

Anti-social Behaviour, Crime and Policing Bill

Fact sheet: Overview of anti-social behaviour reforms (Parts 1-6)

Background

1. Everyone has the right to feel safe in their own homes and neighbourhoods. Yet thousands of people around the country are still having their everyday lives blighted by anti-social behaviour ("ASB"). The police recorded 2.3 million incidents of ASB in the year ending March 2013, with many more reported to other agencies such as social landlords and local authorities. But we know that this is just the tip of the iceberg. Many incidents go unreported with victims rarely reporting the first incident they experience.
2. Much of what is often described as ASB, such as vandalism, graffiti or harassment, is actually crime. However, even incidents that appear minor in isolation can have a devastating cumulative impact when part of a persistent pattern of behaviour, and we know that such abuse is often targeted at the most vulnerable members of our society.
3. Responding quickly and effectively to ASB is therefore essential. However, the old top down system dictated by Whitehall has not worked. It has become mired in bureaucracy with powers introduced for every individual type of behaviour and the police and local agencies looking to central government not their own communities. More than ten pieces of ASB-related legislation since 1998 have resulted in a plethora of powers to deal with a range of ASB problems. This is not only confusing for professionals and victims alike, but also encourages frontline professionals to focus on the behaviour itself, not the harm that it is causing to the victim. That way, vulnerable victims can sometimes be overlooked.
4. The current powers are also not always effective at changing the behaviour in question. For example, 57 per cent of Anti-Social Behaviour Orders (ASBOs) are breached at least once and over 42 per cent are breached more than once.
5. These reforms are intended to focus the response to ASB on the needs of victims and communities who, too often, are let down by the current system. The new community trigger will give people the power to make agencies take persistent problems seriously, and the new community remedy will give victims a say in the punishment of offenders out of court. The Bill also introduces a set of faster, more effective powers to help frontline professionals better protect the public.
6. These changes build on the reforms already underway to change fundamentally the way that crime and disorder is dealt with and the relationship between the public, the police, and local and central government.

New powers (Parts 1-4)

7. We are slashing the existing plethora of tools and powers by over two thirds: from 19 to six. The new streamlined powers will be faster, more flexible and crucially will allow professionals to stop ASB and seek to change behaviour, one of the key failings of the ASBO.
8. The **injunction to prevent nuisance and annoyance (Part 1)** will be a purely civil injunction available in the county court for adults and the youth court for 10 to 17 year olds. It will allow a wide range of agencies, including the police, local councils and social landlords to make applications. Breach by someone aged 10 to 17 would result in a curfew, activity or supervision requirement, or as a last resort, custody for up to three months for someone aged 14 to 17. Breach by an adult could result in up to two years in prison. Further details on the injunction to prevent nuisance and annoyance can be found in the fact sheet "Replacing the ASBO".
9. The **criminal behaviour order (Part 2)** will be available following a conviction for any criminal offence in any criminal court. Breach of the order will be a criminal offence, with a maximum sentence of five years in custody for adults and up to a two-year detention and training order for those under 18, replicating the current ASBO sanctions. This will demonstrate to the offender and the community the seriousness of the breach, and, as it is an order on conviction, there is no risk of criminalising someone for the first time for breach of a civil order. Further details on the criminal behaviour order can be found in the fact sheet "Replacing the ASBO".
10. The police **dispersal power (Part 3)** will enable officers to require a person who has committed, or is likely to commit, ASB to leave a specified area and not return for up to 48 hours. A police officer of at least the rank of superintendent must authorise the use of the powers in a particular area and for a particular amount of time. Once such an authorisation is in place, the test for using the dispersal power would be that the constable has reasonable grounds for suspecting that the person's behaviour is contributing, or is likely to contribute, to ASB, crime or disorder in the area and that the direction is necessary. The direction should be given in writing to ensure those being moved on are clear on the restrictions and also to provide accountability. Further details on the directions power can be found in the fact sheet "Dispersal powers".
11. The **community protection notice (Part 4, chapter 1)** will be issued to deal with a particular problem negatively affecting the community. It could be used to tackle a range of ASB (for example graffiti, littering, dog fouling or using a skateboard somewhere inappropriate). The notice could be issued by the police, council officers and social landlords to stop persistent, unreasonable behaviour that is detrimental to the amenity of the locality or is having a negative impact on the local community's quality of life. Further details on the community protection notice can be found in the fact sheet "Environmental anti-social behaviour".

12. The **public spaces protection order (Part 4, chapter 2)** will provide councils with a flexible power to put in place local restrictions to address a range of ASB issues in public places, and prevent future problems. This would be different to the current situation as one order would be able to cover a number of issues, rather than needing to follow separate processes for each - reducing bureaucracy and cost for local authorities. Further details on the public space protection order can be found in the fact sheet “Environmental anti-social behaviour”.
13. The **closure power (Part 4, chapter 3)** will provide the police or local authority with new, simpler, closure powers, consolidating four of the measures already available to them. This would make it easier to issue a notice temporarily to close any property, for up to 48 hours if there is, or is likely to be, a public nuisance. The police or local authority could then apply to the magistrates’ court if they wished to extend this beyond 48 hours if the ASB were persistent or serious. The maximum length of a closure order would be 6 months. Further details can be found in the fact sheet “Environmental anti-social behaviour”.

Stronger eviction powers for anti-social behaviour (Part 5)

14. The possession process for ASB can take far too long. This prolongs the suffering of victims and communities, puts pressure on court resources and creates significant costs for landlords. We are therefore reforming the current process to ensure that where necessary, landlords are able to move decisively and quickly to evict anti-social tenants so that the balance between the rights of someone faced with losing their home and the victims of ASB is the right one.
15. The Bill provides a new absolute ground for possession for serious ASB which will mean a faster court process that better balances the needs of victims and witnesses and the rights of alleged perpetrators. We also want to ensure that those who commit riot-related offences in other people’s communities or ASB against their landlord or his or her staff / contractors away from the locality of their home face the same consequences they already face if they commit ASB in their own neighbourhoods. Further details on the eviction provisions can be found in the fact sheet “Recovery of possession of dwelling-houses on anti-social behaviour grounds”.

Empowering victims (Part 6)

16. It is too easy to overlook the harm that persistent anti-social behaviour causes. Many police forces, councils and housing providers are working hard, but there are still horror stories of victims reporting the same problem over and over again, and getting no proper response. These long-running problems – and the sense of helplessness that goes with them – can destroy a victim's quality of life and shatter a community's trust in the police and the other agencies. The Government is determined to give the public the power to make agencies take them seriously. The **community trigger** will give victims and communities the right to demand that agencies who have ignored repeated complaints about ASB take action.

Further details on the community trigger can be found in the fact sheet “Community empowerment”.

17. The **community remedy** will be a menu of sanctions for low-level crime and ASB which will be drawn up in consultation with the local community and agreed between the Police and Crime Commissioner (PCC) and the Chief Constable in a particular area. Police officers will then work from the resulting menu of sanctions when using two types of out of court disposal – informal community resolutions and conditional cautions. These require the offender to accept that they have committed a criminal offence or engaged in ASB, and to accept some form of sanction out of court, as an alternative to formal criminal proceedings, should an offence have been committed. Further details on the community remedy can be found in the fact sheet “Community empowerment”.

More information

18. More detailed fact sheets have been produced, including case studies, for the measures outlined above. These are:
 1. **Replacing the ASBO:** *injunction to prevent nuisance and annoyance, and criminal behaviour orders;*
 2. **Police powers:** *Dispersal powers;*
 3. **Environmental ASB:** *Community protection notices and orders;*
 4. **Recovery of possession of dwelling-houses on anti-social behaviour grounds;** and
 5. **Community empowerment:** *The community trigger and community remedy.*

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