

Have you got what it takes?

Tackling Anti-social behaviour (ASB)



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Important facts

Anti-social behaviour (ASB) is a broad term used to describe the day-to-day incidents of crime, nuisance and disorder that make many people's lives a misery – from litter and vandalism, to public drunkenness or aggressive dogs, to noisy or abusive neighbours. The wide range of problems described as 'anti-social' means that responsibility for dealing with ASB is shared between a number of agencies, particularly the police, councils and social landlords. Left unchecked ASB can blight communities and, in many cases, is targeted against the most vulnerable.

The most recent statistics (published by the Office for National Statistics in **Crime in England and Wales: Year Ending June 2015**, 15 October 2015) show that, in the year ending June 2015, police forces in England and Wales recorded 1.9 million incidents of ASB.

The Anti-social Behaviour, Crime and Policing Act 2014 introduced powers to make it quicker and easier for the police, local authorities and other partners to take action. The powers:

- focus the response to ASB on the needs of victims;
- empower communities to get involved in tackling ASB;
- ensure professionals are able to protect the public quickly; and
- tackle the underlying drivers of ASB, such as problem drinking.

Background

What is seen as 'anti-social' will vary from victim to victim, and from neighbourhood to neighbourhood. The right response in each case will depend on a range of factors, including the needs of the victim and the impact the ASB is having on their lives. As a result, solutions need to be developed jointly by the police and other local agencies, each with their own understanding of the situation and context, and working with victims and communities.

In many (but not all) cases, early and informal interventions can be effective at stopping the behaviour and bringing swift respite to the victim through the use of warning letters, Acceptable Behaviour Contracts, community resolution, parenting contracts and mediation. Frontline professionals must be free to use their judgement and expertise to decide what kind of approach best meets the needs of the victim and the community. There will be cases where informal intervention is not appropriate, for example where the victim is at risk of harm and formal interventions or sanctions are needed.

There is an increasing recognition of the harm ASB can cause, particularly to repeat and vulnerable victims. The police have, for example, reduced the number of categories for recording ASB incidents to three ('environmental', 'nuisance' and 'personal') making it easier to identify cases where victims are at risk.

The new ASB powers

The Anti-social Behaviour, Crime and Policing Act 2014 replaced the previous powers for tackling ASB with six new powers:

- **Civil Injunction:** this power offers fast and effective protection for victims and communities and is aimed at stopping an individuals' behaviour from escalating. It can include prohibitions as well as positive requirements to get the individual to address the underlying causes of their behaviour;
- **Criminal Behaviour Order:** this order is available following conviction for any criminal offence in any criminal court. It is aimed at tackling the most serious and persistent anti-social individuals who are also engaged in criminal activity. Both prohibitions and positive requirements can be set;
- **Dispersal Power:** this is a flexible power which the police can use in a range of situations to disperse anti-social individuals and provide immediate short-term respite to a local community;
- **Community Protection Notice:** this power is intended to deal with particular, ongoing problems or nuisances which negatively affect the community's quality of life by targeting those responsible;
- **Public Spaces Protection Order:** this order is designed to deal with a particular nuisance or problem in a particular public space that is detrimental to the local community's quality of life. Councils are responsible for making the order and setting restrictions and requirements. Before making an order, the council must

consult with the police, appropriate community representatives and, where reasonably practicable, the owner/occupier of the land concerned (although this does not include land owned by a local authority); and

- **Closure Power:** this is a fast, flexible power that allows the police or local authorities to quickly close premises that are causing or likely to cause nuisance and disorder for up to 48 hours (by issuing a Closure Notice), Courts are also able to issue Closure Orders, restricting access for up to 6 months.

The 2014 Act also introduced two further measures which are designed to give victims and communities a say in the way that ASB is dealt with.

Community Trigger: this measure gives victims of ASB the right to request a review of their case and, where the case meets a locally defined threshold, to bring agencies together to take a joined up, problem-solving approach to find a solution. A number of relevant bodies have a statutory duty to have a Community Trigger procedure and to undertake case reviews when a person asks for one (and the threshold is met) which includes councils, police, clinical commissioning groups in England, local health boards in Wales and social housing providers who are co-opted into the group.

Relevant bodies should work together to make arrangements about the making of applications for ASB case reviews, which includes agreeing an appropriate threshold, taking into consideration the nature of ASB experienced by victims in their area and the working practices of the agencies involved. The threshold for a review will be met where the relevant number of qualifying complaints has been made or, in any other situation, where the relevant bodies

have determined this in accordance with their review procedures. Where a person makes an application for a case review and the relevant bodies decide that the threshold is met then a case review must be carried out.

The local Police and Crime Commissioner must be consulted on the Community Trigger procedure when it is set up and whenever the procedure is reviewed. Arrangements may also be made for the Police and Crime Commissioner to have direct involvement, for example, auditing case reviews.

Community Remedy: this measure gives victims a say in the out-of-court punishment of perpetrators for low-level crime and ASB. This means victims will get justice quickly and the offender has to face immediate and meaningful consequences for their actions.

There is a duty on the Police and Crime Commissioner to consult with members of the public and community representatives on what actions they consider appropriate to be included in the Community Remedy document. The Police and Crime Commissioner also has a statutory duty to consult the local authority and chief officer of police on what actions they consider should be included.

The public consultation could be undertaken as part of another consultation, for example, when consulting on the Police and Crime Plan. The Community Remedy document may be revised at any time (subject to the necessary consultation) and it may be desirable to do this if new options are to be added. Consultation may be undertaken in whatever format the Police and Crime Commissioner considers appropriate. The Community Remedy document must be published.

Further information

The Anti-social Behaviour, Crime and Policing Act 2014 is available at: www.legislation.gov.uk/ukpga/2014/12/contents/enacted

The statutory guidance for frontline professionals which provides further information on the new powers and measures is available at: www.gov.uk/government/uploads/system/uploads/attachment_data/file/352562/ASB_Guidance_v8_July2014_final_2_.pdf

