

**HUNTINGDONSHIRE DISTRICT COUNCIL**

<b>Title/Subject Matter:</b>	Anti-Social Behaviour, Crime and Policing Act 2014  Changes to Anti-Social Behaviour Legislation previously available under the Anti-Social Behaviour Act 2003
<b>Meeting/Date:</b>	COMT – 17 November 2014  Overview & Scrutiny Panel Social Wellbeing – 2 December 2014  Cabinet – 11 December 2014 (report updated following Overview & Scrutiny Panel Social Wellbeing)
<b>Executive Portfolio:</b>	Cllr T Sanderson, Executive Councillor for Strategic Economic Development and Legal  Cllr D Tysoe, Executive Councillor for Operations and Environment
<b>Report by:</b>	Chris Stopford, Head of Community
<b>Ward(s) affected:</b>	All

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**Executive Summary:**

The Anti-Social Behaviour, Crime and Policing Act 2014 received Royal Assent on 13<sup>th</sup> March 2014. Some of the powers have already come into effect but the main body of the Act commenced on 20<sup>th</sup> October 2014. This Act radically changes not only current procedures, orders and practices but if correctly applied, it provides for significantly improved results, real and effective partnership working, efficiency and potential cost savings for the organisations that have a responsibility to respond to anti-social behaviour.

The changes to the legislation have come about as a result of the recognition that there is a need to put victims at the heart of the response to anti-social behaviour and that professional's need flexibility to deal with any given situation effectively. Due to Anti-Social Behaviour being such a broad term, it covers a wide range of behaviours meaning that the responsibility for dealing with anti-social behaviour is shared between a number of agencies, particularly the Police, Councils and Social landlords.

There are 14 parts to the legislation; it is parts 1 – 7 that are most relevant to the Local Authority. The Act can be read in full at <https://www.gov.uk/government/collections/anti-social-behaviour-crime-and-police-bill>

Parts 1 to 4 of the Act – Injunctions, Criminal Behaviour Orders, Dispersal Powers, Community Protection Notices, Public Spaces Protection Orders and Closure Notices/ Orders – replace 19 previous powers to deal with anti-social behaviour. One obvious loss of this process has been the abolition of Anti-Social Behaviour Orders (ASBOs).

**Recommendation(s):**

- 1. Members indicate their support for the proposals set out in Section 6.1 of this report that set out who the delegated officers shall be for dealing with the new powers set out in the 2014 Anti-Social Behaviour, Crime and Policing Act, Executive Councillor Consultees, and Enforcing Officers**
  
- 2. Members indicate their support for the proposals set out in Section 6.1 of this report that set out who the delegated officers shall be for dealing with the creation and maintenance of policies and procedures relating to the new powers set out in the 2014 Anti-Social Behaviour, Crime and Policing Act**

## **1. WHAT IS THIS REPORT ABOUT/PURPOSE?**

- 1.1 The Anti-Social Behaviour, Crime and Policing Act 2014 replaces 19 powers that were previously available under the Anti-Social Behaviour Act 2003, with 6 new powers. The most significant of those being replaced are the Ant-Social Behaviour Order (ASBO) and Designated Public Places Orders (DPPOs).
- 1.2 This paper details the powers that have been repealed and what is now available under the new Act. This information is being presented to Members as they are asked to give consideration to the legislation, and the tools and powers that are now available for use if adopted by Huntingdonshire District Council.
- 1.2 The purpose of this report is to provide a brief in relation to each part of the Act and to request that Members delegate the powers available to identified officers.

## **2. WHY IS THIS REPORT NECESSARY/BACKGROUND**

- 2.1 The Act requires that Huntingdonshire District Council formally adopt provisions of the Act, and to implement changes to its Scheme of Delegation to ensure that Officers have access to the tools necessary to implement this victim centred response to the management of anti-social behaviour.
- 2.2 A number of the provisions that were available under the Anti-Social behaviour Act 2003 and the Criminal Justice and Police Act 2001 have been repealed by the 2014 Act; therefore consideration needs to be given to the adoption of the new powers.
- 2.3 If adopted, the new powers will allow the Local Authority to deal with problems quickly. The powers are designed to be flexible, allowing professionals to adapt them to protect victims in a wide range of situations. Historically, the powers available to address perpetrators of anti-social behaviour have been difficult to obtain. This has resulted in agencies shying away from using them or where used, the prohibitions have been flawed enabling the offending to continue and in turn leading to victims feeling helpless and unsupported.
- 2.4 There will be the flexibility under some parts of the Act for the Local Authority to designate powers to Social Landlords, therefore increasing tools and powers available to partner agencies.
- 2.5 Across Cambridgeshire, Police Community Support Officers (PCSOs) have been designated by the Chief Constable to use all powers offered to them under the Act excluding Closure Powers.

## **3. ANALYSIS**

- 3.1 In light of the new legislation, the Panel are requested to consider:
  - each part of the new Act and agree whether or not to recommend formal adoption of the new provisions;
  - How Huntingdonshire District Council should update its Scheme of Delegation to allow for the implementation and use of powers available under Parts 1 – 6 of the Act.

- 3.2 The Act replaces 19 existing powers and combines them into 6 new, more flexible powers. The new powers should not be seen simply as a replacement of the existing powers and should be used more widely than the previous powers allowed.

Current Powers	New Powers
ASBO on Application	Criminal Behaviour Order Or Civil Injunction
ASBO on Conviction	
Drinking Banning Order on Application	
Drinking Banning Order on Conviction	
Anti-Social Behaviour Injunction	
Individual Support Order	
Intervention Order	
Litter Clearing Notice	Community Protection Notice
Street Litter Clearing Notice	
Graffiti / Defacement Removal Notice	
Designated Public Place Order	Public Space Protection Order
Gating Order	
Dog Control Order	
ASB Premises Closure Order	Closure Power
Crack House Closure Order	
Noisy Premises Closure Order	
Section 161 Closure Order	
Section 30 Dispersal Order	Police Dispersal Power
Section 27 Dispersal Order	

### 3.3 Part 1 – The Civil Injunction

The injunction under Part 1 of the Anti-social Behaviour, Crime and Policing Act 2014 is a civil power which can be applied for to deal with anti-social individuals. The injunction can offer fast and effective protection for victims and communities and set a clear standard of behaviour for perpetrators.

- 3.3.1 There are two tests for an injunction under Part 1 of the 2014 Act these being Non-housing related and Housing related.
- 3.3.2 Agencies must make proportionate and reasonable judgements before applying for the injunction. Injunctions should not be used to stop reasonable, trivial or benign behaviours that have not caused, or are not likely to cause, anti-social behaviour to victims or communities. Failure to make such reasonable and proportionate judgements will increase the likelihood that an application will not be successful.

- 3.3.3 In certain cases a judge can attach a power of arrest. Prohibitions or requirements in the injunction can be for a fixed or indefinite period for adult perpetrators. In the case of under 18s the prohibitions or requirements must have a specified time limit, and the maximum term is 12 months.
- 3.3.4 The breach of the injunction is not a criminal offence. However, due to the potential severity of the penalties which the court can impose on respondents, the criminal standard of proof – ‘beyond reasonable doubt’ – is applied in breach proceedings.

### **3.4 Part 2 – Criminal Behaviour Orders (CBOs)**

The Criminal Behaviour Order will be available following a conviction for any criminal offence and can address the underlying causes of the behaviour through new, positive requirements. A breach of the Order will be a criminal offence with a maximum penalty of up to five years in prison for adults.

- 3.4.1 The CBO will replace Anti-Social Behaviour Orders (ASBOs) which were available under the ASB Act 2003. The recommendation is that the CBO is considered every time an anti-social behaviour offender is brought to a criminal court.
- 3.4.2 An application for a CBO does not require a link between the criminal behaviour which led to the conviction and the anti-social behaviour for it to be issued by the court.
- 3.4.3 The terms of the CBO must include the duration of the order. For adults this is a minimum of two years up to an indefinite period and for under 18s, the order must be between one and three years.
- 3.4.4 The decision to publicise a CBO will be taken by the Police or District Council unless the court has made a section 39 order (Children and Young Persons Act 1933) prohibiting publication. When deciding whether to publicise a CBO, public authorities (including the courts) must consider that it is necessary and proportionate to interfere with the young person’s right to privacy and the likely impact on a young person’s behaviour. This will need to be balanced against the need to provide re-assurance to the victims and the wider community as well as providing them with information so that they can report any breaches. Each case should be decided carefully on its own facts.
- 3.4.5 Where the CBO is made against someone under 18 years of age, there is a requirement to conduct annual reviews. Under the legislation, the Police have overall responsibility for carrying out such a review with a requirement to act in co-operation with the Council. The Police may invite any other person or body to participate in the review.

### **3.5 Part 4, Chapter 1 – Community Protection Notices (CPNs)**

The Community Protection Notice (CPN) is intended to deal with particular ongoing problems or nuisances which negatively affect the community’s quality of life by targeting those responsible.

- 3.5.1 In Huntingdonshire, the Local Authority already work in partnership and in some cases take the lead in dealing with these types of issues and under the legislation they will be able to issue CPNs. There is a formal role for social landlords and the Local Authority will have the option to where appropriate, designate social landlords with the power to issue CPNs.
- 3.5.2 Issuing a CPN does not discharge the Local Authority from its duty to issue an Abatement Notice where the behaviour constitutes a statutory nuisance for the purposes of Part 3 of the Environmental Protection Act 1990. While a CPN can be issued for behaviour that may constitute a statutory nuisance, the interaction between the two powers should be considered. It remains a principal of law that a specific power should be used in preference to a general one.
- 3.5.3 Failure to comply with a CPN is an offence. Where an individual, business or organisation fails to comply with the terms of the CPN, a number of options are available for the issuing authority.

### **3.6 Part 4, Chapter 2 – Public Spaces Protection Orders (PSPOs)**

Public spaces protection orders (PSPOs) are intended to deal with a particular nuisance or problem in a particular area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. They are designed to ensure the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour. The Local Authority will be responsible for making new Public Spaces Protection Orders after consulting with other identified organisations.

- 3.6.1 A request to delegate powers available under the ASB, Crime and Policing Act 2014 in relation to PSPOs has already been considered by the Licencing and Protection Panel held on 6<sup>th</sup> November 2014 and the outcome was the agreement of the report and the inclusion of Public Spaces Protection Orders within the Council's Scheme of Delegation.

### **3.7 Part 4, Chapter 3 – Closure Powers**

The closure power is a fast, flexible power that can be used to protect victims and communities by quickly closing premises that are causing nuisance or disorder.

- 3.7.1 The Closure Powers can be used for any premise including licensed premises but cannot exclude people from their home. Any closure notice or closure order in respect of a licensed premise will automatically trigger a review of the premises and these provisions will replace sections 161 to 165 of the Licensing Act 2003.

### **3.8 Part 5 – New Absolute Ground for Possession**

The purpose of the new absolute ground for possession is to speed up the possession process in cases where anti-social behaviour or criminality has already been proven by another court.

3.8.1 This power will be available for use by social landlords and private sector landlords. As Huntingdonshire District Council no longer owns housing stock then they will not have the ability to use this power but it is important that relevant services of the authority work closely with relevant agencies to ensure that the landlord is always aware when one or more of the triggers for the new absolute ground has occurred.

### **3.9 Part 6 – Community Trigger**

The Community Trigger gives victims the ability to demand action starting with a review of their case where the locally defined threshold is met. For the purposes of the Community Trigger, anti-social behaviour is defined as behaviour causing harassment, alarm or distress to a member or members of the public. Across Cambridgeshire and Peterborough, excluding Cambridge City, the locally defined threshold has been agreed as follows:

- The investigation into the ASB has been completed;
- The first report of anti-social behaviour was made within one month of the alleged behaviour taking place;
- The initial report was made after April 2014;
- There have been 3 or more reports of anti-social behaviour in the last 6 months; and
- The alleged incidents have all been reported to an agency e.g. Police, Huntingdonshire District Council, Luminus Homes

3.9.1 If someone wishes to activate the Community Trigger then they can do so by completing an online application form that is available on the Huntingdonshire District Council web pages, along with the identified point of contact for the area and guidance on completing the form. Information is also available on the trigger process and procedure.

3.9.2 The Community Trigger process for each complaint will be recorded and auditable on the ECINs Case Management System which is accessed by identified organisations across Cambridgeshire and is currently funded by the P&CC.

3.9.3 The legislation states that relevant bodies must publish information covering:

- The number of applications for Community triggers received;
- The number of times the threshold for review was not met;
- The number of anti-social behaviour case reviews carried out; and
- The number of anti-social behaviour case reviews that resulted in recommendations being made.

3.9.4 This data must be published at least annually and can represent a whole area, it does not need to be broken down by each body.

#### 4. COMMENTS OF OVERVIEW & SCRUTINY PANEL

4.1 Overview and Scrutiny Social Wellbeing considered the report on the 2<sup>nd</sup> December 2014, and agreed the recommendation of the report and for its escalation to Cabinet on the 11<sup>th</sup> December 2014. They considered the enforcement of the new statute and its scheme of delegation, sought examples as to how the powers can be used, and examples have now been included within Appendix 1 of this report. The Panel considered the resources necessary to ensure the effective enforcement of the new powers, and based on the advice from the Head of Community, were satisfied that no additional resources were being sought in this report, and the enforcement of the powers would be through a risk based, intelligence lead enforcement approach.

#### 5. KEY IMPACTS/RISKS

5.1 The major risk is that if the authority chose not to adopt the available powers, the result will be a continued fragmented approach to responding to ongoing issues.

#### 6. WHAT ACTIONS WILL BE TAKEN/TIMETABLE FOR IMPLEMENTATION

6.1 The Council has been working with relevant partners including other District Councils across Cambridgeshire to develop policies and procedures to allow for the day to day operation of the new legislation, these policies and procedures will need finalising and agreement. It is recommended that the delegation of powers, in respect of the new ASB legislation is approved with immediate effect following Cabinet's adoption of the new powers as set out in the tables below:

Amendments to the Council's Scheme of Delegation

<b>Power</b>	<b>Delegated Officer</b>	<b>Consultees</b>	<b>Enforcing Officers</b>
Civil Injunction	Head of Community (For approval on application)	Executive Councillor for Strategic Economic Development & Legal	Police Officers PCSOs
Criminal Behaviour Order	Head of Community (For approval on application)		Police Officers PCSOs
Community Protection Notices	Head of Community with the authority to delegate to identified officers  Head of Operations with the authority to		Police Officers PCSOs Designated Council Officers Designated Social landlords



	delegate to identified officers		
Public Spaces Protection Order	Head of Community with the authority to delegate to identified officers	Executive Councillor for Strategic Economic Development & Legal  Executive Councillor for Operations & Environment	Police Officers PCSOs Designated Council Officers
Community Trigger, responsibility to convene a multi-agency working group to review the issue	Head of Community	Executive Councillor for Strategic Economic Development & Legal	
Closure Power	Head of Paid Services, with regard to a closure notice under s77(2) – 48 hours  Head of Community, with regards to closure notice under s77(1) – 24 hours	Executive Councillor for Strategic Economic Development & Legal  Executive Councillor for Operations & Environment	Police Officers Designated Council Officers

Responsibility for the creation and maintenance of policy and procedures in connection with the powers of the Anti-Social Behaviour, Crime and Policing Act

<b>Power</b>	<b>Delegated Officer</b>	<b>Cabinet Lead</b>
Civil Injunction	Head of Community	Executive Councillor for Strategic Economic Development & Legal
Criminal Behaviour Order	Head of Community	Executive Councillor for Strategic Economic Development & Legal
Community Protection Notices	Head of Community	Executive Councillor for Strategic Economic Development & Legal

	Head of Operations	Executive Councillor for Operations & Environment
Public Spaces Protection Order	Head of Community  Head of Operations	Executive Councillor for Strategic Economic Development & Legal  Executive Councillor for Operations & Environment
Community Trigger	Head of Community	Executive Councillor for Strategic Economic Development & Legal
Closure Power	Head of Community	Executive Councillor for Strategic Economic Development & Legal

- 6.2 This recommendation will need to be referred to Cabinet with a target of the meeting on the 11<sup>th</sup> December 2014. This will be for formal adoption of the identified powers and implementation of amendments to the Scheme of Delegation contained within the Council Constitution 2014.

## **7. LINK TO THE LEADERSHIP DIRECTION**

- 7.1 The Council Corporate Priorities contained within the Corporate Plan 2014 – 16 clearly indicate the Local Authority's intent to create safer, stronger and more resilient communities. If adopted, these powers will work alongside this priority and ensure that in 'putting the victim first'; we can positively address issues of crime, disorder and anti-social behaviour.

## **8. CONSULTATION**

- 8.1 Under the new legislation it is only the creation of a Public Spaces Protection Order where consultation will be required and this will be with Cambridgeshire Constabulary, the Police and Crime Commissioner and with identified relevant bodies.
- 8.2 With regard to the other powers, partnership working to obtain them is recommended throughout the guidance but is not a requirement.

## **9. LEGAL IMPLICATIONS**

- 9.1 The use of each power requires the consideration of the evidential test as defined in the legislation. Appeals or challenges to the use of a power in each case can be made as detailed in point 3.0 of this report.

## **10. RESOURCE IMPLICATIONS**

- 10.1 The ASB, Crime and Policing Act 2014 replaces existing provisions of the Criminal Justice and Police Act 2001 and the ASB Act 2003 for which existing delegations and resources exist.
- 10.2 A breach of a Community Protection Notice (CPN) or a Public Spaces Protection Notice (PSPO) can be dealt with by means of a Fixed Penalty Notice (FPN) up to £100. Income achieved via the use of FPNs is payable to the Local Authority regardless of who issues them (Police Officers, PCSOs, Council Officers, designated Social landlords)..

## **11 REASONS FOR THE RECOMMENDED DECISIONS**

- 11.1 The legislation represents an opportunity to put the victim of anti-social behaviour first and complements Huntingdonshire District Council's Corporate Priorities of creating safer, stronger and more resilient communities. Without the adoption of these new powers and with previously available powers having been revoked, over time we will be left with a limited form of redress to respond to and deal with perpetrators of anti-social behaviour.

## **12. LIST OF APPENDICES INCLUDED**

Appendix 1 – Summary of the main provisions of the Anti-Social Behaviour, Crime and Policing Act 2014

## **BACKGROUND PAPERS**

- The Anti-Social Behaviour, Crime and Policing Act 2014
- Anti-Social Behaviour, Crime and Policing Act 2014: Reform of anti-social behaviour powers – Statutory guidance for frontline professionals, July 2014
- Huntingdonshire District Council Constitution 2014, Table 2 – Responsibility for Council Functions
- Huntingdonshire District Council Corporate Plan 2014 - 16

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**Appendix 1 – Summary of the main provisions of the Anti-Social Behaviour, Crime and Policing Act 2014**

**The Civil Injunction**

Purpose	To stop or prevent individuals engaging in anti-social behaviour quickly, nipping problems in the bud before they escalate.
Applicants	<ul style="list-style-type: none"> <li>• Local councils;</li> <li>• Social landlords;</li> <li>• Police (including British Transport Police);</li> <li>• Transport for London;</li> <li>• Environment Agency and Natural Resources Wales; and</li> <li>• NHS Protect and NHS Protect (Wales)</li> </ul>
Test	<ul style="list-style-type: none"> <li>• On the balance of probabilities;</li> <li>• Behaviour likely to cause harassment, alarm or distress (non-housing related anti-social behaviour); or</li> <li>• Conduct capable of causing nuisance or annoyance (housing-related anti-social behaviour); and</li> <li>• Just and convenient to grant the injunction to prevent anti-social behaviour.</li> </ul>
Details	<ul style="list-style-type: none"> <li>• Issued by the county court and High Court for over 18s and the youth court for under 18s.</li> <li>• Injunction will include prohibitions and can also include positive requirements to get the perpetrator to address the underlying causes of their anti-social behaviour.</li> <li>• Agencies must consult youth offending teams in applications against under 18s.</li> </ul>
Penalty on Breach	<ul style="list-style-type: none"> <li>• Breach of the injunction is not a criminal offence, but breach must be proved to the criminal standard, that is, beyond reasonable doubt.</li> <li>• Over 18s: civil contempt of court with unlimited fine or up to two years in prison.</li> <li>• Under 18s: supervision order or, as a very last resort, a civil detention order of up to three months for 14-17 year olds.</li> </ul>
Appeals	<ul style="list-style-type: none"> <li>• Over 18s to the High Court; and</li> <li>• Under 18s to the Crown Court.</li> </ul>
Important changes/differences	<ul style="list-style-type: none"> <li>• Available to a wider range of agencies than Anti-Social Behaviour Injunctions.</li> <li>• Obtainable on a civil standard of proof unlike Anti-Social Behaviour Orders (ASBOs).</li> <li>• No need to prove “necessity” unlike ASBOs.</li> <li>• Breach is not a criminal offence.</li> <li>• Scope for positive requirements to focus on long-term solutions.</li> </ul>

## Criminal Behaviour Order

Purpose	Issued by any criminal court against a person who has been convicted of an offence to tackle the most persistently anti-social individuals who are also engaged in criminal activity.
Applicants	<ul style="list-style-type: none"> <li>• The prosecution, in most cases the Crown Prosecution Service (CPS), either at its own initiative or following a request from the police or council.</li> </ul>
Test	<ul style="list-style-type: none"> <li>• If the court is satisfied beyond reasonable doubt that the offender has engaged in behaviour that has caused or is likely to cause harassment, alarm or distress to any person; and</li> <li>• The court considers that making the order will help prevent the offender from engaging in such behaviour.</li> </ul>
Details	<ul style="list-style-type: none"> <li>• Issued by any criminal court for any criminal offence.</li> <li>• The anti-social behaviour does not need to be part of the criminal offence.</li> <li>• Order will include prohibitions to stop the anti-social behaviour but it can also include positive requirements to get the offender to address the underlying causes of the offender's behaviour.</li> <li>• Agencies must</li> </ul>
Penalty on Breach	<ul style="list-style-type: none"> <li>• Breach of the order is a criminal offence and must be proved to a criminal standard of proof, that is, beyond reasonable doubt.</li> <li>• For over 18s on summary conviction: up to six months imprisonment or a fine or both.</li> <li>• For over 18s on conviction on indictment: up to five years imprisonment or a fine or both.</li> <li>• For under 18s: the sentencing powers in the youth court apply.</li> </ul>
Appeals	<ul style="list-style-type: none"> <li>• Appeals against orders made in the magistrates' court (which includes the youth court) lie to the Crown Court.</li> <li>• Appeals against orders made in the Crown Court lie to the Court of Appeal.</li> </ul>
Important Changes/ Differences	<ul style="list-style-type: none"> <li>• Consultation requirement with YOTs for under 18s.</li> <li>• No need to prove "necessity" unlike Anti-Social Behaviour Orders.</li> <li>• Scope for positive requirements to focus on long-term solutions.</li> </ul>

## Community Protection Notice

Purpose	To stop a person aged 16 or over, business or organisation committing anti-social behaviour which spoils the community's quality of life.
Who can issue a CPN	<ul style="list-style-type: none"> <li>• Council officers;</li> <li>• Police officers;</li> <li>• Police community support officers (PCSOs) if designated; and</li> <li>• Social landlords (if designated by the council).</li> </ul>
Test	Behaviour has to: <ul style="list-style-type: none"> <li>• have a detrimental effect on the quality of life of those in the locality;</li> <li>• be of a persistent or continuing nature; and</li> <li>• be unreasonable.</li> </ul>
Details	<ul style="list-style-type: none"> <li>• Written warning issued informing the perpetrator of problem behaviour, requesting them to stop, and the consequences of continuing.</li> <li>• Community protection notice (CPN) issued including requirement to stop things, do things or take reasonable steps to avoid further anti-social behaviour.</li> <li>• Can allow council to carry out works in default on behalf of a perpetrator.</li> </ul>
Penalty on breach	<ul style="list-style-type: none"> <li>• Breach is a criminal offence.</li> <li>• A fixed penalty notice can be issued of up to £100 if appropriate.</li> <li>• A fine of up to level 4 (for individuals), or £20,000 for businesses.</li> </ul>
Appeals	<ul style="list-style-type: none"> <li>• Terms of a CPN can be appealed by the perpetrator within 21 days of issue.</li> <li>• The cost of works undertaken on behalf of the perpetrator by the council can be challenged by the perpetrator if they think they are disproportionate.</li> </ul>
Important changes/differences	<ul style="list-style-type: none"> <li>• The CPN can deal with a wider range of behaviours for instance, it can deal with noise nuisance and litter on private land not open to the air.</li> <li>• The CPN can be used against a wider range of perpetrators.</li> <li>• The CPN can include requirements to ensure that problems are rectified and that steps are taken to prevent the anti-social behaviour occurring again.</li> </ul>

## Public Space protection Order

Purpose	Designed to stop individuals or groups committing anti-social behaviour in a public space
Who can make a PSPO	Councils issue a public spaces protection order (PSPO) after consultation with the police, Police and Crime Commissioner and other relevant bodies.
Test	Behaviour being restricted has to: <ul style="list-style-type: none"> <li>• be having, or be likely to have, a detrimental effect on the quality of life of those in the locality;</li> <li>• be persistent or continuing nature; and</li> <li>• be unreasonable.</li> </ul>
Details	<ul style="list-style-type: none"> <li>• Restrictions and requirements set by the council.</li> <li>• These can be blanket restrictions or requirements or can be targeted against certain behaviours by certain groups at certain times.</li> <li>• Can restrict access to public spaces (including certain types of highway) where that route is being used to commit anti-social behaviour.</li> <li>• Can be enforced by a police officer, police community support officers and council officers.</li> </ul>
Penalty on breach	<ul style="list-style-type: none"> <li>• Breach is a criminal offence.</li> <li>• Enforcement officers can issue a fixed penalty notice of up to £100 if appropriate.</li> <li>• A fine of up to level 3 on prosecution.</li> </ul>
Appeals	<ul style="list-style-type: none"> <li>• Anyone who lives in, or regularly works in or visits the area can appeal a PSPO in the High Court within six weeks of issue.</li> <li>• Further appeal is available each time the PSPO is varied by the council.</li> </ul>
Important changes/ Differences	More than one restriction can be added to the same PSPO, meaning that a single PSPO can deal with a wider range of behaviours than the orders it replaces.

## Closure Power

Purpose	To allow the police or council to quickly close premises which are being used, or likely to be used, to commit nuisance or disorder.
Applicants	<ul style="list-style-type: none"> <li>• Local council.</li> <li>• Police.</li> </ul>
Test	<p>The following has occurred, or will occur, if the closure power is not used:</p> <p>Closure notice (up to 48 hours):</p> <ul style="list-style-type: none"> <li>• Nuisance to the public; or</li> <li>• Disorder near those premises.</li> </ul> <p>Closure order (up to six months):</p> <ul style="list-style-type: none"> <li>• Disorderly, offensive or criminal behaviour;</li> <li>• Serious nuisance to the public; or</li> <li>• Disorder near the premises.</li> </ul>
Details	<ul style="list-style-type: none"> <li>• A closure notice is issued out of court in the first instance. Flowing from this the closure order can be applied for through the courts.</li> <li>• Notice: can close a premises for up to 48 hrs out of court but cannot stop owner or those who habitually live there accessing the premises.</li> <li>• Order: can close premises for up to six months and can restrict all access.</li> <li>• Both the notice and the order can cover any land or any other place, whether enclosed or not including residential, business, non-business and licensed premises.</li> </ul>
Penalty on Breach	<p>Breach is a criminal offence.</p> <ul style="list-style-type: none"> <li>• Notice: Up to three months in prison;</li> <li>• Order: Up to six months in prison;</li> <li>• Both: Up to an unlimited fine for residential and non-residential premises.</li> </ul>
Who can appeal	<ul style="list-style-type: none"> <li>• Any person who the closure notice was served on;</li> <li>• Any person who had not been served the closure notice but has an interest in the premises;</li> <li>• The council (where closure order was not made and they issued the notice);</li> <li>• The police (where closure order was not made and they issued the notice).</li> </ul>
Important Changes/ Differences	<ul style="list-style-type: none"> <li>• A single closure power covering a wider range of behaviour. Quick, flexible and can be used for up to 48 hours out of court.</li> </ul>



## Community Trigger

Purpose	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.
Relevant bodies and responsible authorities	<ul style="list-style-type: none"> <li>• Councils;</li> <li>• Police;</li> <li>• Clinical Commissioning Groups in England and Local Health Boards in Wales;</li> <li>• Registered providers of social housing who are co-opted into this group.</li> </ul>
Threshold	<p>To be defined by the local agencies but not more than:</p> <ul style="list-style-type: none"> <li>• three complaints in the previous six month period.</li> </ul> <p>May also take account of:</p> <ul style="list-style-type: none"> <li>• the persistence of the anti-social behaviour;</li> <li>• the harm or potential harm caused by the anti-social behaviour;</li> <li>• the adequacy of response to the anti-social behaviour.</li> </ul>
Details	<ul style="list-style-type: none"> <li>• When a request to use the Community Trigger is received, agencies must decide whether the threshold has been met and communicate this to the victim;</li> <li>• If the threshold is met, a case review will be undertaken by the partner agencies. Agencies will share information related to the case, review what action has previously been taken and decide whether additional actions are possible. The local Community Trigger procedure should clearly state the timescales in which the review will be undertaken;</li> <li>• The review encourages a problem-solving approach aimed at dealing with some of the most persistent, complex cases of anti-social behaviour;</li> <li>• The victim is informed of the outcome of the review. Where further actions are necessary an action plan will be discussed with the victim, including timescales.</li> </ul>
Who can use the Community Trigger?	<ul style="list-style-type: none"> <li>• A victim of anti-social behaviour or another person acting on behalf of the victim such as a carer or family member, Member of Parliament or councillor.</li> <li>• The victim can be an individual, a business or a community group.</li> </ul>