

Anti-social Behaviour (ASB) Crime & Policing Act 2014 – changes to ASB powers

New powers to tackle anti-social behaviour (ASB) came into force on Monday 20th October 2014.

19 existing powers were streamlined into six new ones, meaning local authorities are able to tackle ASB faster and more effectively. Partner agencies have been working since 2012 to get ready for the changes, which aim to give victims and communities more power to define and respond to ASB.

The new legislation sees the introduction of Criminal Behaviour Orders, Community Protection Notices, Public Space Protection Orders, Closure Powers and Police Dispersal Powers. It also includes the new Community Trigger, giving ASB victims the opportunity to request a multi-agency case review where their report meets a set threshold.

Putting victims first

1.1 Community Trigger

Victims will be able to use the Community Trigger to demand action, starting with a review of their case. Agencies including councils, the police, local health teams and registered providers of social housing will have a duty to undertake a case review when someone requests one and the case meets a locally defined threshold.

The Community Trigger can also be used by any person on behalf of a victim, for example a family member, friend, carer, councillor, Member of Parliament or other professional person. This is intended to ensure that all victims are able to use the Community Trigger. However, the victim's consent should be sought by the person using the Community Trigger on their behalf.

The Community Trigger can be used by a person of any age, and agencies should make it as accessible as possible to all victims.

1.2 Community Remedy

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

More effective powers

1. Civil injunctions

These replace the Anti-Social Behaviour Injunction, Drinking Banning Order on application, Anti-Social Behaviour Order on application, intervention orders and individual support orders. Civil injunctions will include positive requirements to get the individual concerned to deal with the underlying causes of their behaviour. **This power will come into force in 2015.**

2. Criminal Behaviour Order (CBO)

A CBO can be used once an individual has been convicted of a criminal offence. The minimum term is two years and there is no maximum term. Breach is a criminal offence with up to five years in prison for adults, and positive requirements can be included if the court is satisfied they are both suitable and enforceable. CBOs replace Anti-Social Behaviour Orders on conviction and Drinking Banning Orders on conviction.

3. Community Protection Notice (CPN)

A CPN can be issued to deal with a particular problem negatively affecting the community (eg litter, graffiti, noise). A CPN can be issued by Police Officers or authorised staff, including PCSOs, within the local authority.

4. Public Spaces Protection Order (PSPO)

The PSPO provides councils with a flexible power to put into place local restrictions, to address various ASB issues in public places. It covers specific nuisances on that particular space (eg noise, litter).

5. Closure Power

This simplifies existing powers, consolidating four into one. A Closure Notice can be issued for up to 48hrs, and can be followed by a Closure Order which may prohibit access by all persons at all times and in all circumstances.

6. Police Dispersal Powers

This enables Police Officers to require a person whose behaviour has caused, or is likely to cause, harassment, alarm or distress to leave a specified area and not return for a set period of up to 48 hrs.