



Responding effectively to Anti-Social Behaviour in Nottinghamshire

Partnership Agreement and Roles and Responsibilities Protocol

Owner: Nottinghamshire ASB Taskforce

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1. Partnership Agreement

Partner agencies across Nottingham and Nottinghamshire are committed to ensuring that our villages, towns, and city are clean, vibrant, and attractive places in which the people that live, work, and visit them are safe and feel safe.

This agreement has been co-developed by the local statutory agencies with responsibilities for reducing crime, anti-social behaviour (ASB), substance misuse and reoffending, as determined by the Crime and Disorder Act 1998.

It sets out a shared definition of ASB and a common approach to tackling ASB-related issues across Nottingham and Nottinghamshire - underpinned by a national protocol of roles and responsibilities.

The signatories to this agreement are committed to ensuring that:

1. ASB is considered strategically, across Nottingham and Nottinghamshire, giving priority attention to prevention, early intervention and tackling the drivers of ASB
2. Partner agencies work together to tackle ASB, cognisant of their respective roles, responsibilities, powers and resources
3. ASB issues are effectively prioritised on the basis of the impact they have on individuals and communities
4. Residents and communities are made aware of what constitutes ASB, how to report it and what they can expect as a result of doing so
5. Pathways for reporting and triaging ASB cases are clear, accessible and effective, with a view to minimising multiple reporting and misplaced demand
6. Effective processes are in place to assess and manage risk and vulnerability among those reporting or affected by ASB
7. ASB-related data is consistently collected and shared where appropriate to inform profiling, problem solving and case management activity
8. The response to ASB is evidence-led and informed by our knowledge and understanding of 'what works'.

2. Defining Anti-social Behaviour (ASB)

Anti-social behaviour is defined under section 2 of Anti-social Behaviour, Crime and Policing Act 2014¹ as:

- (a) Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person,*
- (b) Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, or*
- (c) Conduct capable of causing housing-related nuisance or annoyance to any person.*

The activities and behaviours which can be classed as 'anti-social' according to this definition are, therefore, often subjective and circumstance / situation specific. Consequently, partner agencies have identified the following broad categories of ASB, informed by national research² and professional experience:

- Misuse of Public Space [Nuisance]
- Disregard for Community / Personal well-being [Nuisance]
- Acts directed at people [Personal]
- Environmental damage [Environmental]

These categories aim to distinguish types of ASB on the basis of their nature, context and the anticipated intent of the perpetrator. A further sub-categories of ASB are shown overleaf, and should be used by partner agencies to support the consistent recording and classification of ASB incidents.

Whilst agencies have a greater suite of tools and powers available to respond to persistent and ongoing issues ASB, it should be noted that ASB can also involve isolated and one-off incidents which have potential to impact negatively upon the quality of life and feelings of safety of those affected.

Limited resources may also require agencies to target their resources on the issue and areas that they can have the greatest impact upon.

¹ Anti-Social Behaviour, Crime and Policing Act 2014: [Anti-social Behaviour, Crime and Policing Act 2014 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

² Home Office Development and Practice report [Defining and measuring anti-social behaviour - GOV.UK \(www.gov.uk\)](https://www.gov.uk), 2004

Table 1: Types of ASB

Category	A Misuse of Public Space [Nuisance]	B Disregard for community / personal well-being [Nuisance]	C Acts directed at people [Personal]	D Environmental damage [Environmental]
Sub-category 1	<ol style="list-style-type: none"> 1. Drug / substance use and dealing 2. Street drinking 3. Anti-social/aggressive begging 4. Kerb crawling and prostitution 5. Sexual Acts 6. Vehicle-related nuisance / inappropriate use 	<ol style="list-style-type: none"> 1. Noise 2. Rowdy behaviour 3. Unreasonable behaviour 4. Hoax calls 5. Animal-related problems (<i>Stray Dogs/ Dog Noise</i>) 	<ol style="list-style-type: none"> 1. Intimidation / harassment 2. Hate crime related 	<ol style="list-style-type: none"> 1. Criminal damage / vandalism / graffiti; Litter / rubbish 2. Abandoned vehicles (<i>Parking, Pound</i>) 3. Unkempt Properties / Gardens
Sub-category 2	<ol style="list-style-type: none"> 1.1 Drug use 1.2 Drug dealing 4.1 Kerb crawling 4.2 Prostitution 	<ol style="list-style-type: none"> 1.1 Domestic noise: DIY, music (<i>CPOs</i>) 1.2 Non-domestic noise (<i>Environmental Health and Safer Places</i>) 3.1 Firework-related 		<ol style="list-style-type: none"> 1.1 Damage 1.2 Graffiti 1.3 Litter 1.4 Fly-tipping 1.5 Flyposting

What is not Anti-Social Behaviour

It is important that communities exhibit a degree of tolerance to behaviours that may cause annoyance but are not necessarily unreasonable or inappropriate. Such activities will not necessarily be classed as 'anti-social' and therefore not typically be recorded or investigated as such. Examples of activities and behaviours that would NOT typically be classed as ASB include:

- Essential construction work carried out by contractors during reasonable hours of the day³. N.B. Works will, on occasion, have to happen during anti-social hours
- Reasonable levels of household or highway noise during reasonable hours of the day - including noise from domestic appliances, DIY, lawnmowers, car repairs or vehicles carrying out their routine activities
- One off / occasional household activity which may cause temporary annoyance, such as parties, barbecues, bonfires, incinerators or cooking smells
- Children playing or gathering in their own gardens or public places or falling out with each other in public
- Low-level neighbour disputes (civil disputes) relating to issues such as land boundaries, trees, bins, shared driveways and parking
- Complaints of being stared at or looked at in a non-sexually intrusive way
- Activity of emergency vehicles and essential services

Exceptions will apply where any such behaviour continues for a period of time that makes it unreasonable or leads to damage, continued trespass, nuisance, intimidation or violation of a formal agreement or order.

Incidents that can be classed as criminal offences, such as criminal damage, theft, attempted theft and incidents believed to be a hate-related incident⁴, should be reported to the police.

³ Normal hours for noisy works are 8am to 6pm Monday to Friday, 8am to 1pm on Saturday. No noisy works on Sundays and Bank Holidays. There are, however, times where works have to happen outside of these hours

⁴ Nationally, a hate-related incident is classed as something motivated by a person's race or perceived race; religion or perceived religion (or no religion); sexuality or perceived sexuality; transgender or perceived transgender or; disability or perceived disability. In addition to these categories, Nottinghamshire Police also record alternative lifestyle (dress style, physical appearance, culture) and gender-misogyny / misandry related hate incidents.

3. Partnership Approach to ASB in Nottinghamshire

Partner agencies across Nottinghamshire share a commitment to tackling and responding to the ASB issues that are having the greatest impact on local communities as part of a joined-up, evidence-led approach.

This involves responding robustly to ASB and enabling partner agencies to make the best use of their collective tools and powers in line with the national ASB action plan⁵ launched in April 2023.

This section provides guidance and general practice advice for the handling of ASB reports, with a view to improving the alignment of partner agency approaches across Nottingham and Nottinghamshire.

Pathways for reporting and triaging ASB

Partner agencies are committed to ensuring that pathways for reporting and triaging ASB are clear, accessible and effective. This helps to minimise the reporting burden on individuals, reducing misplaced demand and ensuring an effective response from the most appropriate agency at the most appropriate time.

A wide range of options are available for those wishing to report ASB, as shown in the directory of services listed in Appendix 1. It is important that, however, that where possible incidents of ASB are reported directly to the most appropriate agency to respond, as outlined in Appendix B.

Organisations should take steps to ensure that, wherever possible, communities and partner agencies are aware of when and how they can report ASB and what action may be taken as a result.

It is recommended that agencies have the knowledge and information to effectively signpost service users to the most appropriate agency. On receiving a report of ASB, all agencies should aim to triage and refer cases to the most appropriate individual, team or lead agency at the earliest opportunity.

The circumstances of the case will determine which agency is best placed to provide a lead response, however the Agency Roles and Responsibilities table shown at Appendix B should be used as a general guide. In the event of multiple ASB issues relating to a single case, the primary complaint should be established in order to determine the most appropriate agency to respond.

⁵ [Anti-Social Behaviour Action Plan - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/114122/anti-social-behaviour-action-plan-2023.pdf)

Where a matter does not qualify as ASB according to the partnership definition (see section 2: Defining ASB), complainants should be advised to contact an alternative agency as appropriate. This could include, for example a solicitor or citizens advice in the case of civil matters. Complainants should be advised that whilst the matter is still important, it does not meet the criteria for ASB referral.

Whilst all reports of ASB, including third party reports will be recorded by the appropriate agency, it may not be possible to take action or progress a case where there are evidential difficulties or a victim or complainant is unable or unwilling to support further action.

ASB Case Management

It is expected that all statutory partner agencies have a structured process in place for recording, assessing and managing cases of ASB and any associated risks presented. Where feasible and appropriate, it is recommended that the following information is consistently captured:

Incident	Victim / Complainant	Perpetrator
<ul style="list-style-type: none"> • ASB Incident Type (see section 2: Defining ASB) • Free text description of the ASB issue / event(s) • Incident location / postcode • Location type⁶. • Date / time / duration of incident(s) • Action taken • Action taken date • Outcome 	<ul style="list-style-type: none"> • Name • Date of birth • Age • Gender • Ethnicity • Home address / Postcode • Satisfaction with outcome • Vulnerability 	<ul style="list-style-type: none"> • Action taken • Name • Date of birth • Age • Gender • Ethnicity • Home address / postcode • Relationship to complainant • Vulnerability

Processes should also be in place to effectively collate evidence and further information as part of the investigation process, including for example, signed statements, diary sheets and audio-visual evidence.

The safety and welfare of victims must be the main consideration at every stage of the process. It is therefore important to identify the effect that the reported anti-social behaviour is having on the victim(s).

Questions such as those outlined in Table 2, are designed to help practitioners identify vulnerability and assess and capture the extent to which an ASB issue is compromising the complainant's quality of life - whilst also ensuring the complainant feels heard and supported.

⁶ E.g. Residential, community or business property, open space, public transport

Table 2: vulnerability questions⁷

1. Is this personally affecting you or anyone you are reporting on behalf of someone else?
2. Has this happened before. If so, on how many occasions?
3. Have you reported this to anyone else. If so, whom?
4. Do you feel personally targeted
5. Would you consider you or anyone in your household to be disabled or suffering from a long-term illness
Prompt: Issue a diary sheet pack if appropriate to gather further evidence

Risk assessment and risk management strategies should be based on full information outlining repeating and escalating patterns of incidents rather than each treated individually⁸.

It is important to offer a safeguarding response even if the person is not eligible for ASB support and be clear on the threshold which would require contact with / referral to adult social care services.

Enforcement and Escalation of ASB

Different agencies will have different tools and powers in responding to ASB, as shown in Appendix C. The capacity and capability to respond to ASB may also vary significantly by agency and area.

In any case, it is recommended that, in most cases, the approach to enforcing ASB powers follows the 'Five Stage Enforcement Model' shown below.



Typically, over 85% of ASB issues can be effectively tackled at the initial stages of 'ASK' and 'WARN'.

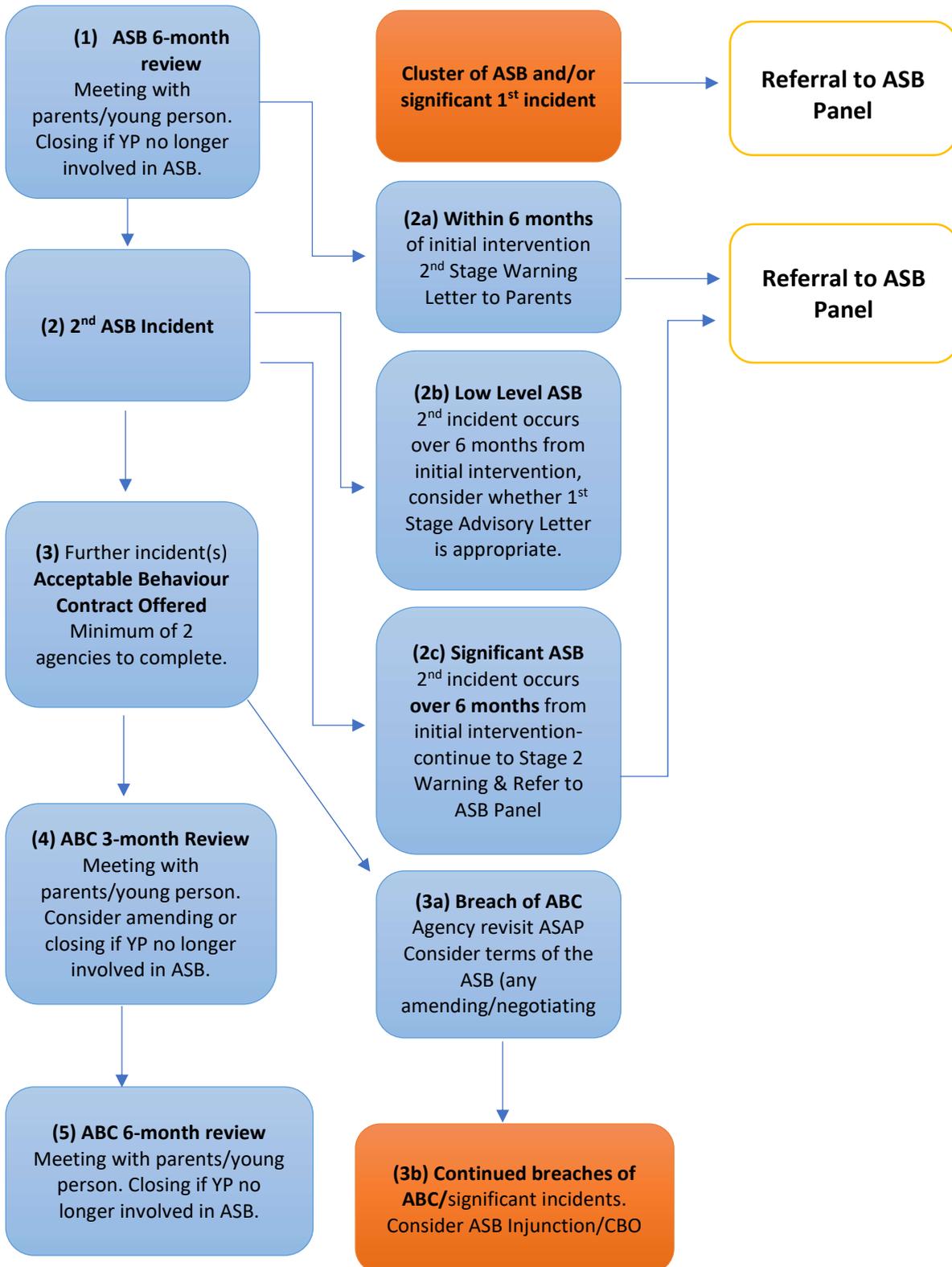
If these approaches are unsuccessful, more formal enforcement action, such as Fixed Penalty Notices, or the powers listed in Appendix C may be taken.

⁷ASB call handling Broxtowe Borough Council

⁸ [Learning from Fiona-Pilkington Case - Leicestershire, 2009](#)

Children and Young People

Additional consideration should be given to the approach to children and young people involved in anti-social behaviour incidents to ensure that the action taken is appropriate, proportionate and does not unnecessarily criminalise or stigmatise vulnerable people. A sample process for addressing ASB issues involving young people is shown below:



Effective Partnership Working

Anti-social behaviour issues are often complex and multi-faceted and, as such, the activity to address the drivers of ASB can often require the contribution of various agencies.

Partner agencies across Nottingham and Nottinghamshire are committed to working collaboratively in the response to ASB, with a particular focus on:

- Sharing aggregated data and insight to improve our collective understanding of trends and prevalence and of ASB and understanding of 'what works' in tackling it
- Sharing of case management information where appropriate to inform problem-solving activity and protecting the safety and wellbeing of those affected by ASB
- Supporting local problem-solving approaches that utilise the full range of tools, powers and resources available to effectively tackle ASB issues
- Supporting and contributing towards the delivery of the Nottinghamshire ASB Action Plan which is reviewed and refreshed by the ASB Taskforce on an annual basis

Annex A: Reporting ASB: Directory of Services

You can report ASB issues using the following non-emergency contact details:

<p><i>Ashfield District Council</i> Tel: 01623 450000 Mon- Thurs 8:30- 17:00 Fri 8:30- 16:30 info@ashfield-dc.gov.uk</p>	<p>To report ASB in the Ashfield District Council area</p>
<p><i>Bassetlaw District Council</i> Tel: 01909 533533 Mon- Fri 8:30- 17:00 http://www.bassetlaw.gov.uk/</p>	<p>To report ASB in the Bassetlaw District Council area</p>
<p><i>Broxtowe Borough Council</i> Tel: 0115 917 7777 Mon- Thurs 8:30- 17:00 Fri 8:30- 16:30 http://www.broxtowe.gov.uk/</p>	<p>To report ASB in the Broxtowe Borough Council area</p>
<p><i>Crimestoppers</i> Tel: 0800 555111 Mon- Fri 9:00- 17:00 http://crimestoppers-uk.org/</p>	<p>To make an anonymous report of crime or ASB</p>
<p><i>Gedling Borough Council</i> Tel: 0115 901 3972 Mon- Thurs 8:45- 17:15 Fri 8:45- 16:45 http://www.gedling.gov.uk/</p>	<p>To report ASB in the Gedling Borough Council area</p>
<p><i>Mansfield District Council</i> Tel: 01623 463463 Mon- Thurs 9:00- 17:00 Fri 9:00- 16:30 http://www.mansfield.gov.uk/</p>	<p>To report ASB in the Mansfield District Council area</p>
<p><i>Newark & Sherwood District Council</i> Tel: 01636 650000 Mon- Fri 9:00- 17:00 http://www.newark-sherwooddc.gov.uk/</p>	<p>To report ASB in the Newark and Sherwood District Council area</p>
<p>Noise App The Noise App - Report Noise Nuisance:</p>	<p><i>The Noise App is for the public to report noise nuisance to their Local Authority Enforcement Agency, or Housing Provider- where it is available.</i></p>
<p><i>Nottingham City Council</i> Tel: 0115 9155555 Mon- Fri 9:00- 17:00 www.nottinghamcity.gov.uk/reportantisocial</p>	<p>To report ASB in the Nottingham City Council area</p>
<p><i>Nottinghamshire Police</i> Tel: 101 (Non-emergency) 24 hours a day, 7 days a week</p>	<p>If you want to report ASB contact the Police non-emergency number on 101.</p>

<p>Report Nottinghamshire Police Report antisocial behaviour Nottinghamshire Police Single Online Home</p>	<p>For emergencies, if a life is at risk, or a crime is in progress, call 999. Live Chat: available between 7am-10pm, seven days a week.</p>
<p><i>Rushcliffe Borough Council</i> Tel: 0115 981 9911 Mon- Thurs 8:30- 17:00 Fri 8:30- 16:30 http://www.rushcliffe.gov.uk/</p>	<p>To report ASB in the Rushcliffe Borough Council area. Rushcliffe residents residing in <i>Metropolitan Thames Valley tenancies</i> can also report ASB via Anti-social behaviour - Metropolitan Thames Valley (mtvh.co.uk)</p>
<p><i>Untaxed vehicles</i> Vehicle Tax Your Options West Midlands Police (west-midlands.police.uk)</p>	<p>To identify an untaxed vehicle and report to the DVLA.</p>
<p><i>Victim CARE</i> Helpline: 08003047575. Text message: TEXT NOTTSVC to 82228. www.nottsvictimcare.org.uk email: support@nottsvictimcare.org</p>	<p><i>To access support as someone affected by ASB</i></p>

Annex B: Agency Roles and Responsibilities

Type of ASB	Lead Agency	Legislation	Additional Notes
Abandoned Vehicles	Local Authority	Refuse and Disposal Amenity Act 1978, Section 99 Road Traffic Regulations Act 1984, Removal and Disposal of Vehicle Regulations 2002	Local Authority has a legal duty to respond to and arrange for the removal of abandoned vehicles unless the vehicle is believed stolen or has been used in crime.
Begging	Police	Vagrancy Act 1824 (section 3), Anti-Social Behaviour, Crime and Policing Act 2014	For areas that are constantly affected by street drinking and begging related ASB: Police can use short term dispersal powers to move groups or individuals begging in an area. Councils can implement a Public Spaces Protection Order to restrict behaviours in that area. Options to: Issue a CPNW stipulating the behaviours that should cease, followed on further breach, by a CPN. If the ASB continues issue a Fixed Penalty Notice to the offender for breach of the CPN and prosecute if this is not paid. If individuals persist, seek a civil injunction to prohibit the ASB from continuing which can also compel attendance for alcohol counselling. Obtain a Criminal Behaviour Order (CBO) against anyone convicted of a related criminal offence. N.B. May be a homelessness issue. Also see Rough Sleeping
Criminal Damage / Vandalism	Police	Criminal Damage Act 1971	With support from partner agencies. Also see Graffiti.
Animal-related problems. including dog fouling and irresponsible dog ownership	Local Authority/ Housing association Police – Dangerous Dogs	Anti-Social Behaviour, Crime and Policing Act 2014 Dangerous Dogs Act 1991	Local authorities will lead on the response to dogs escaping from gardens where no injury has been caused to another animal or member of the public. Police will record all dog bites, and offences where a dog is banned breed or dangerously out of control. Failing to pick up your dog's mess is a criminal offence, whilst powers under the ASB Act give Councils further abilities to tackle irresponsible dog ownership. Councils can implement a PSPO for either a specified part of, or the whole of their area, which may, for example: Require dog owners to go equipped with the means to clear up their dog's mess; Require dogs to be always kept on leads on public highways; Allow dogs to be exercised off lead in agreed areas but require owners to put them on a lead if asked to do so by authorised officers; Exclude dogs from defined areas such as children's playgrounds etc. Breach of a PSPO is an offence and can be dealt with by Fixed Penalty Notice or prosecution.
Drug/Substance misuse and dealing	Police		Police are responsible for dealing with the criminal activity. Local authorities may deal with the environmental consequences of drug use and dealing, such as clearance of any drug-related paraphernalia. All agencies would be expected to make referrals into drug treatment services where necessary and appropriate
Fly Tipping	Local Authority		Local authority has responsibility, with potential referral to the Environment Agency
Graffiti	Local Authority		Local authority is responsible for graffiti removal, working closely with the police to apprehend perpetrators
High Hedges	Local Authority		Local authority has the legal duty to investigate. In addition to other statutory powers, they can use the ASB Act to issue a CPNW to the owner and/or occupier requiring the problem to be rectified i.e., repairs to be carried out, waste to be removed, followed by

Type of ASB	Lead Agency	Legislation	Additional Notes
			a CPN if the issue is not resolved. If the matter is not resolved by the CPN, issue a Fixed Penalty Notice to, or prosecute the recipient for breach. Undertake the necessary work itself and recover the cost of this work from the owner/occupier of the property
Hoax calls	Agency affected		Individual agency affected is responsible for investigation and follow up, however specialist assistance may be required in certain circumstances.
Homelessness	Local Authority		Local Authority lead with a view to referring into support agencies. CPNW/CPN to be issued where appropriate. PSPOs to be issued to prevent rough sleeping?
Intimidation/Harassment	Police/Local Authority		Can be 'civil' as well as a 'criminal' offence. The responsible agency should be the one who has prime responsibility for the type of ASB being used to harass. For instance, noise, littering, animal related are local authority responsibility while criminal damage and intimidation/ threats are police responsibility.
Intimidating / anti-social gatherings	Police		The Police may use Dispersal Powers to direct anyone aged 10 or over who is causing ASB to leave a specified location for up to 48 hours. At the time of giving the direction the Police can also require the surrender of any item in their control used to cause ASB i.e., fireworks. Failure to comply with a direction to leave or to surrender equipment is an offence. If any of the individual perpetrators are convicted of an offence a CBO could be obtained against them which may exclude them from the area for a longer period. CPNWs/CPNs and Injunctions could also be used to tackle any individual perpetrators. Councils can consider the implementation of a PSPO for areas affected by such general ASB which can prohibit the behaviours involved.
Kerb Crawling	Police		Support agencies may be involved
Litter/Rubbish	Local Authority		May require PCSOs (police community support officers) to support in hot spot areas
Noise Nuisance	Local Authority		Local authorities investigate complaints about noise that could be a 'statutory nuisance' ⁹ , i.e. noise that unreasonably and substantially interferes with the use or enjoyment of a home or other premises or; injures health or is likely to injure health. Councils are responsible for looking into complaints about noise from premises, land, vessels; vehicles, machinery, or equipment on the street (for example, music from car stereos). Statutory noise nuisance laws <u>do not</u> apply to noise from traffic or planes; political demonstrations and demonstrations about a cause; premises occupied by the armed forces or visiting forces. Local authority may be under a legal duty to act if a statutory nuisance is determined. Options include Community Protection Notice Warning (CPNW) followed on further breach, by a Community Protection Notice (CPN). If ASB continues, or is serious, explore opportunities for abatement notices, CPW or CPN. Obtain a Court order for the seizure/forfeiture of any equipment used to create the noise. In cases of significant and on-going ASB obtain a Closure Order which may potentially shut the property for 3 months. Noise nuisance is likely to amount to a breach

⁹ Environmental Protection Act 1990

Type of ASB	Lead Agency	Legislation	Additional Notes
			of tenancy. If local authorities agree that the statutory nuisance is happening or will happen in the future, councils have the power to serve an abatement notice which requires whoever's responsible to stop or restrict the noise. The notice will usually be served on the person responsible but can also be served on the owner or occupier of the premises.
ASB alleged hate related	Police/Local Authority		Case will be referred to the police. Hate Crime is, first and foremost, a crime and will be dealt with by the Police as such, but the ASB Act can help tackle such issues. If any person is convicted of a Hate Crime offence a CBO could be sought at the time of the conviction to regulate future behaviour. Where it is not possible to obtain a conviction, it may still be possible for the Police/Council to obtain a Civil Injunction against the perpetrator to regulate future behaviour. Both CBOs (Criminal Behaviour Orders) and Civil Injunction can contain positive requirements i.e., attendance at support sessions aimed at tackling the underlying cause of their behaviour
Prostitution	Police		Support agencies may be involved
Rowdy Behaviour	Police/Local Authority		Lead authority often determined by location and cause of rowdiness e.g., Youth Services may lead where young people hanging around it the cause of rowdiness
Sexual ASB	Police		Support agencies may be involved
Street Drinking	Police		Issue a CPNW stipulating the behaviours that should cease, followed on further breach, by a CPN. If the ASB continues issue a Fixed Penalty Notice to the offender for the breach of the CPN and prosecute if this is not paid. If individuals persist in ASB, seek a civil injunction to prohibit the ASB from continuing which can also compel attendance for alcohol counselling. Obtain a Criminal Behaviour Order (CBO) against any street drinker who is convicted of a related criminal offence. For areas that are constantly affected by street drinking and begging related ASB: Police can use short term dispersal powers to move groups or individuals from an area. Councils can implement a Public Spaces Protection Order to restrict behaviours in that area
Unkempt gardens	Local Authority	Anti-Social Behaviour, Crime and Policing Act 2014 Town and Country Planning Act 1990 (section 215)	Legal duty to investigate falls to the Council. A local planning authority (LPA) may serve a notice where the condition of land or buildings adversely affects the amenity of an area, generally not suitable for rear gardens which are not visible from a public vantage point. In addition to other statutory powers, they can use the ASB Act to tackle such issues. They can: Issue a CPNW to the owner and/or occupier requiring the problem to be rectified i.e., repairs to be carried out, waste to be removed, followed by a CPN if the issue is not resolved. If the matter is not resolved by the CPN, issue a Fixed Penalty Notice to, or prosecute the recipient for breach. Undertake the necessary work itself and recover the cost of this work from the owner/occupier of the property
Unreasonable Behaviour	All agencies		Wide-ranging category of behaviour types.
Vehicle related nuisance & inappropriate vehicle use	Police/Local Authority		Lead agency will depend upon the type of ASB reported. Local authority are responsible for responding to parking issues and noise from on the street vehicle

Type of ASB	Lead Agency	Legislation	Additional Notes
			maintenance. Police are responsible for responding to speeding, Off road motorcycle nuisance and Car Cruising

Appendix C - ASB Tools and Powers

This section contains a list of general enforcement powers to address anti-social behaviour under the Anti-social Behaviour, Crime and Policing Act 2014. They may be appropriate for addressing several types of anti-social behaviour.

ASB Powers	Tools and Responsibilities
<p>Community Protection Notice (CPN)- power designed to stop a person, business, or organisation from committing ASB which spoils the community's quality of life.</p>	<p>CPNs (Community Protection Notices) are highly flexible tool that can be used by the Police, local Councils and appropriately delegated social landlords, to tackle low level ASB of any type.</p> <p>CPNs can be used where the behaviour of any person aged 16 years or over or a business organization is persistent, unreasonable and is having a detrimental effect on the quality of life of those in the locality.</p> <p>The CPN process is a two-stage process and requires a first warning to be issued before the CPN itself; any breach of a CPN is a criminal offence and it may result in the offender being issued with a Fixed Penalty notice (FPN) or being prosecuted.</p> <p>Other powers also exist on breach to enable local councils to seize items used in the commission of the offence or to carry out work that was required by the CPN.</p>
<p>Criminal Behaviour Order (CBO)- power used against the most persistent ASB perpetrators who also engage in criminal activity. It orders an individual to not engage in specific acts or go to certain locations. It is granted for a specific period and can sometimes include supervised compliance.</p>	<p>CBOs are available on conviction for any criminal offence in any criminal court. In addition to any penalty imposed for the offence for which the perpetrator has been convicted, a CBO will impose requirements which aim to regulate the offender's future behaviour.</p> <p>A court may make a CBO, upon the application of the Prosecution where: it is satisfied, beyond reasonable doubt, that the offender has engaged in behaviour that cause or was likely to cause harassment, alarm, and distress; it considers that the order will help in preventing the offender from engaging in such behaviour.</p> <p>Like most powers within the ASB Act, a CBO may impose prohibitions and/or positive requirements:</p> <ul style="list-style-type: none"> • Where the offender who is made the subject of a CBO is aged 18 years or over, the CBO must be for either a fixed period of no less than 2 years or an indefinite period i.e., has effect until further order. • Where the offender has not yet reached the age of 18 years, the CBO must be for a fixed period of not less than 1 year and not more than 3 years. <p>Breach of a CBO is a criminal offence punishable by imprisonment or a fine or both.</p>
<p>Civil Injunction- formal court order that can be used to tackle more serious and/or persistent cases of ASB. Whilst injunctions were available before the ASB Act came into force, the ASB Act has widened the circumstances in which they can be used.</p>	<p>The Police, local authority or a housing provider may apply for an injunction against any person who is aged 10 years or over, when that person has engaged or threatens to engage in ASB.</p> <p>As with CPNs, Civil Injunctions may impose prohibition or positive requirements:</p> <ul style="list-style-type: none"> • In certain cases, involving threats of violence or serious risk of harm, the court can attach a power of arrest to the injunction which allows the Police to arrest a person who breaches the terms of an injunction. • It may also exclude an adult perpetrator from their own home. <p>Breach of an injunction may result in the perpetrator being sent to prison and/or being fined.</p>
<p>Public Spaces Protection Order (PSPO)- flexible power designed to create local restrictions to tackle ASB issues in public places (e.g., litter, noise, street drinking).</p>	<p>Local authority only may make PSPOs (Public Space Protection Orders) (Public Space Protection Order) to prevent individuals or groups from committing ASB in public spaces.</p> <p>PSPOs are designed to stop behaviour that:</p>

ASB Powers	Tools and Responsibilities
	<ul style="list-style-type: none"> • Is having or is likely to have a detrimental effect on those in the locality. • Is of a persistent or continuing nature and • Is unreasonable. <p>PSPOs may affect a small area i.e., tackle issues that are arising on an individual street or may cover large areas i.e., tackle irresponsible dog ownership across a whole city.</p> <p>Before issuing a PSPO the local authority must publish the terms of the proposed order and consult with the Police, community representatives and, as far as practical, the owners or occupiers of land within the area covered by the order.</p> <p>As with other powers in the ASB Act, PSPOs can require persons not to do something (such as drink alcohol in the street) and/or require persons to do something (such as clear up after their dog has fouled).</p> <p>The local authority making the PSPO must be able to justify any restrictions that are imposed by the order.</p> <p>PSPOs can last for a maximum period of 3 years, although this can be extended for a further period of 3 years if the local authority believes there is still a need for the PSPO in a specific area,</p> <p>Breach of a PSPO is a criminal offence and can be dealt with by the issue of a Fixed Penalty notice (FPN) or by prosecution.</p>
<p>Closure Notice-this power prohibits access to premises for a maximum of 48 hours. This can be followed by a Closure Order, which can always prohibit access by all people.</p>	<p>The ASB Act 2014 allows the Police and local authorities to seek to close premises that relate to nuisance and disorder.</p> <p>There are two stages to Closure Powers- the first stage is called a Closure Notice, and the second stage is called a Closure Order.</p> <p>A Closure Notice can be issued by the Police or the Local Authority, without the need for a court order, if the use of the premises has resulted or is likely soon to result in nuisance to members of the public or there has been or is likely soon to be disorder near those premises associated with the use of those premises.</p> <p>A Closure Notice can last for a maximum of 48 hours, and it can close premises to everyone except those who habitually live on the premises and/or the owner of the premises. Once a Closure Notice has been issued, an application must be made to the Magistrates Court for a Closure Order and this application must be heard within 48 hours or the Closure Order must be cancelled.</p> <p>The court can make a Closure Order if satisfied that:</p> <ul style="list-style-type: none"> • a person has engaged in, or is likely to engage in, disorderly, offensive, or criminal behaviour on the premises or • that the use of the premises has resulted or is likely to result in serious nuisance to members of the public or • there has been disorder near those premises associated with the use of those premises <p>A Closure Order can be made for a maximum initial period of 3 months, although this can be extended to a maximum of 6 months in certain circumstances. It can exclude all persons from the premises. Breach of Closure Notices and Closure Orders are both criminal offences and can be punishable by fine and/or imprisonment.</p>
<p>Police Dispersal Powers- flexible power which the Police only can use in a range of situations to disperse anti-social individuals/groups from an area to provide immediate short-term respite to the local community.</p>	<p>Use of Dispersal Powers can only be authorized in a particular locality by a Police Officer of the rank of Inspector or above and the authority can only be for a maximum period of 48 hours.</p> <p>Use of the powers can be authorized where it is necessary for the purpose of removing or reducing the likelihood of members of the public suffering harassment, alarm or distress or the occurrence in the locality of crime or disorder.</p> <p>When dispersal has been authorised, a Police Officer or Police Community Support Officer may direct a person who is in a public place within the specified locality to leave the locality and not to return for a specified period of up to 48 hours provided that the officer has reasonable ground to suspect that:</p>

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	<ul style="list-style-type: none"> • The behaviour of a person has contributed, or is likely to contribute to members of the public being harassed, alarmed, or distressed, or the occurrence of crime or disorder in the locality and • She/he considers that giving a direction to the person is necessary for the purpose of removing or reducing the likelihood harassment, alarm, or distress etc. <p>Directions to leave must usually be given in writing and can be given to any person aged 10 years or over. Failure to comply with a dispersal direction without reasonable excuse is a criminal offence punishable by imprisonment and/or fine.</p>
<p>ASB Case Review (formerly known as the Community Trigger) - in certain circumstances, victims have a say in the out-of-court punishment of perpetrators of less serious crime and anti-social behaviour, including allowing them to consider a restorative justice approach.</p>	<p>Whilst the ASB Act gives those with responsibility for protecting victims of ASB a wide range of flexible powers capable of tackling all types of behaviours, dealing with ASB cases can be a complex process, required detailed multi-agency co-operation, and one which may not always deliver the results that the victims require.</p> <p>The Community Trigger gives victims and communities the right to request a review of their case and bring agencies together to take a joined up, problem solving approach to find a solution.</p> <p>Each local authority will set a threshold for the Community Trigger within its locality, but if a victim of ASB has made three complainants regarding the same matter within the previous six months period the threshold will be met.</p> <p>Requests for a Community Trigger can be made by any person on behalf of a victim including a family member, friend, career, Councilor, and MP.</p> <p>If the threshold is met, a case review must be undertaken by partner agencies to share information related to the case, review what action has previously been taken and decide what additional actions are possible.</p> <p>Even if the threshold is not met, the relevant agencies may still choose to undertake a Community Trigger case review in the light of the persistence of the ASB complained of, the harm or potential harm caused by the ASB and the adequacy of the response to date from agencies.</p> <p>The outcome of any Community Trigger case review must be reported to the victim and where further actions are required the proposed action plan and timescales must be discussed with them.</p>
<p>Tenancy Action - where a perpetrator of ASB is a social housing tenant than the landlord can take action to end their tenancy if the behaviour does not stop</p>	