 million incidents of anti-social behaviour between April 2018 and March 2019**. This was down from 3.7 million between April 2008 and March 2009.<sup>14</sup>

<sup>11</sup> ONS, [Crime in England and Wales: year ending September 2019](#), October 2019, table F12a

<sup>12</sup> Ibid

<sup>13</sup> ONS, [Crime in England and Wales: year ending June 2019](#), October 2019 (see section 12)

<sup>14</sup> ONS, [Crime in England and Wales: year ending June 2019, October 2019](#), Figure F1. **Note:** this data excludes British Transport Police figures.



## 2. Who is responsible for tackling anti-social behaviour?

Typically, local authorities and the police lead on tackling anti-social behaviour. However, many public, private and social organisations work to prevent and respond to ASB.

There is a legal framework to encourage public sector bodies to work together to tackle ASB (which differs slightly in England and Wales). There have been long-standing concerns that this framework is not as effective as it could be.

### 2.1 National policy making

The Home Office is responsible for making and implementing policies to tackle ASB across England and Wales. It convenes the 'National Anti-social Behaviour Strategic Board' which "keeps under review" the legislative framework for tackling ASB in England and Wales.<sup>15</sup> It is also responsible for issuing statutory guidance on powers available to public bodies to tackle ASB.

The Ministry of Housing, Communities & Local Government (MHCLG) does not have direct responsibility for tackling anti-social behaviour but does have responsibility for several policy areas which are closely related. For example, MHCLG is responsible for policies to tackle rough sleeping, the Government's [Troubled Families Programme](#), Local Government funding and the regulation of social landlords.

### Devolution in Wales

In Wales, ASB powers are a reserved issue for the UK Government.<sup>16</sup> This means the UK Government, not the Welsh Government, is responsible for legislating for powers to tackle ASB. However, since the causes of ASB relate to many aspects of public policy which are devolved in Wales, in practice the Welsh Government has developed its own policies preventing and reducing ASB.

### 2.2 Local policy making

The police and local authorities have a range of ASB powers they can use to tackle ASB (described in [section 3](#) of this research briefing). Local authorities can choose how they use these powers. Police and Crime Commissioners (PCCs) hold their Chief Constable to account for their use of their powers. In addition to their formal ASB powers, local authorities and PCCs have other responsibilities and powers related to tackling ASB. [Anti-social behaviour powers](#)

### Local Authorities

Local authorities are responsible for the delivery of a range of public services in their area including social services, neighbourhood services (like parks and libraries), some aspects of education, transport and

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<sup>15</sup> [PQ1003, Antisocial Behaviour](#), answered on 25 October 2019

<sup>16</sup> [Schedule 1](#), section B6, *Wales Act 2017*

housing. They are legally obliged, through [section 17](#) of the *Crime and Disorder Act 1998*, to consider how they can prevent antisocial behaviour (and other crime) through their delivery of these services. Local authorities may do so by making spending and planning decisions. For example, they may invest in CCTV, street lightening and youth service provision.

### Police and Crime Commissioners

Police and Crime Commissioners are directly elected politicians who oversee most police forces in England and Wales.<sup>17</sup> PCCs set the annual budget for their local force and monitor its delivery of police services.

PCCs set their policing agenda for their area through a five-year 'police and crime plan'.<sup>18</sup> Many PCCs chose to prioritise ASB in their police and crime plans. For example, the former PCC for Northumbria, Vera Baird who is now the Victim's Commissioner for England and Wales, set up ASB Volunteer Network to provide extra support to vulnerable victims.<sup>19</sup> Surrey's PCC, David Munro, has emphasized the importance of neighbourhood policing teams to "address the root causes of crime" and tackle the issues which "blight local communities".<sup>20</sup>

PCCs are responsible for publishing a 'community remedy document' for their police force area. 'Community remedy documents' provide a list of actions (community resolutions) those who commit ASB might undertake as punishment/ retribution. The police should consult the victim on which of the available resolutions may be appropriate in their case. Community resolutions are discussed further in [section 3.8](#) of this briefing.

## 2.3 Multi-agency working

### Community Safety Partnerships

[Sections 5 through 7](#) of the *Crime and Disorder Act 1998* require local authorities, police forces, probation services, fire and rescue authorities and local health services in England and Wales to work together in [Community Safety Partnerships](#) (CSPs). There are just under 400 CSPs in England and Wales. Some local partners have merged with their neighbours to create CSPs that cross local authority boundaries.<sup>21</sup>

CSPs must conduct an annual 'strategic assessment' of crime and ASB in their area. They must use their assessment to formulate and implement a strategy to address local crime and disorder.<sup>22</sup> These strategies must specifically address how the CSP will respond to ASB.<sup>23</sup> CSPs in England

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<sup>17</sup> Note: See section 1.2 of the Library research briefing [Policing in the UK](#) for further details.

<sup>18</sup> [Chapter 3, Police Reform and Social Responsibility Act 2011](#)

<sup>19</sup> Office of the PCC for Northumbria, [Police and crime plan 2017-2021](#), 2017, , p15

<sup>20</sup> Office of the PCC for Surrey, Police and crime plan 2017-2021: [Tackling crime and keeping surrey safe](#) [last accessed 9/4/2020]

<sup>21</sup> Home Office, [Community Safety Partnerships contact details](#), 10 April 2012

<sup>22</sup> r5-7 and r10-11, [The Crime and Disorder \(Formulation and Implementation of Strategy\) Regulations 2007](#)

<sup>23</sup> s6(1)(a), *Crime and Disorder Act 1998*

must work with their local PCC by sharing their strategies with them and meeting them when requested.<sup>24</sup>

### Are CSPs working?

There have been longstanding concerns that some CSPs are ineffective at preventing crime and ASB. In 2006, the Labour Government conducted a review of the 1998 Act. They identified that some CSPs “were performing evidently better than others”.<sup>25</sup> In response, the Labour Government amended the statutory functions of CSPs and introduced regulations which prescribe how they should function.<sup>26</sup>

In March 2010, the Home Affairs Select Committee found that strong leadership was a key feature of high performing CSPs. The Committee questioned what the Government was doing to improve the leadership of CSPs in “under-achieving areas”.<sup>27</sup>

In May 2018, the Local Government Association (LGA) published findings of their review of the role of councils in providing community safety services. The LGA raised several specific concerns with the operation of CSPs. The LGA found that<sup>28</sup>:

- **the relationship between some CSPs and their PCCs was stifling progress.** Particularly, in areas where the CSP strategy did not align with the PCC’s police and crime plan.
- **CSPs had struggled to work within a complex framework for multi-agency partnership.** CSPs are not the only multi-agency partnership related to tackling ASB and crime. Local safeguarding boards, Health and Wellbeing Boards and Criminal Justice Boards all work in this area. Some CSPs were struggling to define their role within the system.
- **That CSPs had not been able to overcome existing barriers to joined up working.** The public services that sit on CSPs rarely share the same service areas. This can make coordination difficult.

In July 2019, the Theresa May Government recognised that “Community Safety Partnerships are stronger in some areas than others”.<sup>29</sup> They proposed reforms, which the Boris Johnson Government have continued to support, to widen the statutory functions of CSPs. The Johnson Government committed to a *Serious Violence Bill* in the December 2019 Queen’s Speech. This Bill would make CSPs responsible

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<sup>24</sup> Home Office, [Police and Crime Commissioners and Community Safety Partnerships](#), undated

<sup>25</sup> HM Govt, [Explanatory Memorandum to the Crime and Disorder \(formulation and implementation of strategy\) Regulations 2007 and the Crime and Disorder \(prescribed information\) Regulations 2007](#), para 7.1

<sup>26</sup> Ibid, para 3.2 see also: [Schedule 9, Police and Justice Act 2006](#) and [The Crime and Disorder \(Formulation and Implementation of Strategy\) Regulations 2007](#)

<sup>27</sup> Home Affairs Select Committee, *The Government’s Approach to Crime Prevention*, Para 150

<sup>28</sup> Local Government Association, [LGA review of the future of community safety services](#), May 2018, p9-11

<sup>29</sup> Home Office, [Consultation on a new legal duty to support a multi-agency approach to preventing and tackling serious violence: Government response](#), July 2019, para 26

for early interventions to address serious violent crime in addition to their existing responsibilities.<sup>30</sup>

### Public Services Boards in Wales

In Wales, the [Future Generations \(Wales\) Act 2015](#) requires local authorities, local health boards, fire and rescue authorities and [Natural Resources Wales](#) to work together on local [Public Services Boards](#) (PSBs). The Boards are required to invite the local Chief Constable, PCC, probation service and voluntary organisations to participate in their activities. They must also seek advice from “other partners” such as Higher Education providers and cultural institutions where appropriate.

Under the 2015 Act, PSBs are required to:

- Assess the state of economic, social, environmental and cultural well-being of its area; and,
- Set local objectives to improve local well-being and maximise their contribution to the Welsh national [‘Well-being Goals’](#).

PSBs do this by publishing ‘Well-being Plans’ for their area.

Some PSBs choose to discuss tackling ASB in their plans. For example, Cardiff’s [Well-being Plan 2018-2023](#) describes a ‘locality working’ approach to building a safe community. Cardiff proposes joining up public services, co-locating them and introducing joint systems and cultures to help prevent crime and ASB. Neath Port Talbot, like other PSBs in Wales, have taken an ‘asset-based approach’ to solving problems in their [Well-being Plan 2018-2023](#). The approach seeks to utilise community ‘assets’ (organisations, services and spaces) to develop and respond to problems like ASB. South Wales Police is taking a lead role delivering Neath Port Talbot’s PSB’s objective to create a safe, confident and resilient community.

In 2018, a year after the 2015 Act came into force, the Auditor General for Wales and the Future Generations Commissioner published reports on its implementation. Both were positive about the potential for the Act to change behaviours and cultures in the public sector. However, both acknowledged that more time was needed to allow public bodies to adapt to its provisions.<sup>31</sup>

## 2.4 Neighbourhood policing teams

‘Neighbourhood policing’ is a policing tactic in which police forces build relationships with their community so that they can work together to combat crime, including ASB.<sup>32</sup> The role of police community support officers (PCSOs) was designed to be provide a specialist resource for neighbourhood and local policing. Regular police officers can also specialise in neighbourhood policing.

The College of Policing has issued [Neighbourhood policing guidelines](#) designed to support forces to implement effective neighbourhood

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<sup>30</sup> HM Govt, [The Queen’s Speech 2019](#), p69

<sup>31</sup> Auditor General for Wales, [Reflecting on Year One: How Have Public Bodies Responded to the Well-being of Future Generations \(Wales\) Act 2015?](#), 2018; Future Generations Commissioner for Wales, [Well-being in Wales: the journey so far Future Generations Commissioner for Wales](#), May 2018

<sup>32</sup> College of Policing, [Neighbourhood policing guidelines](#), October 2018, p3

policing services in their area. Neighbourhood policing differs across the country depending on the approach taken by local forces. However, where neighbourhood policing teams exist, they typically conduct the following activities:

- Hold meetings with local people (sometimes called neighbourhood surgeries or 'beat meetings') in which local issues are discussed.<sup>33</sup>
- Map crime and ASB in their area so they can target interventions and focus their efforts on the people and places most at risk.<sup>34</sup>
- Work with schools, voluntary organisations and other public services to deliver interventions aimed at preventing crime and ASB.<sup>35</sup>
- Co-ordinate the use of [ASB powers](#) in partnership with their local authority.<sup>36</sup>

Her Majesty's Inspectorate of Constabulary & Fire and Rescue Services (HMICFRS) have raised concerns that neighbourhood policing in England & Wales is being eroded. In 2016 they criticised dwindling resources for neighbourhood policing teams and a lack of a consistent approach to tackling local problems across the country.<sup>37</sup> In May 2019 they raised concerns that, owing to demand, PCSOs were too often being taken off neighbourhood work to do immediate work elsewhere.<sup>38</sup>

However, the Police Foundation (a policing thinktank) have been more positive about the state of neighbourhood policing in the UK. They outlined a set of principles for delivering "sustainable, preventative, integrated and publicly connected local policing services for the future."<sup>39</sup> The Police Foundation has identified good practice in Yorkshire, where they say their principles are being implemented, as proof that neighbourhood policing can be delivered effectively within current resource constraints.<sup>40</sup>

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<sup>33</sup> College of Policing, [Neighbourhood policing guidelines: supporting material for frontline officers, staff and volunteers](#), p5

<sup>34</sup> College of Policing, [Neighbourhood policing guidelines: supporting material for frontline officers, staff and volunteers](#), p19-20

<sup>35</sup> Ibid, p15

<sup>36</sup> Ibid

<sup>37</sup> HMIC, [State of Policing The Annual Assessment of Policing in England and Wales 2016 Her Majesty's Chief Inspector of Constabulary](#), p27

<sup>38</sup> HMICFRS, [PEEL spotlight report A system under pressure: Emerging themes from the first group of 2018/19 PEEL inspections](#), p12-13

<sup>39</sup> The Police Foundation, [The future of neighbourhood policing](#), May 2018, section 9.4

<sup>40</sup> The Police Foundation, [So this is modern neighbourhood policing](#), October 2018

### 3. Anti-social behaviour powers

Parts 1-4 of the [Anti-social Behaviour, Crime and Policing Act 2014](#) sets out six anti-social behaviour enforcement powers. These powers (summarised in the table below) are a consolidation of nineteen that existed prior to the 2014 Act. Taken together, they provide a broader enforcement regime than in the past in which local agencies have stronger powers they can use in more circumstances.

The Home Office has published [statutory guidance to frontline practitioners on the use of their anti-social behaviour powers](#). The guidance emphasises the importance of using ASB powers to provide a “proportionate response” to ASB without “impacting adversely on behaviour that is neither unlawful nor antisocial.”

	Power	Effect	Relevant authority	Sanction on breach
People	ASB civil injunctions	Individuals (aged ten and older) conducting anti-social behaviour can be issued with an ASB injunction which prohibits them from certain activities and/or requires them to attend rehabilitative activities.	Police Local authorities Social landlords Transport for London & Transport for Greater Manchester The Environment Agency & Natural Resources Wales NHS Protect	A “contempt of court” punishable by up to 2 years in prison.
	Criminal Behaviour Orders	Individuals with a criminal conviction can have a CBO attached to their sentence if they have behaved anti-socially. CBOs can place prohibitions or requirements on an offender designed to address their anti-social behaviour.	The courts (upon application from the prosecution)	Criminal offence punishable by up to five years in prison (if tried at a Crown Court)
	Community Protection Notices	Adults or businesses responsible for environmental issues which have diminished the ‘quality of life of those in the locality’ can be required to remedy the problem.	Police Local authorities	Criminal offence punishable by Fixed Penalty Notice. Remedial action.
Place	Public Space Protection Orders	Specific activities can be prohibited in a designated area.	Local authorities (in consultation with the police)	Criminal offence punishable by Fixed Penalty Notice.
	Dispersal Powers	Individuals (aged ten or older) conducting anti-social behaviour in a public space can be directed to leave that specified area for up to 48 hours. Their property can be confiscated if they are using it to conduct ASB.	Police	Criminal offence punishable by up to 3 months in prison.
	Closure Powers	Access to a building associated with ASB can be restricted for up to 48 hours (for those other than the residents). The courts can extend the restriction for up to 6 months. Extensions approved by the courts can apply to residents.	Police Local authorities	Criminal offence punishable by up to 3/6 months in prison (depending on the circumstance).

#### 3.1 Background

##### ASB powers under Labour

Between 1997 and 2010 successive Labour Governments introduced measures designed to combat anti-social behaviour. Labour developed a system for combating ASB that included a range of enforcement measures to redress individual behaviour, prevent the (re)occurrence of ASB and manage community problems.

As the first decade of the 2000s came to an end, some in the Labour Government began to criticise the existing ASB enforcement powers.<sup>41</sup> However, there was not a public debate on fundamental reform of the powers. As late as July 2009, the Labour Government was announcing reforms designed to strengthen existing enforcement measures rather than replace them.<sup>42</sup>

<sup>41</sup> *The Guardian*, [Every Asbo a failure, says Balls, in break with Blair era on crime](#), July 2007

<sup>42</sup> *The Guardian*, [Alan Johnson pledges to revive antisocial behaviour orders to tackle intimidation and harassment](#), July 2009



At the 2010 General Election, neither the Conservatives nor the Liberal Democrats were pledging to fundamentally reform ASB powers. The Liberal Democrat 2010 manifesto pledged to introduce 'Neighbourhood Justice Panels' to empower communities to tackle ASB.<sup>43</sup> The Conservative Manifesto "recognised the need for criminal sanctions like ASBOs" and pledged to "introduce a series of early intervention measures... to allow the police to use instant sanctions to deal with anti-social behaviour".<sup>44</sup> However, by the time the parties signed the 2010 Coalition Agreement, they both pledged to "introduce effective measures to tackle anti-social behaviour and low-level crime".<sup>45</sup>

## Coalition Government proposals

In February 2011, the Coalition Government opened a consultation on their plans to reform the anti-social behaviour powers available to the police, local authorities and social landlords.<sup>46</sup> The then Government responded to this consultation in a May 2012 White Paper [Putting victims first: More effective responses to anti-social behaviour](#). The White Paper set out an ambition to create a flexible system of powers which would allow local actors to develop their own approach to ASB. It was hoped that such a system would put the needs of victims first, tackle ASB faster and provide respite to communities affected by ASB.

The Coalition Government committed to facilitate pre-legislative scrutiny of a draft Bill before introducing legislation to Parliament.<sup>47</sup> The Home Affairs Select Committee published [scrutiny](#) of the Government's [Draft Anti-Social Behaviour Bill](#) in February 2013.<sup>48</sup> Whilst this pre-legislative scrutiny process resulted in some changes, the relevant provisions in the eventual [Anti-social Behaviour, Policing and Crime Bill 2013](#) presented to Parliament in May 2013 reflected much of what was in the February 2011 consultation document.<sup>49</sup>

The Bill was designed to:

- **replace the Anti-social Behaviour Order (ASBO)** and its related orders with measures that more effectively addressed the anti-social behaviour of individuals.
- **consolidate the nineteen existing ASB enforcement powers** into fewer more flexible measures.
- create mechanisms for **victims to be more involved in the response to ASB.**

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<sup>43</sup> The Liberal Democrats. [Manifesto 2010](#), p74-75

<sup>44</sup> The Conservative Party, [The Conservative Party Manifesto 2010: Invitation to join the government of Britain](#), p56

<sup>45</sup> HM Govt, [The Coalition: our programme for government](#), May 2010, p24

<sup>46</sup> Home Office, [More effective responses to anti-social behaviour](#), February 2011

<sup>47</sup> Home Office, [Putting victims first: More effective responses to anti-social behaviour](#), Cm 8367, May 2012, para 3.4

<sup>48</sup> Home Affairs Select Committee, [The draft Anti-social Behaviour Bill: pre-legislative scrutiny](#), 12 February 2013

<sup>49</sup> See: House of Commons Library, [Anti-social Behaviour, Crime and Policing Bill](#), June 2013

## Replacing the ASBO

The Anti-Social Behaviour Order (ASBO) and its related measures were perhaps the most well-known of the ASB enforcement powers introduced by the Labour Governments 1997-2010. The Coalition Government argued they were ineffective. They said the process of issuing an ASBO was slow because the criminal standard of proof was used to determine when it was needed.<sup>50</sup> They were also concerned that the ASBO could not fundamentally address the anti-social behaviour of individuals. They argued that a new measure was needed that could incorporate rehabilitative activities.<sup>51</sup>

In order to address these concerns, they proposed that the ASBO and its related measures should be replaced with a [ASB civil injunction](#) and the [Criminal Behaviour Order \(CBO\)](#) both of which can proscribe 'positive requirements'.

### What was the ASBO?

The ASBO was a civil order that could be applied by the courts to individuals over the age of ten.

Several public bodies (including the police, local councils and social housing providers) could apply for an ASBO to be imposed on an individual. The courts could issue an ASBO to any individual they were satisfied 'beyond reasonable doubt' had behaved in a "manner that caused or was likely to cause harassment, alarm or distress".<sup>52</sup> The courts could also attach an ASBO to a criminal conviction, what was sometimes known as a CRASBO or ASBO on conviction.

Once granted, ASBOs could impose "any conditions necessary" on an individual to prevent anti-social behaviour and applied for at least two years. Breaching an ASBO "without reasonable excuse" was a criminal offence punishable by up to five years in prison.<sup>53</sup>

The Anti-social Behaviour Injunction (ASBI) was the ASBO's purely civil 'cousin'. The ASBI could be applied to anti-social neighbours and breach of an ASBI was a "contempt of court" rather than a criminal offence.<sup>54</sup>

There were two characteristics of the ASBO which made it a unique legal instrument:

- The two-stage process of first applying a civil order which if breached incurred a criminal sanction made it a **hybrid of civil and criminal law**. This hybridity was novel when the ASBO was first introduced in the late 1990s.

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<sup>50</sup> Home Office, [Putting victims first: More effective responses to anti-social behaviour](#), paragraphs 3.8-3.10

<sup>51</sup> Ibid, paragraph 3.11

<sup>52</sup> [Clingham \(formerly C \(a minor\) v Royal Borough of Kensington and Chelsea \(on Appeal from a Divisional Court of the Queen's Bench Division\); Regina v Crown Court at Manchester Ex p McCann \(FC\) and Others \(FC\)](#), October 2002

<sup>53</sup> [Section 1, Crime and Disorder Act 1998](#) [as at April 2010]

<sup>54</sup> [s153A, Housing Act 1996](#) [as at February 2015]

- As it could be applied when behaviour was “likely to cause” harassment, alarm or distress it could be used as **preventative tool** placing sanctions on individuals as a way of preventing harm.

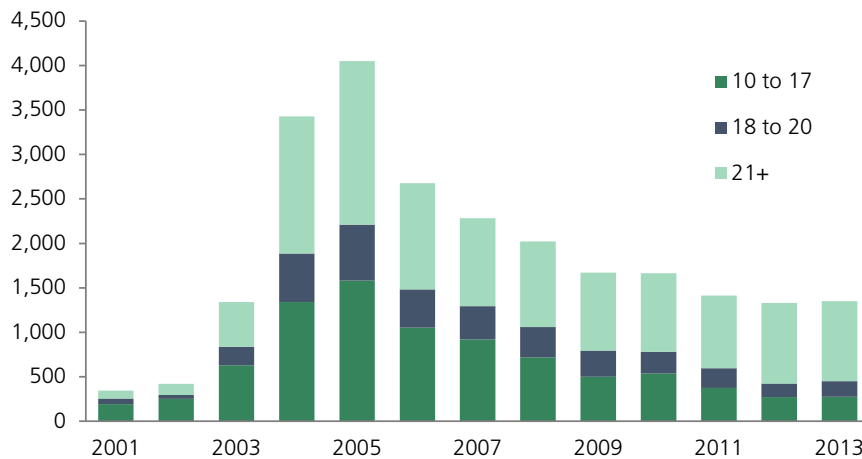
Some legal commentators criticised these characteristics of the ASBO. Its hybridity was criticised because it gave potential for a wide variety of behaviours to be indirectly criminalised.<sup>55</sup> Its preventative use was criticised because (in theory) restrictions could be placed on a person’s liberty without their behaviour having caused any actual harm.<sup>56</sup>

### How often was the ASBO and CRASBO used?

In total 24,427 ASBOs/ CRASBOs were issued between April 1999 and December 2013.<sup>57</sup> The number of ASBOs issued annually peaked in 2005 when 4,122 were issued (2,271 of which were applied on conviction).<sup>58</sup> A frequent criticism of ASBOs was that they were too often issued to children and young people; 52% of all ASBOs/ CRASBOs issued between April 1999 and December 2013 were issued to those under the age of twenty one, 36% were to those under the age of eighteen.<sup>59</sup>

58% of all ASBOs issued between June 2000 and December 2013 were breached at least once. Just over half of these breaches (53%) resulted in a custodial sentence. In total around 7,500 people were imprisoned for breaching their ASBO between June 2000 and December 2013. The average custodial sentence was 5 months.<sup>60</sup>

**Number of ASBOs and CRASBOs issued by age**



Source: Home Office, Anti-social behaviour order statistics: England and Wales 2013, September 2014, table 2

Notes: There were 309 ASBO/ CRASBOs issued between 2001 and 2013 where the age of those being issued them was not recorded which are not included on this graph.

<sup>55</sup> Stavros Demetriou, [From the ASBO to the injunction: a qualitative review of the antisocial behaviour legislation post-2014](#), Public Law April 2019, pages 343-361 [access available to MPs and their staff via the Library’s subscription to Westlaw]

<sup>56</sup> Ibid

<sup>57</sup> Home Office & Ministry of Justice, [Anti-social behaviour order statistics: England and Wales 2013 key findings](#), September 2014

<sup>58</sup> Home Office, [Anti-social behaviour order statistics: England and Wales 2013, September 2014](#), table 1

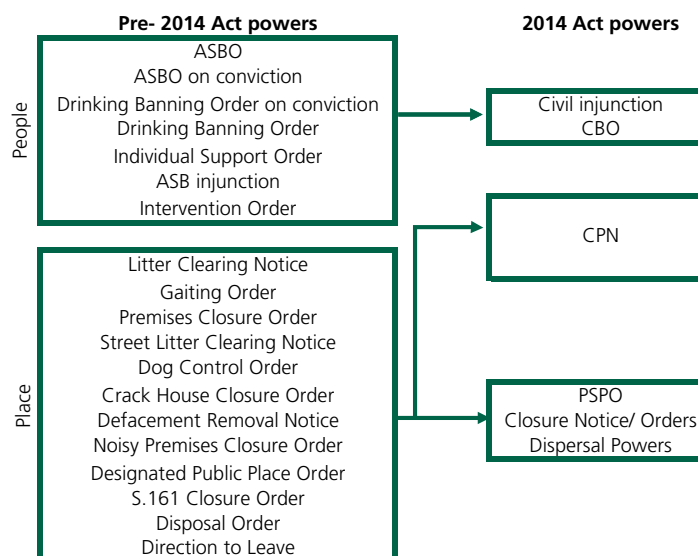
<sup>59</sup> Ibid, table 2

<sup>60</sup> Home Office & Ministry of Justice, [Anti-social behaviour order statistics: England and Wales 2013 key findings](#), September 2014

## Consolidating the powers available to tackle ASB

The Coalition Government were concerned that the powers to tackle anti-social behaviour had become too complex.<sup>61</sup> This meant there was a “specific tool” for “every type of behaviour” and local practitioners were inhibited from designing bespoke responses to community problems.<sup>62</sup>

In order to address these concerns, they proposed the creation of six new powers (including the new [ASB civil injunction](#) and the [Criminal Behaviour Order](#)) to consolidate the nineteen that existed at the time (as visualised). This would provide local practitioners with more flexible “tools” they could use proactively to respond to local problems.<sup>63</sup>



## Passing the 2014 Act

The legislative scrutiny process resulted in some substantial changes to the eventual 2014 Act. The Coalition Government made several concessions (mainly in the House of Lords) that, taken together, provided more protection for the human rights of those accused of anti-social behaviour. The Government supported amendments that<sup>64</sup>:

- **Retained the phrase ‘harassment, alarm and distress’ to define ASB that takes place in public spaces.** This ensured that ASB in public spaces must cause (or threaten to cause) a more severe impact before the powers in the Act can be used than the Government had originally proposed.<sup>65</sup>
- **Required the criminal standard of proof to be used when applying a Criminal Behaviour Order.** This ensured that an order that incurred a criminal sanction on breach could only be applied when the court was satisfied *beyond reasonable doubt* that the offender engaged in anti-social behaviour. A higher standard of proof than the Coalition Government had originally proposed.
- **Required the [European Convention rights](#) of those being dispersed are considered when issuing a dispersal order.** This was designed to prevent the police from using their dispersal powers to disrupt protests and demonstrations.<sup>66</sup> The Coalition

<sup>61</sup> Home Office, [Putting victims first: More effective responses to anti-social behaviour](#), paragraphs 3.17-3.48

<sup>62</sup> Ibid

<sup>63</sup> Ibid

<sup>64</sup> See: House of Common Library, [Anti-social Behaviour Crime and Policing Bill: Lords Amendments](#), February 2014

<sup>65</sup> See [section 1.1](#) of this research briefing for details

<sup>66</sup> HL Deb: [Anti-social Behaviour, Crime and Policing Bill](#), 8 January 2014, [c1595](#)

Government argued throughout the legislative process that dispersal powers were not intended to be used on protestors.

- **Required the Government publish and maintain statutory guidance on the powers in the Act.** This ensures that the Government defines how the powers in the Act should be used proportionately and effectively. It was hoped that guidance would ensure the new powers were used effectively.<sup>67</sup> The statutory guidance has been revised to address concerns that the powers have been used inappropriately. These revisions are discussed in [section 3.5](#) of this research briefing.

## 3.2 ASB civil injunctions

[Part 1](#) of the 2014 Act replaced ASBOs and ASBIs with a new 'ASB civil injunction'. The new ASB civil injunction shares some of the same features as its predecessor the ASBO. Like the ASBO, the new ASB civil injunction involves a two-stage process of applying a civil order which occurs a sanction on breach. As with the ASBO, a variety of public bodies (including local councils, housing providers, the police and environmental agencies) can apply to the courts for a new ASB civil injunction to be applied to anyone aged ten or over.

However, there are two main differences between the ASB civil injunction and the ASBO:

- **Breaching an ASB civil injunction does not constitute a criminal offence.** Instead breach of an ASB civil injunction is a 'contempt of court'. Those found in 'contempt of court' can receive a custodial sentence of up to two years in prison.<sup>68</sup>
- **ASB civil injunctions can require individuals to take part in 'positive requirements'.** Unlike the ASBO, which tended to prohibit activities; the new ASB civil injunctions can prohibit activities and/or require individuals to do something that could help them redress their behaviour (so long as it doesn't interfere with their work or education).<sup>69</sup> For example, ASB civil injunctions can require individuals to attend alcohol awareness classes, dog training classes or mediation sessions with their victim.<sup>70</sup>

Whilst breaching an ASB civil injunction is not a criminal offence, the two-stage process associated with them has retained some hybridity between civil and criminal law. To apply an ASB civil injunction, the courts must be satisfied, on the 'balance of probabilities' (i.e. the civil standard of proof), a person has behaved or is threatening to behave anti-socially.<sup>71</sup> This is a lower standard of proof than applied to the ASBO. The courts must also be satisfied that it is "just and convenient" to issue an injunction to prevent ASB.<sup>72</sup> To find an individual in 'contempt of court' for breaching their ASB civil injunction, the courts

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<sup>67</sup> Ibid, c1587- 1589

<sup>68</sup> Home Office, [Anti-social Behaviour, Crime and Policing Act 2014: Anti-social behaviour powers Statutory guidance for frontline professionals](#), August 2019, p26

<sup>69</sup> s(1)(4), *Anti-social Behaviour, Crime and Policing Act 2014*

<sup>70</sup> Home Office, [Anti-social Behaviour, Crime and Policing Act 2014: Anti-social behaviour powers Statutory guidance for frontline professionals](#), p24

<sup>71</sup> [s1\(2\)](#), *Anti-social Behaviour, Crime and Policing Act 2014*

<sup>72</sup> [s1\(3\)](#), *Anti-social Behaviour, Crime and Policing Act 2014*

must be satisfied 'beyond reasonable doubt' (i.e. the criminal standard of proof) that a breach has occurred.<sup>73</sup> This reflects the severity of the sanction on breach (i.e. a possible custodial sentence).

As breaching an ASB civil injunction is not a criminal offence, those that do so cannot be automatically arrested. However, the courts can attach conditions to injunctions which allows police officers to automatically arrest those they suspect have breached a prohibitive requirement of their injunction. This can only be done in cases involving violence or a significant risk of harm.<sup>74</sup>

Unlike ASBOs, which applied for a minimum duration of two years, adult ASB civil injunctions can apply for any specified period or indefinitely.

### Youth injunctions

Before requesting an ASB civil injunction is issued to a child (someone aged 10-17) the relevant authorities must seek the views of the local [Youth Offending Team](#) (YOT).<sup>75</sup> ASB civil injunctions given to children can only last for a maximum of one year.<sup>76</sup>

## 3.3 Criminal Behaviour Order

[Part 2](#) of the 2014 Act created Criminal Behaviour Orders (CBOs). CBOs are like [ASB civil injunctions](#); they can prohibit or require an individual to do anything that helps them to address their anti-social behaviour.<sup>77</sup> There are two key differences between ASB civil injunctions and CBOs:

- **CBOs can only be issued to those with a criminal conviction.**<sup>78</sup> The courts can attach a CBO to any criminal conviction upon the request of the prosecution.<sup>79</sup> Adult CBOs apply for at least two years once issued (though they can apply indefinitely).<sup>80</sup>
- **Breach of a CBO is a criminal offence.** Offenders who breach the conditions of their CBO "without reasonable excuse" can be imprisoned for up to six months or five years (depending on whether their case is heard in a magistrates or Crown Court).<sup>81</sup>

The court can only apply a CBO to an offender when requested to do so by the prosecution. Typically, the police will raise the possibility of applying a CBO with the prosecution, but sometimes the local authority will approach them.<sup>82</sup> The prosecution can request the court attach a CBO to a conviction without being asked to do so by the police or local authority.

<sup>73</sup> Home Office, [Anti-social Behaviour, Crime and Policing Act 2014: Anti-social behaviour powers Statutory guidance for frontline professionals](#), p24

<sup>74</sup> Home Office, [Anti-social Behaviour, Crime and Policing Act 2014: Anti-social behaviour powers Statutory guidance for frontline professionals](#), p24

<sup>75</sup> [s14, Anti-social Behaviour, Crime and Policing Act 2014](#)

<sup>76</sup> [s1\(6\), Anti-social Behaviour, Crime and Policing Act 2014](#)

<sup>77</sup> [s22\(5\), Anti-social Behaviour, Crime and Policing Act 2014](#)

<sup>78</sup> [s22\(1\), Anti-social Behaviour, Crime and Policing Act 2014](#)

<sup>79</sup> [s22\(7\), Anti-social Behaviour, Crime and Policing Act 2014](#)

<sup>80</sup> [s25\(5\), Anti-social Behaviour, Crime and Policing Act 2014](#)

<sup>81</sup> [s30, Anti-social Behaviour, Crime and Policing Act 2014](#)

<sup>82</sup> CPS, [Criminal Behaviour Orders](#) [last accessed 16 March 2020]



Two conditions must be met for an offender to be issued a CBO. The courts must be satisfied:

- 'beyond reasonable doubt' that the offender "engaged in behaviour that caused or was likely to cause harassment, alarm or distress to any person" (a higher standard of proof than for a ASB civil injunction).<sup>83</sup> This behaviour does not have to be directly connected to their offence.<sup>84</sup>
- that issuing the CBO will be "help" prevent the offender from behaving anti-socially.<sup>85</sup>

Theoretically, these conditions could be met in a wide variety of criminal cases. However, the [statutory guidance for frontline professionals](#) states that CBOs are intended for "tackling the most serious and persistent anti-social offenders".<sup>86</sup> For example, CBOs can be used to disrupt gang activity by prohibiting gang members from associating with each other, requiring they adhere to a curfew, excluding them from specified places and/or preventing them from possessing unregistered mobile phones.<sup>87</sup>

## Youth CBOs

Before requesting that a CBO is issued to a child (someone aged 10-17), the relevant authorities must seek the views of the local [Youth Offending Team](#) (YOT).<sup>88</sup> CBOs given to children can last between one and three years but must be reviewed annually. Reviews are undertaken by the police in cooperation with the local authority.<sup>89</sup> These reviews must consider the extent to which the child is complying with their order, the support the child is receiving to comply with the order and, whether the order could be amended.<sup>90</sup>

## 3.4 Community Protection Notices

[Part 4, Chapter 1](#) of the 2014 Act allows local authorities, police officers and designated social landlords to issue a Community Protection Notice (CPN) to an adult (aged 16 or over), business or organisation whose persistent anti-social behaviour is having a "detrimental effect... on the quality of life of those in the locality".<sup>91</sup>

The phrase 'detrimental effect on the quality of life in the locality' is deliberately broad and can cover a range of ASB. However, the CPN was designed to replace enforcement powers that were previously used to respond to environmental issues (i.e. litter clearing notice and the defacement removal notice). The [statutory guidance to frontline professionals](#) makes repeated references to environmental issues such as

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<sup>83</sup> [s22\(3\)](#), *Anti-social Behaviour, Crime and Policing Act 2014*

<sup>84</sup> Home Office, [Anti-social Behaviour, Crime and Policing Act 2014: Anti-social behaviour powers Statutory guidance for frontline professionals](#), p30

<sup>85</sup> [s22\(4\)](#), *Anti-social Behaviour, Crime and Policing Act 2014*

<sup>86</sup> Home Office, [Anti-social Behaviour, Crime and Policing Act 2014: Anti-social behaviour powers Statutory guidance for frontline professionals](#), August 2019, p30

<sup>87</sup> CPS, [Criminal Behaviour Orders](#) [last accessed 16 March 2020]

<sup>88</sup> Ibid

<sup>89</sup> Ibid

<sup>90</sup> [s28\(3\)](#), *Anti-social Behaviour, Crime and Policing Act 2014*

<sup>91</sup> [Part 4, Chapter 1](#), *Anti-social Behaviour, Crime and Policing Act 2014*

graffiti, Japanese knotweed, loud noise and rubbish when describing how CPNs might be used.

Some environmental issues (like, for example, noise that is prejudicial to health or a nuisance) are a “statutory nuisance” under [section 79](#) the *Environment Protection Act 1990*.<sup>92</sup> In such cases, the issuing body should consider whether powers in the 1990 Act would be a more effective way of resolving the ASB than a CPN.<sup>93</sup>

The CPN has expanded the powers of local agencies to respond to environmental issues because they can be issued in more circumstances and by more agencies than their predecessor enforcement measures.<sup>94</sup>

A CPN can require an individual, business or organisation to stop doing specified things, do specified things or take reasonable steps to achieve a specified result.<sup>95</sup> For example, a CPN may be issued to an individual who has rubbish in their garden requiring them to clear it. Failure to comply with a CPN is a criminal offence and could result in:

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

Some of the past enforcement measures used to respond to environmental issues, for example the defacement removal notice, did not incur a criminal sanction on breach.<sup>96</sup> Now, breach of a CPN can incur a criminal sanction no matter what it was issued for.

Individuals, businesses or organisations can appeal a CPN. Appeals are heard at a magistrate’s court and must be made within 21 days of the CPN being issued.<sup>97</sup>

### 3.5 Public Space Protection Orders

[Part 4, Chapter 2](#) of the 2014 Act introduced Public Space Protection Orders (PSPOs). PSPOs are made by local authorities. They can prohibit any activity associated with ASB in a specified place in order to prevent it from (re)occurring. They can also impose curfews or restrict access to a public right of way (if the right of way is not ‘strategically valuable’). Individuals who fail to comply with a PSPO commit a criminal offence for which police officers can issue a Fixed Penalty Notices. PSPOs have effect for up to three years. They can be extended for three years at a time as many times as the local authority deems necessary.<sup>98</sup>

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<sup>92</sup> See the Library Briefing [Nuisance complaints](#) for more details.

<sup>93</sup> Home Office, [Anti-social Behaviour, Crime and Policing Act 2014: Anti-social behaviour powers Statutory guidance for frontline professionals](#), August 2019, p41

<sup>94</sup> Home Office, [Anti-social Behaviour, Crime and Policing Bill: Fact sheet: Environmental anti-social behaviour \(Part 4\)](#), undated, paragraph 10

<sup>95</sup> s43(3), *Anti-social behaviour, Crime and Policing Act 2014*

<sup>96</sup> s48, *Anti-social behaviour, Crime and Policing Act 2014*

<sup>97</sup> s46, *Anti-social behaviour, Crime and Policing Act 2014*

<sup>98</sup> s60, *Anti-social Behaviour, Crime and Policing Act 2014*

Many local authorities have issued PSPOs to prohibit a wide range of activities. PSPOs which prohibit activities associated with dog fouling, drinking alcohol in public and drug taking are common.<sup>99</sup> Some more unique PSPOs include orders which ban feeding birds, conducting fitness classes and climbing on buildings.<sup>100</sup> Partly because of their wide application, PSPOs have been a particularly controversial ASB enforcement measure.

### When can PSPOs be used?

Under [Part 4, Chapter 2](#) of the 2014 Act two conditions must be met in order for local authorities to issue a PSPO. These conditions are:<sup>101</sup>

- that activities have occurred, or are likely to occur, that have a “detrimental effect on the quality of life of those in the locality”; and,
- that such activities are, or are likely to be, persistent, unreasonable and justify the restrictions imposed by the PSPO.

These conditions give local authorities considerable discretion to determine when to use PSPOs. The phrase “detrimental effect on the quality of life to those in the locality” is deliberately broad. The courts have considered what constitutes “detrimental effect on the quality of life” and what is meant by “those in the locality”. In both [Dulgheriu v Ealing LBC](#) and [Summers v London Borough of Richmond Upon Thames](#) the courts concluded local authorities could prohibit any behaviour they considered to be troublesome to those who regularly use public spaces in their locality.

Local authorities must consult the relevant police force, appropriate community representatives and those that own land in the affected area where reasonable before issuing or amending a PSPO.<sup>102</sup>

Local authorities must consider the European Convention rights of freedom of assembly and expression of those who might be affected before issuing a PSPO.<sup>103</sup> The use of PSPOs to target protestors is discussed in the Library’s research briefing [Policing of protests](#).

### Challenging a PSPO

Those who regularly visit or work in the area in which the PSPO applies can apply to the High Court to have its validity reviewed. They must do so within six weeks of the PSPO being made.<sup>104</sup> This provides a limited scope for PSPOs to be challenged. Only those directly affected by a PSPO can challenge it. Taking a case to the High Court is a costly and

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<sup>99</sup> Note: Many councils have used powers in the 2014 to transition their existing gaiting orders, dog control orders and designated public place orders (which prohibited the public drinking of alcohol) to PSPOs.

<sup>100</sup> Manifesto Club, [PSPOs – The ‘Busybodies’ Charter in 2018](#), April 2019

<sup>101</sup> s59(2) & s59(3), *Anti-social Behaviour, Crime and Policing Act 2014*

<sup>102</sup> s72(3-6), *Anti-social Behaviour, Crime and Policing Act 2014*

<sup>103</sup> s72(1-2), *Anti-social Behaviour, Crime and Policing Act 2014*

<sup>104</sup> s66, *Anti-social Behaviour, Crime and Policing Act 2014*

lengthy process and legal aid may not be available to support a challenge.<sup>105</sup>

### Failure to comply with a PSPO

Individuals who fail to comply with a PSPO commit a criminal offence for which police officers can issue a Fixed Penalty Notice (FPN). FPNs offer those accused of failing to comply with a PSPO the opportunity to avoid criminal proceedings by paying a fine. Those issued with an FPN under the 2014 Act have 14 days in which to pay their fine or face prosecution.<sup>106</sup> The fine is set by the relevant local authority, but it cannot be any more than £100.<sup>107</sup>

### Revisions to the statutory guidance on PSPOs

In December 2017, the Government issued a substantially revised version of their [statutory guidance to frontline professionals](#). This new guidance was issued to address concerns that ASB powers were being

...used to disproportionately target certain groups in some areas rather than focusing on behaviour that is genuinely anti-social and causing others distress or alarm.<sup>108</sup>

There was particular concern that PSPOs were being used to target homeless people, dog owners and young people socialising in public spaces. The current [statutory guidance to frontline professionals](#) emphasises that PSPOs should be “appropriately worded” to target “the specific behaviour or activity that is causing nuisance or harm”.<sup>109</sup> The guidance states that PSPOs should not be used to target homeless people or rough sleeping. It also specifically states that “standing in groups... is not in itself a problem behaviour”.<sup>110</sup>

Despite this revision of guidance there remains concern that PSPOs are still being used to target homeless people. The Library’s research briefing [Rough Sleepers and Anti-Social Behaviour \(England\)](#) discusses this issue in detail.

## 3.6 Dispersal powers

[Part 3](#) of the 2014 Act gives the police the power to disperse those behaving (or likely to behave) anti-socially from a specified public space for up to 48 hours.

Dispersal powers are only available to the police. An officer of at least the rank of Inspector must authorise their use. This authorisation must be given in writing and can only last for 48 hours. Inspectors must be satisfied that dispersal powers are necessary to reduce or remove the likelihood of anti-social behaviour or crime taking place.<sup>111</sup> If practical,

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<sup>105</sup> See: *R. (on the application of Liberty) v Director of Legal Aid Casework*

<sup>106</sup> s68, *Anti-social Behaviour, Crime and Policing Act 2014*

<sup>107</sup> Ibid

<sup>108</sup> Home Office, *New guidance on the use of the Anti-social Behaviour, Crime and Policing Act 2014*, December 2017

<sup>109</sup> Home Office, [Anti-social Behaviour, Crime and Policing Act 2014: Anti-social behaviour powers: Statutory guidance for frontline professionals](#), August 2019, p51

<sup>110</sup> Ibid, p54

<sup>111</sup> s34, *Anti-social Behaviour, Crime and Policing Act 2014*

they should consult the relevant local council or community leaders before making the authorisation.<sup>112</sup>

Once authorised, any police officer can use the powers. Police Community Support Officers (PCSOs) may also be able to use the power if they have been designated to do so by their Chief Constable.<sup>113</sup>

The police can direct anyone (aged ten or older) to leave the specified area for up to 48 hours if:

- They reasonably believe they have contributed to anti-social behaviour or crime; and,
- Their dispersal is necessary to remove or reduce the likelihood of anti-social behaviour or crime.<sup>114</sup>

Failure to comply with a direction to disperse is a criminal offence. Those found guilty can be fined or imprisoned for up to three months.<sup>115</sup>

The police must consider the [European Convention of Human Rights](#) freedoms of expression and assembly when using their dispersal powers.<sup>116</sup> This means that the police should not use their 2014 Act dispersal powers to disrupt protests or demonstrations.<sup>117</sup>

The [statutory guidance for frontline professionals](#) advises that:

restricting an individual's freedom of movement is a serious issue, and accordingly the power should not be invoked lightly.<sup>118</sup>

It says dispersal powers can be used to “provide immediate short-term respite to the local community” suggesting the police work with local councils to find a “sustainable long-term solution” in areas with “regular problems”.<sup>119</sup>

## Confiscation of property

The police also have powers to temporarily confiscate property from those they are dispersing. They can direct individuals to “surrender” anything they reasonably believe can be used for anti-social behaviour (alcohol, spray cans etc). Individuals who have had property confiscated can request that it is returned to them after their dispersal has expired.<sup>120</sup> Failure to comply with a direction to surrender property is an offence. Those found guilty can be fined.<sup>121</sup>

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<sup>112</sup> Home Office, Anti-social Behaviour, [Crime and Policing Act 2014: Anti-social behaviour powers: statutory guidance for frontline professionals](#), August 2019, p34

<sup>113</sup> The Library research briefing Introduction to police powers explains the powers of PCSOs in more detail.

<sup>114</sup> s35, *Anti-social Behaviour, Crime and Policing Act 2014*

<sup>115</sup> s39(1) and s39(2), *Anti-social Behaviour, Crime and Policing Act 2014*

<sup>116</sup> s34(3) and s36(5), *Anti-social Behaviour, Crime and Policing Act 2014*

<sup>117</sup> *Pepper v Hart* note: HL Deb: [Anti-social Behaviour, Crime and Policing Bill](#), 8 January 2014, [c1595](#)

<sup>118</sup> Home Office, Anti-social Behaviour, [Crime and Policing Act 2014: Anti-social behaviour powers: statutory guidance for frontline professionals](#), August 2019, p34

<sup>119</sup> *Ibid*

<sup>120</sup> s37, *Anti-social Behaviour, Crime and Policing Act 2014*

<sup>121</sup> s39(3) and s39(4), *Anti-social Behaviour, Crime and Policing Act 2014*

## 3.7 Closure powers

[Part 4, Chapter 3](#) of the 2014 Act gives the police and local authorities the power to restrict access to buildings associated with anti-social behaviour. The police or local authority can issue a **Closure Notice** which can restrict access to a building for up to 48 hours. They can then request the courts issue a **Closure Order** restricting access for up to six months. A Closure Notice must be issued before a Closure Order.

### Closure Notices

The police and the local authority can issue a Closure Notice on properties they believe:

- have been associated with “nuisance” to members of the public; or,
- have or will likely be associated with future disorder.

This means that the police or a local authority can restrict access to buildings associated with low level ASB but could only use a Closure Notice as preventative measure when they are concerned there could be serious ASB.

A police Inspector or local authority staff member designated by the Chief Executive can issue a closure notice for up to 24 hours. Notices which apply for 48 hours must be approved by a Superintendent or a Local Authority Chief Executive.

Closure Notices can restrict access to anyone who does not own or “habitually live in the property”. There is no appeals process for a Closure Notice and it is a criminal offence to contravene one or obstruct those enforcing it. Offenders can be fined or imprisoned for up to three months.

Before issuing a Closure Notice the police/ local authority must consult anyone they think is appropriate. The [statutory guidance for frontline professionals](#)<sup>122</sup> states that this “should include the victim, but could also include other members of the public that may be affected positively or negatively by the closure”.

### Closure Orders

Once a Closure Notice has been served the police/ local authority can apply to the courts for a Closure Order to be applied to the property. Closure Orders can be issued for up to six months.

To apply a Closure Order the courts must be satisfied that:

- a person has engaged in disorderly, offensive or criminal behaviour at the property;
- that the use of the property has resulted in, or is likely to result in, “serious nuisance”; or,
- that there has been, or will be, disorder at the property.

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<sup>122</sup> Home Office, Anti-social Behaviour, [Crime and Policing Act 2014: Anti-social behaviour powers: statutory guidance for frontline professionals](#), August 2019, p61



Closure Orders, unlike Closure Notices, can restrict those who live in the property from accessing it. Closure Orders can be appealed at a Crown Court.

It is a criminal offence to contravene a Closure Order or obstruct those enforcing it. Offenders can be imprisoned for up to six months or fined.

## 4. Use of anti-social behaviour powers

### 4.1 How often are ASB powers used?

There is no centrally published and accredited data on the use of all ASB powers. Each police force and local authority might have its own records on the use of powers but there is no central authority responsible for collecting and publishing this data at the national level. We therefore do not have an accurate picture of when and how ASB powers are being used or who is being affected by their use across England and Wales.

A request for data on the use of some of ASB powers in 2017, via a Parliamentary Question, did not yield any data:

**Antisocial Behaviour: Written question -**

Q: Asked by Louise Haigh (Sheffield, Heeley), 11 December 2017

To ask the Secretary of State for Justice, how many (a) ASB civil injunctions in relation to anti-social behaviour, (b) Community Protection Notices and (c) Criminal Behaviour Orders have been issued in each financial year from 2010 to date.

A: Answered by Dominic Raab, 14 December 2017

The information requested could only be obtained at disproportionate cost.

This response might suggest that records of the use of these specific powers are not held centrally by the Government and to gather them from individual authorities would be a costly exercise. Parliamentary Questions on dispersal orders and on ASB civil injunctions for anti-social behaviour also suggest that data on the use of these powers are not collated centrally.<sup>123</sup>

### 4.2 Problems with lack of data

The current ASB enforcement regime was designed to give local practitioners considerable discretion on how to use their powers. Without robust data on the use of ASB powers, it is difficult to assess how they are using this discretion.

The lack of quality data makes it difficult to assess whether local public service providers are following the [statutory guidance for frontline professionals](#). For example, the statutory guidance states that CBOs should be used to “tackle the most serious and persistent anti-social offenders”.<sup>124</sup> Without robust data on when and why CBOs have been issued we cannot assess whether they are being consistently used to ‘tackle the most serious and persistent anti-social offenders’.

The lack of data also makes it difficult to assess the effectiveness of the enforcement measures. For example, it is often argued that the use of

<sup>123</sup> [HC266077](#), 18 June 2019; [HC44744](#), 2 September 2016

<sup>124</sup> Home Office, [Anti-social Behaviour, Crime and Policing Act 2014: Anti-social behaviour powers Statutory guidance for frontline professionals](#), August 2019, p30

the dispersal power is likely to displace anti-social behaviour rather than resolve it. Without detailed data on when and where dispersal orders have been used, we cannot assess their impact.

### 4.3 What alternative data is available?

#### Frequency of use of all powers, by police force

Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) has tried to address this accountability gap by collecting and publishing combined figures on the use of ASB powers by individual police forces.<sup>125</sup>

It found that in 2017, on average in England, there were around 250 incidents of ASB powers being used per 1 million inhabitants. There was some variation in the frequency of use across police forces and overall the powers were used less frequently in 2017 than in 2016.<sup>126</sup> Since 2018, HMICFRS has published its annual police effectiveness report in a different way and no longer collects this data.

#### Estimates of use of PSPOs

The campaign group Manifesto Club has gathered some data on the use of PSPOs by local authorities. They have undertaken three rounds of data collection since 2016, which involved sending a request to 347 local authorities under the Freedom of Information Act ('FOI requests'). The findings are summarised in the table below.

The data suggests that the use of PSPOs is becoming more prevalent. On average, there were 15 new PSPOs issued per month across England in 2018, compared with 11 per month in 2016, and 8 per month in 2015.<sup>127</sup> The share of councils issuing PSPOs rose from 24% in the first period to 48% in the most recent one, although some of the increase could be the result of the latter time period being slightly longer.

It is important to note that not all councils responded to the data request. Although the response rate was relatively high, we cannot be sure that those that did respond are representative of all councils.

The response rate was notably lower in the second round of data collection. As such, comparison across time periods should be made with caution.

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<sup>125</sup> HMICFRS, [PEEL: Police effectiveness 2017: a national overview](#). The powers were: the ASB civil injunction, criminal behaviour order, community protection notice, public spaces protection order, closure power, and the dispersal power.

<sup>126</sup> A chart of the force-level figures is on p.42 of the [2017 PEEL report](#). Note that not all police forces provided data

<sup>127</sup> These are rough dates, since the data collection periods spanned more than one year.

## PUBLIC SPACE PROTECTION ORDERS (PSPOs) ISSUED BY COUNCILS IN ENGLAND

Data collected by Manifesto Club

Period	Number of Councils that responded	Number of Councils issuing PSPOs	Number of PSPOs issued	Average Number of PSPOs issued per month
Nov 2014 - Feb 2016	327	79	130	8.1
Mar 2016 - Jul 2017	237	107	189	11.1
Aug 2017 - Jan 2019	308	147	276	15.3

**Source:** Manifesto Club, [PSPOs – The 'Busybodies' Charter' in 2018](#), 19 April 2019. Number of respondents supplied by Manifesto Club on request.

**Notes:** a) These figures were collected by making requests under the Freedom of Information Act to 343 local authorities (councils). In England this includes district councils, county councils for areas for which there is no district council, London borough councils, the Common Council of the City of London (in its capacity as a local authority) and the Council of the Isles of Scilly.

## Prosecutions for breaches of orders

It is a criminal offence to breach a dispersal order, closure order, PSPO or CPN and to fail to comply with the conditions of a CBO.

The Ministry of Justice (MoJ) publishes statistics on prosecutions for breaches of these types of order. It also publishes data on cautions issued for breaches of certain types of order. The table below shows the total number of cautions, prosecutions, and convictions for breaches of these types of order between 2014 and 2018.

## PROSECUTIONS FOR BREACH OF ORDERS RELATED TO ANTI-SOCIAL BEHAVIOUR

England and Wales

	Cautions	Prosecutions	Convictions
Breach of a dispersal order	136	480	340
Breach of a closure order	1,109	3,465	2,734
Breach of a PSPO	No data	1,167	960
Breach of a CBO	8	9,640	8,598
Breach of a CPN	No data	2,551	2,095
Total	.	17,303	14,727

**Source:** Ministry of Justice, Criminal justice statistics quarterly December 2018, 'Outcomes by offence data tool' and 'Principal offence proceedings and outcomes by Home Office offence code data tool'

**Notes:** a) Includes offence categories '142B Remain on / enter premises in contravention of a closure notice or similar direction' and '196 Anti-social Behaviour Act 2003 S.32 - Contravention of direction by constable regarding dispersal of persons aged under 16 to their place of residence' and '66.7 Breach of a criminal behaviour order' from the Outcomes by Offence tool, and 'Fail to comply with a public spaces protection order', 'Fail to comply with a community protection notice' from the Home Office codes tool.

b) These relate to defendants for whom these offences were the principal offences for which they were dealt with. When a defendant has been found guilty of two or more offences it is the offence for which the heaviest penalty is imposed. Where the same disposal is imposed for two or more offences, the offence selected is the offence for which the statutory maximum penalty is the most severe.

## 5. Putting the victim first?

[Part 4, Chapter 6](#) of the *Anti-social Behaviour, Crime and Policing Act 2014* provides for two procedures by which victims can influence how ASB is punished and tackled:

- **Community resolutions:** A form of ‘out of court disposal’ in which victims are provided an opportunity to influence how their perpetrator is punished.
- **The Community Trigger:** A mechanism by which victims (or those close to them) can request that the relevant authority review how their ASB case was handled.

These procedures were designed to put the victim at the heart of the response to ASB. The statutory guidance to frontline professionals emphasises that victims should be “at the heart of the response to anti-social behaviour”. Despite this emphasis, concerns remain that victims are not receiving an adequate response to ASB. In particular, there has been concern that the Community Trigger is not working as it was designed.

In April 2019, the (then) Victims Commissioner, Baroness Newlove, published a review of the response to Anti-social Behaviour in England and Wales. She said that ASB victims were “being let down by police, local councils and housing providers”. She argued that “too often, victims are being passed from one [service] to the other... feeling as if no one is listening”.<sup>128</sup>

### 5.1 Background

The Coalition Government were concerned that local agencies did not adequately focus their response to ASB on the needs the victims. They were concerned that too often victims reported ASB problems without a response. The Coalition Government wanted to empower victims and provide them with an opportunity to influence how ASB is dealt with in their area. They proposed the creation of a mechanism by which victims could require local agencies to review how they were handling their case.

They also wanted the Restorative Justice to play a bigger role in resolving ASB cases, arguing that it helped perpetrators to “face up to the consequences of their actions”.<sup>129</sup> The Coalition Government’s 2013 White Paper [Putting victims first: More effective responses to anti-social behaviour](#) proposed a number of mechanisms, including the use of ‘Community Harm Statements’ and the introduction of Neighbourhood Justice Panels to involve victims in the criminal justice process.<sup>130</sup> The eventual *Anti-social Behaviour, Crime and Policing Bill 2013* presented to Parliament included a new ‘out of court disposal’ mechanism in

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<sup>128</sup> Victims Commissioner, [Anti-Social Behaviour: Living a Nightmare](#), April 2019, pii

<sup>129</sup> Home Office, [Putting victims first: More effective responses to anti-social behaviour](#), paragraphs 2.16

<sup>130</sup> Ibid

which victims are consulted on what their perpetrator could be asked to do to make amends for their ASB.<sup>131</sup>

## 5.2 Community resolutions

The police can use the Community Resolutions (CRs) to resolve any case where they have evidence that a criminal offence was committed or they believe the legal threshold to apply for an ASB civil injunction has been met.<sup>132</sup> CRs are part of a range of 'disposals' the police use to resolve cases outside the courts.<sup>133</sup>

A CR is a contract between perpetrator and the police in which the perpetrator agrees to can carry out an action in order to make amends, be punished or rehabilitate. CRs can only be applied when perpetrators admit they conducted ASB or an offence and agree to the resolution.

Police and Crime Commissioner (PCCs) (or the Mayor's Office in Manchester and London) are responsible for publishing a list of CRs that can be used in their police force area. This is formally known as a 'community remedy document'. 'Community remedy documents' can list any action that would punish, rehabilitate or provide victims/ wider community with reparation.<sup>134</sup> This provides PCCs and Mayors with considerable discretion about what to include in their 'community remedy document'. Community remedy documents typically include verbal apologies, compensation, restorative justice and community service activities amongst their 'menu of community resolutions'.

CRs are designed to give victims a say in how their perpetrator is punished. The police are legally obliged to consult victims wherever possible on whether and how to use CRs.<sup>135</sup> When victims are involved, the police are obligated to ask the perpetrator to undertake their chosen resolution, provided it is appropriate.<sup>136</sup>

CRs are controversial with some in the legal community. The Magistrates Association argue that they will result in inconsistent outcomes for perpetrators and victims and that these inconsistencies may undermine the fairness of the justice system. The Magistrates Association are also concerned that victims may be put at increased risk of repeat victimisation under the scheme.<sup>137</sup>

CRs have become a favoured 'out of court disposal' of the police. The National Police Chiefs Council have endorsed their use and advised forces either CRs or a conditional caution every time they want to dispose a case outside of court.<sup>138</sup> Community resolutions accounted for

<sup>131</sup> c93-95, [Anti-social Behaviour, Crime and Policing Bill](#)

<sup>132</sup> s102(1), *Anti-social Behaviour, Crime and Policing Act 2014*

<sup>133</sup> Note: for more information about 'out of court disposals' see: House of Commons Library, [Introduction to police powers](#), December 2019, section 4

<sup>134</sup> s101, *Anti-social Behaviour, Crime and Policing Act 2014*

<sup>135</sup> s102(3-5), *Anti-social Behaviour, Crime and Policing Act 2014*

<sup>136</sup> s102(4), *Anti-social Behaviour, Crime and Policing Act 2014*

<sup>137</sup> ASB Help, [Community Remedy \(Anti-Social Behaviour, Crime and Policing Act 2014\)](#), [last accessed 14/04/20]

<sup>138</sup> NPCC, [Charging and out of court disposals: A national strategy 2017-2021](#), [last accessed 15 April 2020]



51% of all out of court disposals between August 2018 and September 2019.<sup>139</sup> For more information on community resolutions and out of court disposals see section 4 of the Library's research briefing [Introduction to police powers](#).

## 5.3 Community Trigger

The Community Trigger (sometimes known as the ASB case review) provides a mechanism by which victims (or those close to them) can require local service providers to review the handling of their ASB case. Under [sections 104 and 105](#) of the 2014 Act, local authorities, police forces, clinical commissioning groups and co-opted local social housing providers must agree how they will run their Community Trigger. They must:

- **Set a local threshold at which victims can request a review of their ASB case.** Local service providers are obligated to undertake a review when applicants demonstrate this threshold has been met. The threshold must be no higher than three 'qualifying complaints' (complaints made at least one month after the alleged behaviour and at least six months from when the ASB case review is applied for).<sup>140</sup>
- **Establish and publish arrangements for how ASB case reviews will be undertaken.**<sup>141</sup> Where reviews take place the victim must be informed of the outcome of the review
- **Publish annual data on their ASB case review scheme** including the number of applications, resulting reviews and the details of outcomes.<sup>142</sup> Though which body is required to publish this information is not specified and local publishing arrangements may therefore vary.<sup>143</sup>

### Data on use of the Community Trigger

The charity *ASB Help* attempted to collate data on the use of the ASB case review. They have published findings of data collections they undertook in 2016 and 2019. They have found that, in practice,

Very few [local authorities/ police] have published this information within their pages on anti-social behaviour as a matter of course and many expressed their lack of knowledge that it needed to be published. At the time of writing this report over one quarter of all local authority areas had still not responded to requests for this information made five months previously in March 2016.<sup>144</sup>

*ASB Help* found gathering data on ASB case reviews was a "tortuous process". In 2019 they were able to collate data from 193 local authorities. In 45% of authorities that reported there were no ASB case

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<sup>139</sup> Ministry of Justice, [Criminal Justice System statistics quarterly: September 2019](#), overview tables: table Q1.1

<sup>140</sup> s104(3), *Anti-social Behaviour, Crime and Policing Act 2014*

<sup>141</sup> s104(2), *Anti-social Behaviour, Crime and Policing Act 2014*

<sup>142</sup> s104(9), *Anti-social Behaviour, Crime and Policing Act 2014*

<sup>143</sup> Home Office, [Reform of anti-social behaviour powers: statutory guidance for frontline professionals](#), August 2019, p.11

<sup>144</sup> ASB Help, *The Community Trigger. Empowerment or Bureaucratic Exercise?*,

reviews.<sup>145</sup> In total 509 applications for reviews had been made resulting in 217 ASB case reviews of which 153 led to recommendations.<sup>146</sup>

*ASB Help*'s report includes an Appendix showing the data that they were able to collect, by area. It should also be noted that the threshold for ASB Case Review being activated is set by the relevant bodies in each jurisdiction and that there is no centralised record of these thresholds.

In response to a Parliamentary Question on the enforcement of the requirement to publish data on ASB Case Review, the Government stated that, "It is for the relevant bodies to ensure that they comply with the requirements in the 2014 Act."<sup>147</sup>

Not publishing the required data could leave the relevant bodies open to a judicial challenge for failure to comply with their statutory duty.

### Concerns about the community trigger

*ASB Help* has been critical of how the community trigger is working. They say the Community Trigger scheme is often hard to access because local public services do not provide accessible information on their websites. They reported incidents of local practitioners being unaware of their organisations obligations to conduct ASB case reviews and of case review schemes that do not meet the legal requirements.<sup>148</sup>

*ASB Help* have recommended that the Home Office appoint an officer to take national lead on the Community Trigger. They suggest this officer should have "the power to require local agencies to comply with legislation and would receive the annual required statistics on usage of the Community Trigger".<sup>149</sup>

These concerns were shared by the former Victims Commissioner, Baroness Newlove, who argues that...

...changes to Community Trigger procedures are needed so that they are fair, accessible and transparent. Measurement and monitoring of ASB and the Community Trigger is essential to assessing the effectiveness of ASB legislation and to hold agencies to account. Central Government must oversee ASB and the Community Trigger, holding agencies to account so that victims of ASB receive their entitlements with the consideration and dignity that they deserve.<sup>150</sup>

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<sup>145</sup> ASB Help, [The Community Trigger. Where We Are Today](#), March 2019, p5

<sup>146</sup> Ibid, p8

<sup>147</sup> [HC 264337](#), 13 June 2019

<sup>148</sup> ASB Help, [The Community Trigger. Where We Are Today](#), March 2019

<sup>149</sup> Ibid, p5

<sup>150</sup> Victims Commissioner, [Anti-Social Behaviour: Living a Nightmare](#), p23

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