Reform of anti-social behaviour powers
Drugs and anti-social behaviour

What is the issue?

Illicit drug use can cause nuisance or annoyance to other people in the community, in addition to playing a role in perpetuating other types of anti-social behaviour (e.g. as a contributing factor in troubled families). The Bill gives the police and councils fast and flexible powers to tackle this type of anti-social behaviour and protect victims.

Drug-related anti-social behaviour can include the taking over of a local property to sell and take illicit drugs (commonly known as ‘crack houses’, although the term is used generically to refer to any drug). The disruption and anxiety caused to neighbouring properties can range from noise throughout the day and night and discarded drugs paraphernalia, to threatening behaviour to prevent the ‘crack house’ being reported to the police.

How the new powers can be used

**Closure power:** The new closure power can be used to deal with premises where drug misuse is causing nuisance or disorder. The power allows the police or council to quickly close a premises for up to 48 hours. This may be sufficient to disrupt the problem; however, where it is considered that the problem may recur or continue, a closure order can be applied for through the magistrates’ court to close the premises for up to three months initially, with a further extension to a maximum period of six months.

**Public spaces protection order (PSPO):** Illicit drug users may occupy public spaces or amenities in order to use drugs. For example, the public may avoid local public toilets if there is evidence of drug paraphernalia there which makes them feel unsafe to use. Street drug dealing may also attract unknown groups or individuals to an area which can make local people feel unsafe or create a perception that crime is high in that area.

In some cases a PSPO could be used by the council to limit the people who can access an area, such as by gating an alleyway at certain times. This may have the effect of disrupting the drug misuse in that area, protecting the community and ultimately allowing for the reopening of the alleyway.

**Dispersal power:** The new dispersal power is available where a constable has reasonable grounds to suspect that a person is contributing to harassment, alarm or distress to members of the public and that the use of the dispersal power will reduce the likelihood of that happening. It
could be used where a group of individuals are misusing drugs in an area as an irregular or one off occurrence, including those looking to buy drugs. The power enables the police to move groups or individuals away from an area. It could be used by itself or alongside other powers to tackle drug misuse.

**Injunction to prevent nuisance or annoyance (IPNA):** An IPNA can be used to tackle the underlying cause of the anti-social behaviour. As well as specifying what the individual must not do, such as not approach or speak to any neighbour they have previously been abusive to, the IPNA can also include positive requirements such as requiring the individual to start seeking support for their drug misuse. Positive requirements should be discussed with the relevant drug treatment service provider to ensure it is possible for the individual to carry out the requirement, allowing them to obtain the most appropriate support available. It is the court that considers the application and agrees to attaching particular requirements. Well-established links between the community, victims, police and council and service provider will assist in following up on the IPNA and any requirements attached to it.

**Criminal behaviour Order (CBO):** The CBO is used where the individual has been convicted of a criminal offence. The court may make this type of order where the offender has engaged in behaviour likely to cause harassment, alarm or distress and the order will prevent the offender from engaging in such behaviour in the future. The CBO can include requirements of what the offender must not do, but like the IPNA it can also include positive requirements such as undertake treatment for drug misuse.