

Appendix 1: Summary of new Anti-Social Behaviour Powers

New Provision	When	Effect	Penalty	Additional Information
<p>Injunction to prevent Nuisance and Annoyance</p>	<p>Can be granted against a person aged 10 or over if two conditions are met:</p> <ul style="list-style-type: none"> • On the balance of probabilities, that the respondent has engaged or threatens to engage in ASB; • The court considers it just and convenient to grant the injunction for the purpose of preventing the respondent from engaging in anti-social behaviour. 	<p>An injunction may:</p> <ul style="list-style-type: none"> • Prohibit the respondent from doing anything described in the injunction; • Require the respondent to do anything described in the injunction. <p>In certain circumstances, a power of arrest can be attached.</p> <p>In other cases, application must be made to a court for an arrest warrant in event of a breach.</p>	<p>Penalty for breach of the conditions of an injunction can result in up to two years' imprisonment and/or an unlimited fine for contempt of court.</p>	<p>Replaces Anti-Social Behaviour Order, Anti-Social Behaviour Injunction, Individual Support Order, Intervention Order and Drink Banning Order.</p> <p>Court can grant an interim order in certain circumstances.</p> <p>Applications involving those under 18 made to the Youth Court, all others either the High Court or County Court.</p>
<p>Criminal Behaviour Order</p>	<p>Applies where a person is convicted of an offence.</p> <p>The court may make an order if two conditions are met:</p> <ul style="list-style-type: none"> • The court is satisfied, beyond reasonable doubt, that the offender has engaged in behaviour that caused or was likely 	<p>An Order may:</p> <ul style="list-style-type: none"> • Prohibit the offender from doing anything described in the order. • Require the offender to do anything described in the order. 	<p>A person who fails to comply with an Order commits an offence, which can result in:</p> <ul style="list-style-type: none"> • On summary conviction, to imprisonment for a period not exceeding 6 months or to a fine or both; • On conviction on indictment to imprisonment for a period not exceeding 5 years or to a fine, or to both. 	<p>Replaces Anti-Social Behaviour Order on conviction and Drink Banning Order on conviction.</p> <p>Court can grant an interim order in certain circumstances.</p>

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	<p>to cause harassment, alarm or distress to any person.</p> <ul style="list-style-type: none"> The court considers that making the order will help in preventing the offender from engaging in such behaviour. 			
Directions Power	<p>Can be used by an officer of at least the rank of Inspector when to remove or reduce the likelihood of:</p> <ul style="list-style-type: none"> Members of the public being harassed, alarmed or distressed. The occurrence of crime or disorder. 	<p>A constable in uniform may direct a person who is in a public place:</p> <ul style="list-style-type: none"> To leave the locality (or part of the locality), and Not to return to the locality (or part of the locality) for a specified period not exceeding 48 hours. <p>The constable can also direct the person to surrender any item in the person's possession or control that the constable reasonably believes has been used or is likely to be used in behaviour that harasses, alarms or distresses members of the public.</p>	<p>A person who fails without reasonable excuse to comply commits an offence, which can result in:</p> <ul style="list-style-type: none"> Imprisonment for a period not exceeding 3 months, or A fine not exceeding level 4 on the standard scale 	<p>Replaces dispersal order provisions within the Anti-Social Behaviour Act 2003 and Directions to Leave within the Violent Crime Reduction Act 2006.</p> <p>Cannot be used where the person appears to be under the age of 10.</p> <p>The direction cannot prevent someone accessing their place of residence, work, education / training, somewhere for the purpose of receiving medical training, somewhere where they are required to attend by order of a court or tribunal.</p>
Community Protection Notices	<p>An authorised person may issue a community protection notice to an</p>	<p>A CPN can impose any of the following requirements on the individual or body issued with it:</p>	<p>A person who fails to comply commits an offence, which can result in:</p> <ul style="list-style-type: none"> A fine not exceeding level 4 on 	<p>Replaces litter abatement notices, litter clearing notices, street litter control notices and defacement</p>

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(CPN)	<p>individual aged 16 or over, or a body, if satisfied on reasonable grounds that:</p> <ul style="list-style-type: none"> The conduct of the individual is having a detrimental effect, of a persistent or continuing nature, on the quality of life of those in the locality, and The conduct is unreasonable. <p>Authorised persons:</p> <ul style="list-style-type: none"> A constable; The relevant local authority; A person designated by the relevant local authority for the purposes of this section. 	<ul style="list-style-type: none"> A requirement to stop doing specified things; A requirement to do specified things; A requirement to take reasonable steps to achieve specified results. <p>The only requirements that may be imposed are ones that are reasonable to impose:</p> <ul style="list-style-type: none"> To prevent the detrimental effect from continuing or recurring, or To reduce the detrimental effect or to reduce the risk of its continuance or recurrence. 	<p>the standard scale, in the case of an individual;</p> <ul style="list-style-type: none"> A fine not exceeding £20,000 in the case of a body. <p>Alternatively, a Fixed Penalty Notice (up to £100) can be issued.</p> <p>Remedial Action</p> <p>When a person fails to comply with a Notice, the local authority can:</p> <ul style="list-style-type: none"> Have work carried out to remedy the failure on land open to the air or Issue a default notice specifying the work it intends to carry out and the estimated cost. <p>A court before which a person is convicted of an offence of failing to comply with a CPN may make whatever order the court thinks appropriate for ensuring that what the notice requires to be done is done.</p>	<p>removal notices.</p> <p>There is a right of appeal to the Magistrates' Court both for the CPN and any subsequent default notice (appeal must be made within 21 days of issue)</p> <p>A court before which a person is convicted of an offence under section 48 may order the forfeiture of any item that was used in the commission of the offence.</p> <p>Where an offence has been committed under this section, a justice of the peace can issue a warrant authorising seizure of items used in the commission of the offence.</p>
Public Spaces Protection Orders	<p>A local authority may make a PSPO if satisfied on reasonable grounds that two conditions are met.</p> <p>The first condition is that:</p> <ul style="list-style-type: none"> Activities carried on in a public place within the authority's area 	<p>A PSPO can:</p> <ul style="list-style-type: none"> Prohibit specified things being done in a defined area, Require specified things to be done by persons carrying on specified activities in that area, or Does both of these things. 	<p>It is an offence for a person without reasonable excuse:</p> <ul style="list-style-type: none"> To do anything that the person is prohibited from doing by a PSPO, or To fail to comply with a requirement to which the person is subject under a PSPO 	<p>Replaces gating orders, dog control orders and powers of local authority to designate places for restrictions on alcohol consumption. Any such order made before commencement of the new Act will, however, remain in force for a period of up to 3 years.</p>

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	<p>have had a detrimental effect on the quality of life of those in the locality, or</p> <ul style="list-style-type: none"> It is likely that activities will be carried on in a public place within that area and that have such an effect. <p>The second condition is that the effect, or likely effect, of the activities:</p> <ul style="list-style-type: none"> Is, or is likely to be of a persistent or continuing nature, Is or is likely to be such as to make the activities unreasonable, and Justifies the restrictions imposed by the notice. 	<p>The only prohibitions or requirements that may be imposed are ones that are reasonable to impose:</p> <ul style="list-style-type: none"> To prevent the detrimental effect from continuing, occurring or recurring, or To reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence. <p>A prohibition or requirement may be framed to apply to all persons, or at all times, or in all circumstances; to only specific categories of person, times or circumstances; or to all persons, times circumstances except those specified.</p>	<p>A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.</p> <p>Alternatively, a Fixed Penalty Notice can be issued (not exceeding £100).</p> <p>If someone consumes alcohol in breach of a public spaces protection order then a constable or authorised person may require the individual to:</p> <ul style="list-style-type: none"> Not consume alcohol, Surrender any alcohol or containers for alcohol. <p>A person who fails without reasonable excuse to comply with these commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.</p> <p>As above, a Fixed Penalty Notice can be issued as an alternative to prosecution.</p>	<p>A public spaces protection order may not have effect for a period of more than 3 years but may be extended more than once.</p> <p>An interested person may apply to the High Court to question the validity of a PSPO or the variation of a PSPO.</p> <p>Any prohibitions on consuming alcohol introduced through a PSPO do not apply to licensed premises.</p>
<p>Closure Power</p> <p>Closure Notices</p>	<p>A police officer of at least the rank of inspector, or the local authority, may issue a closure notice if satisfied on reasonable grounds:</p> <ul style="list-style-type: none"> That the use of particular premises 	<p>A closure notice may prohibit access:</p> <ul style="list-style-type: none"> By all persons except those specified, or by all persons except those of a specified description; 	<p>An offence is committed if a person:</p> <ul style="list-style-type: none"> Without reasonable excuse remains on or enters premises in contravention of a closure notice, or Without reasonable excuse 	<p>Replaces closure notices / orders within the Anti-Social Behaviour Act 2003 and Licensing Act 2003.</p> <p>Whenever a closure notice is issued an application must be made to a magistrates' court for a</p>

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	<p>has resulted, or (if the notice is not issued) is likely soon to result, in nuisance to members of the public, or</p> <ul style="list-style-type: none"> That there has been, or is likely soon to be, disorder near those premises associated with the use of those premises. <p>And that the notice is necessary to prevent the nuisance or disorder from continuing, recurring or occurring.</p>	<ul style="list-style-type: none"> At all times, or at all times except those specified; In all circumstances, or in all circumstances except those specified. <p>The maximum period specified in a closure notice is 24 hours unless it is signed by either an officer at superintendent rank or above or the chief executive officer of the local authority in which case the period is 48 hours.</p> <p>A closure notice may not prohibit access by people who habitually live on the premises, or the owner of the premises.</p>	<p>obstructs a person serving a closure notice.</p> <p>In both cases, a guilty person is liable on summary conviction to imprisonment for a period not exceeding 3 months, or a fine or to both.</p>	<p>closure order (see below).</p>
Closure Order	<p>Whenever a closure notice is issued an application must be made to a magistrates' court for a closure order. The application must be made by:</p> <ul style="list-style-type: none"> A constable, if the closure notice was issued by a police officer; The authority that issued the closure notice, if notice was 	<p>A closure order may prohibit access for a period not exceeding three months:</p> <ul style="list-style-type: none"> By all persons or by all persons except those specified, or by all persons except those of a specified description; At all times, or at all times except those specified; In all circumstances, or in all circumstances 	<p>A person who without reasonable excuse remains on or enters a premises in contravention of a closure order commits an offence, which on summary conviction can result in imprisonment for a period not exceeding 51 weeks, to a fine or to both.</p>	<p>See above.</p> <p>An authorised person may enter premises in respect of which a closure order is in force and do anything necessary to secure the premises against entry.</p> <p>A local policing body or a local authority that incurs expenditure for the purpose of clearing, securing or maintaining premises in respect of which a closure</p>

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	<p>issued by a local authority.</p> <p>The application must be heard by the magistrates court not later than 48 hours after service of the closure notice.</p> <p>The court may make a closure order if it is satisfied:</p> <ul style="list-style-type: none"> • That the person has engaged, or (if the order is not made) is likely to engage in disorderly, offensive or criminal behaviour on the premises or, • That the use of the premises has resulted, or (if the order is not made) is likely to result, in serious nuisance to members of the public, or • That there has been, or (if the order is not made) is likely to be disorder near those premises associated with the use of 	<p>except those specified.</p> <p>An order may be made in respect of the whole or any part of the premises; and may include provision about access to a part of the building or structure of which the premises form part.</p>		<p>order is in force may apply to the court for reimbursement of costs.</p>
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	<p>those premises And that the order is necessary to prevent the behaviour, nuisance or disorder from continuing , recurring or occurring.</p>			
<p>Recovery of Possession of Dwelling Houses</p>	<p>The court must make an order for possession if one of the listed conditions are met::</p> <ul style="list-style-type: none"> • Conviction for a serious offence linked to the dwelling house; • Breach of an injunction issued under this Act linked to the dwelling house, • Breach of Criminal Behaviour Order 	<p>If a court is satisfied that one of a number of listed conditions are met then it must make an order for the possession of a dwelling house let under a secure tenancy.</p>	<p>The tenant must vacate the property.</p>	<p>Amends provisions for possession introduced by the Housing Act 1985.</p> <p>Applies to secure and assured tenancies.</p> <p>A tenant may request a review of the landlord’s decision to seek an order for possession of a dwelling house if the property belongs to a local housing authority or a housing action trust.</p>