



## DEBATE PACK

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# Anti-Social Behaviour

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## Summary

On 7 February 2019 there will be a general debate on anti-social behaviour, sponsored by Diana Johnson. The subject of the debate was [proposed](#) before the Backbench Business Committee on 20 November 2018.

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The House of Commons Library prepares a briefing in hard copy and/or online for most non-legislative debates in the Chamber and Westminster Hall other than half-hour debates. Debate Packs are produced quickly after the announcement of parliamentary business. They are intended to provide a summary or overview of the issue being debated and identify relevant briefings and useful documents, including press and parliamentary material. More detailed briefing can be prepared for Members on request to the Library.

# 1. Background

The statutory definition of anti-social behaviour is contained within [section 2](#) of the *Anti-Social Behaviour, Crime and Policing Act 2014* (“the 2014 Act”) which provides that “anti-social behaviour” includes conduct which has caused, or is likely to cause, harassment, alarm or distress to any person’.<sup>1</sup> This wide definition encompasses a range of behaviour from low level incidents of crime to day-to-day nuisance and disorder. While individual incidents may appear minor in isolation, the cumulative impact of long term persistent anti-social behaviour on a community can be highly damaging, especially when directed against vulnerable people.<sup>2</sup>

Most anti-social behaviour is also criminal: vandalism and graffiti, harassment, low level drug dealing, prostitution or people being drunk and rowdy in public, for example. However, since the introduction of the anti-social behaviour order (ASBO) by [section 1](#) of the *Crime and Disorder Act 1998*, a range of civil powers have also existed to target and curtail anti-social behaviour.

ASBOs were made in civil or criminal proceedings and, if breached, could have resulted in up to 5 years in prison or an unlimited fine for adults, or a 24-month detention and training order for children over age 10. A similar power – the anti-social behaviour injunction (ASBI) – existed in relation to housing. Relevant landlords could apply for an ASBI to prevent individuals engaging in conduct capable of causing nuisance and annoyance. ASBOs and ASBIs were accompanied by a range of other criminal and civil powers targeted variously at drug use, prostitution, littering, noise and other types of anti-social behaviour.

Following the 2010 General Election and formation of the Coalition Government, the then Home Secretary, Theresa May, set out the Government’s opposition to the existing range of powers and sanctions:

These sanctions were too complex and bureaucratic - there were too many of them, they were too time consuming and expensive and they too often criminalised young people unnecessarily, acting as a conveyor belt to serious crime and prison.

On top of this, their use varies hugely from area to area, with practitioners tending to focus on the handful they are most familiar with.<sup>3</sup>

On 7 February 2011 the Home Office launched a consultation, seeking views on how best to streamline existing legislation relating to anti-social behaviour and give communities a greater role in tackling it.<sup>4</sup> This was followed in May 2012 by the White Paper, *Putting victims first*:

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<sup>1</sup> [2\(a\), Anti-Social Behaviour, Crime and Policing Act 2014](#).

<sup>2</sup> For an example of the potentially severe consequences, see the case of Fiona Pilkington who, in 2007, took her own life and that of her disabled daughter after suffering years of abuse and anti-social behaviour (see the IPCC report of their investigation into her death: [IPCC report into the contact between Fiona Pilkington and Leicestershire Constabulary 2004-2007](#), 2011).

<sup>3</sup> [Crime: Home Secretary's speech on moving beyond the ASBO](#), 28 July 2010, Gov.uk

<sup>4</sup> Home Office, [More effective responses to anti-social behaviour](#), 2011

*more effective responses to anti-social behaviour*, in which the Government set out an approach to anti-social behaviour which it said would be faster, more effective and centred on the needs of the victim.<sup>5</sup> In December 2012, the Government published the *draft Anti-Social Behaviour, Crime and Policing Bill*. The Bill received Royal Assent on 13 March 2014.

The *Anti-Social Behaviour, Crime and Policing Act 2014*, repealed 19 existing powers and replaced them with six:

- Dispersal Powers
- Injunction to Prevent Nuisance and Annoyance (IPNA)
- Criminal Behaviour Order (CBO)
- Community Protection Notice
- Public Spaces Protection Order
- Closure Powers

The following outlines each of these.

## 1.1 Powers to deal with anti-social behaviour

### Dispersal Powers

Dispersal powers enable the police to disperse individuals or groups, directing them to leave a specified area and not return for up to 48 hours. The police must have reasonable grounds to believe that the individual's or group's presence in an area is likely to contribute to members of the public being harassed, alarmed or distressed, or result in crime and disorder; and the police consider the direction to leave is necessary to prevent or reduce the likelihood of such events.

### Injunction to Prevent Nuisance and Annoyance

The Injunction to Prevent Nuisance and Annoyance (IPNA) is targeted at preventing people from repetitively engaging in low level anti-social behaviour. Certain agencies may apply for it to be made against an individual; those empowered to do so are:

- Local authorities
- The Chief Officer of Police for the local area
- The Chief of the British Transport Police
- A housing provider
- Transport for London
- The Environment Agency and the Natural Resources Body Wales
- NHS Protect and NHS Protect (Wales)

An IPNA may be issued against anyone who is aged 10 or over. Applications for injunctions against people aged over 18 are made to the county court or High Court, those made against people aged under 18 are made to the youth court.

The IPNA is modelled on the Anti-Social Behaviour Injunction (ASBI), and was created to replace:

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<sup>5</sup> Home Office, [Putting victims first - more effective responses to anti-social behaviour](#), Cm 8367, May 2012

- the ASBO and ASBI issued in civil proceedings;
- the Drinking Banning Order issued in civil proceedings;
- intervention orders; and
- individual support orders.

An IPNA can be obtained on a lower standard of proof than an ASBO<sup>6</sup> and removed the requirement for the applicant to prove that granting an injunction is necessary. Unlike ASBOs, which were entirely prohibitive, IPNAs can both prohibit individuals from engaging behaviour and require them to engage in an activity. These latter requirements are known as “positive requirements”, examples of which include:

- attending alcohol awareness classes for alcohol related problems;
- presence at mediation sessions with neighbours or victims; and
- taking dog training classes for irresponsible dog owners.

## Criminal Behaviour Order

The Criminal Behaviour Order (CBO) is a direct replacement of both the ASBO made on conviction in criminal proceedings (commonly known as the “CRASBO”) and the Drinking Banning Order, also made on conviction. It is designed to tackle the most serious and persistent anti-social behaviour by dealing with offenders who engage in criminal activity. However, various changes have been made: in particular there is no longer a need for the prosecution to prove necessity in making an order, and CBOs can now make requirements of the offender as well as prohibitive measures against certain behaviours.<sup>7</sup>

Like its forerunner, the CRASBO, the CBO can be issued by any criminal court on the conviction of an individual for any criminal offence. In deciding whether to issue a CBO, the court must be satisfied beyond all reasonable doubt that the accused has engaged in behaviour which has caused, or is likely to cause harassment, alarm or distress to any person and consider that making such an order will help prevent future anti-social behaviour occurring.

A CBO given to an adult lasts for a minimum of two years and up to an indefinite period. A CBO given to somebody under 18 must last for between one and three years. Where an order is made against someone under the age of 18, the local Youth Offending Team must be consulted, and there is a requirement for annual reviews of the order and the offender’s behaviour for the duration of the order.

## Community Protection Notice

The Community Protection Notice (CPN) is designed to provide a means for dealing with ongoing problems in a local area which are having a detrimental effect on the community. Such problems might include

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<sup>6</sup> ASBOs were obtained to the criminal standard of proof – it had to be proved beyond all reasonable doubt that the accused had acted in an anti-social manner. The lower civil standard only requires this is proven on the balance of probability

<sup>7</sup> Home Office, *Factsheet: Replacing the ASBO*, paras 14-19.

regular complaints over litter, graffiti or noise. Local councils, the police or a registered social landlord can issue the notices.

A CPN can be issued to any person aged over 16, or any organisation or business, if the behaviour of the individual or organisation is:

- detrimental to the quality of life of local community;
- unreasonable; and
- persistent.

A CPN can direct a person or organisation to stop a particular behaviour, or make requirements of them to take specified actions to prevent the problem from reoccurring.

Before they can issue a CPN, the police, social landlord or council must give a written warning to the person committing the unreasonable behaviour, explaining that should the behaviour continue a CPN will be issued.

Failing to comply with a CPN is an offence which may result in:

- A Fixed Penalty Notice being issued;
- Remedial action being taken by the local council;
- On application to the courts, a remedial order or forfeiture order being made, or a warrant being issued for seizure of offending items.

## Public Spaces Protection Order

The Public Spaces Protection Order (PSPO) allows councils to place restrictions or impose conditions on activities which people can carry out in a designated area. They are designed to deal with issues identified in problem areas which are having a detrimental impact on the quality of life in a community.

A PSPO is issued by a local authority on consultation with the police and the owner or occupier of the land, if appropriate. A PSPO can apply over any public place and can prohibit any activity if the council is satisfied, on reasonable grounds, that the activities:

- have had, or are likely to have, a detrimental effect on the quality of life of those in the locality;
- are likely to be persistent in nature;
- are unreasonable; and
- justify the restrictions imposed.

The local authority issuing the order must also consult with any relevant community representatives, such as a residents' association, and should try to seek the views of those living or working nearby who may be affected by the order.

It is an offence for a person to breach the terms of a PSPO for which an enforcement officer (police constable, PCSO, council officer or other authorised person) may issue a Fixed Penalty Notice.

The use of the PSPO has been criticised by some campaigners who argue the power can be used to make virtually any activity illegal.<sup>8</sup>

<sup>8</sup> BBC News, [Council ban legislation creating 'bizarre' laws, campaigners say](#), 30 March 2015.

Councils using PSPOs to deal with problems of rough sleeping and begging have proved a source of particular controversy.<sup>9</sup> The Home Office [revised statutory guidance](#) now specifically states that PSPOs 'should not be used to target people based solely on the fact that someone is homeless or rough sleeping, as this in itself is unlikely to mean that such behaviour is having an unreasonably detrimental effect on the community's quality of life which justifies the restrictions imposed'<sup>10</sup> This is discussed in more detail in Commons Library Briefing Paper 07836, [Rough Sleepers and Anti-Social Behaviour \(England\)](#).

## Closure powers

[Part 4\(3\)](#) of the 2014 Act replaced several existing closure powers with a power to temporarily close premises. There are two stages to the power: a closure notice and a closure order. The closure notice can be issued by either the police or a local authority without the need to go to a court. After a closure notice has been issued, an application must be made to a magistrate's court for a closure order, unless the notice is cancelled. Closure orders can be issued for a period of up to six months. The court can issue a closure order if they are satisfied that:

- A person has engaged, or is likely to engage, in disorderly, offensive or criminal behaviour on a premises; or
- There has been, or is likely to be, serious nuisance or disorder near or associated with the use of a premises, and an order is necessary to prevent it from continuing.

## 1.2 Community Action

A core aim of the reforms made under the 2014 Act was to empower local communities, giving them greater involvement in deciding how anti-social behaviour should be dealt with.<sup>11</sup> Many of the powers outlined above require local authorities, the police or social landlords to consult with interested parties when deciding to take action, and in all cases, guidance recommends discussing the issue with victims and local residents. [Part 6 of the Act](#) (sections 101-105) sets out two ways for the community and victims to have a direct input in the way that anti-social behaviour is addressed:

- the Community Trigger; and
- the Community Remedy.

### The Community Trigger

The Community Trigger is a means for a victim of anti-social behaviour to demand action in relation to a local problem, particularly in situations

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<sup>9</sup> Liberty Human Rights, [Liberty campaigning: Public Spaces Protection Orders: "In a new era of official nastiness, it's suddenly a crime to be homeless"](#), Guardian, 10 March 2016

<sup>10</sup> Home Office, [Anti-social Behaviour, Crime and Policing Act 2014: Reform of anti-social behaviour powers -Statutory guidance for frontline professionals, page 51](#).

<sup>11</sup> Home Office, [Anti-Social Behaviour, Crime and Policing Act: Reform of anti-social behaviour powers; statutory guidance for frontline professionals](#), December 2017, pp1-2

where they feel the relevant authorities have failed to adequately respond.

Essentially, the Community Trigger is a means by which a victim of anti-social behaviour can escalate their complaint and have their case reviewed, subject to a certain threshold being met. The threshold is set locally, but it must not be higher than three complaints of anti-social behaviour within six months.

If a victim requests activation of the Community Trigger and the threshold is met, a case review will be undertaken by the agencies with a statutory duty:

- Local authority
- Police force
- Clinical Commissioning Groups / Local Health Boards
- Registered social housing providers

A case review will consider the complaints, look at what action has already been taken and consider the persistence or harm caused by the anti-social behaviour. The agencies can then decide on what action needs to be taken and produce an action plan with specific timescales in discussion with the victim.

## The Community Remedy

The Community Remedy is a form of out-of-court restorative justice to give victims of low-level crime and anti-social behaviour a say in the punishment of offenders.

A Police and Crime Commissioner, in consultation with the local community and the chief constable, must produce a Community Remedy document which has a list of actions which constitute an appropriate punishment in cases of minor crime and anti-social behaviour.<sup>12</sup>

If a person has committed a minor crime or been involved in anti-social behaviour, admits that they have done so and agrees to participate, the investigating officer may use the Community Remedy instead of pursuing the matter in court. If they are in agreement, victims of the crime or anti-social behaviour will be invited to choose which resolution from the Community Remedy document they wish to be used.

If the offender subsequently fails to comply with the Community Remedy, they may face court action for the original offence.

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<sup>12</sup> [Section 101, Anti-social Behaviour, Crime and Policing Act 2014](#)

## 2. Media

### 2.1 Press releases

[Respecting others: tackling antisocial behaviour in London](#)

London Assembly 18 January 2018

[New guidance on the use of the Anti-social Behaviour, Crime and Policing Act 2014](#)

Home Office 24 December 2017

### 2.2 Articles and blogs

[Stephen Lawrence's mother Doreen rejects knife crime Asbos](#)

Richard Ford, *The Times*, 6 February 2019

[How knife Asbos will harm, not help, young people](#)

Penelope Gibbs, *New Statesman*, 1 February 2019

[Knife ASBOs 'risk criminalising a generation of young people'](#)

The Justice Gap, 4 February 2019

['There is no silver bullet': how young BME people suffer under criminal justice system](#)

Jamie Grierson, *The Guardian*, 1 February 2019

[THE LEFT-BEHIND: In the second in his series examining Britain as it prepares to leave the EU, Patrick Cockburn meets residents in a Canterbury suburb who feel they've been living under siege](#)

Patrick Cockburn, *The Independent*, 23 January 2019

[Third of people never saw a bobby on the beat during 2018](#)

Charles Hymas, *The Daily Telegraph*, 11 January 2019

[Senior police figures want extra powers to tackle knife crime in capital](#)

Allegra Stratton, *ITV News*, 18 September 2018

[Hotspot of spirituality residents call in private security officers to fight surge in crime and violence; Householders in Glastonbury consider paying for extra street patrols as antisocial behaviour spirals](#)

Jane Dalton, *The Independent*, 16 September 2019

[Private police: coming to a street near you; Across the UK, a lack of bobbies means concerned citizens are resorting to paid for-patrols](#)

Cara McGoogan, *The Sunday Telegraph*, 16 September 2019

## 3. Parliamentary Business

### 3.1 Debates

#### [Police Grant Report](#)

HC Deb 05.02.2019, cc189-234

#### [Knife Crime Prevention Orders](#)

HC Deb 4 February 2019, cc27-44

#### [Draft Anti-social Behaviour, Crime and Policing Act 2014 \(Amendment\) Order 2018](#)

HC Deb, Fifth Delegated Legislation Committee 8 January 2019, cc1-6

#### [Public Health Model to Reduce Youth Violence](#)

HC Deb 13 December 2019 c453-97

#### [Anti-social Behaviour, Crime and Policing Act 2014 \(Amendment\) Order 2018](#)

HL, Considered in Grand Committee 12 December 2018, cc97GC-99GC

#### [Fireworks: Public Sales](#)

HC Deb 26 November 2018, cc1WH-44WH

#### [Drugs Policy](#)

HC Deb 23 October 2019, cc65WH-89WH

#### [Antisocial Behaviour: Hull and the East Riding of Yorkshire](#)

HC Deb 9 October 2018, cc24WH-32WH

#### [Rural Crime and Public Services](#)

HC Deb 6 June 2018, cc364-413

## 3.2 Parliamentary Questions

### [Designated Public Places Orders: Prosecutions](#)

#### **Asked by: Steve McCabe**

To ask the Secretary of State for Justice, pursuant to the answer of 7 January 2019 to question 203778 on Designated Public Places Orders: Prosecutions, how many prosecutions there were for the offence of consumption of alcohol in a designated public place under the Criminal Justice and Police Act 2001 by location of the court in each year from 30 May 2009.

#### **Answered by: Lucy Frazer | Ministry of Justice**

The number of defendants prosecuted for the offence of consumption of alcohol in a designated public place by Police Force Area in each year from 2009 to 2017 can be found in the accompanying table.

**04 Feb 2019 | Written questions | 213936**

### [Social Rented Housing: Antisocial Behaviour](#)

#### **Asked by: David Simpson**

To ask the Secretary of State for Housing, Communities and Local Government, what steps his Department is taking to ensure that (a) tenants of social housing feel safe and (b) people carrying out antisocial behaviour are reprimanded.

#### **Answered by: Kit Malthouse | Ministry of Housing, Communities and Local Government**

It is crucial that social homes are safe and that appropriate action is taken to tackle anti-social behaviour.

We are addressing building safety concerns in light of the Grenfell Tower fire to ensure that residents of higher risk buildings are safe and feel safe now and in the future. As part of our comprehensive response to the fire we have established the Building Safety Portfolio. This has four stages: to identify unsafe buildings, make buildings safe, identify system problems and fix the system.

To address wider safety measures in social housing, we consulted on a proposal in our social housing Green Paper to review the Decent Homes Standard to make sure it covers the right issues. We also invited views on whether new safety measures introduced in to the private rented sector should apply in the social rented sector. We plan to set out the Government response to the Green Paper in Spring 2019.

We have already taken action to address anti-social behaviour in neighbourhoods. The Anti-social Behaviour, Crime and Policing Act 2014 provides the police, local authorities and other local agencies including social landlords with a range of flexible powers, to respond quickly and effectively to different forms of anti-social and nuisance behaviour.

The Green Paper also included proposals to help tackle anti-social behaviour, including through the introduction of key performance indicators for social landlords in England around anti-social behaviour and neighbourhood management.

**21 January 2019 | Written questions | 208275**

[Social Rented Housing: Drugs](#)

**Asked by: David Simpson**

To ask the Secretary of State for Housing, Communities and Local Government, whether his Department takes steps to tackle the use of drugs in social housing; and if he will make a statement.

**Answered by: Kit Malthouse | Ministry of Housing, Communities and Local Government**

The Department expects social landlords in England to take appropriate action to tackle the use of drugs in social housing and the Regulator of Social Housing requires them to work in partnership with other agencies to prevent and tackle all forms of anti-social behaviour in the neighbourhoods where they own homes.

Landlords already have a discretionary ground under the Housing Act 1985 to seek possession against a tenant who has been convicted of using their property or allowing it to be used for immoral or illegal purposes.

The Anti-social Behaviour, Crime and Policing Act 2014 goes further and includes an absolute ground for possession which makes it easier to evict anti-social tenants who have already been convicted for specific offences including drug-related offences.

The Government's 2017 Drug Strategy sets out a balanced approach which brings together police, health, community and global partners to tackle the illicit drug trade, protect the most vulnerable and help those with a drug dependency to recover and turn their lives around.

**21 Jan 2019 | Written questions | 208277**

[Antisocial Behaviour](#)

**Asked by: Sir John Hayes**

To ask the Secretary of State for the Home Department, what steps his Department is taking to protect people from antisocial behaviour.

**Answered by: Victoria Atkins | Home Office**

The Anti-social Behaviour, Crime and Policing Act 2014 provides the police and local authorities with a range of flexible powers that they can use to tackle and prevent anti-social behaviour. To support local agencies decide when and how to use these powers, the Home Office refreshed its statutory guidance for frontline practitioners on the use of the statutory powers in December 2017.

**14 January 2019 | Written questions | 204398**[Prosecutions](#)**Asked by: Jo Stevens**

To ask the Secretary of State for Justice, how many (a) successful and (b) unsuccessful prosecutions were made under section 121 of the Anti-social Behaviour, Crime and Policing Act 2014 in each year since its commencement.

**Answered by: Lucy Frazer | Ministry of Justice**

Figures on the number of defendants prosecuted at magistrates' courts and the outcomes of those prosecutions at all courts under section 121 of the Anti-social Behaviour, Crime and Policing Act 2014 can be found in the 'Outcomes by Offence data tool'

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/733981/outcomes-by-offence-tool-2017-update.xlsx](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/733981/outcomes-by-offence-tool-2017-update.xlsx)

Search 'Offence' for '36.1 Forced marriage' from the offence drop down list.

It is important to remember that these figures are on a principle offence basis. When a defendant has been prosecuted for two or more offences, the principal offence is the offence for which the heaviest penalty would be imposed.

**03 December 2018 | Written questions | 196215**[Anti-social Behaviour](#)**Asked by: Dan Jarvis**

To ask the Secretary of State for the Home Department, what assessment he has made of whether local authorities have sufficient power to tackle anti-social behaviour.

**Answered by: Victoria Atkins | Home Office**

The Anti-social Behaviour, Crime and Policing Act 2014 provides the police, local authorities and other local agencies with a range of flexible powers, to respond quickly and effectively to different forms of anti-social and nuisance behaviour. The Government refreshed its statutory guidance for frontline practitioners on the use of the powers in December 2017, providing greater clarity on how best to use the powers appropriately and proportionately.

The Home Office keeps the sufficiency of the powers under review through a national Anti-social Behaviour Strategic Board which brings together a range of partners and representatives from key agencies.

**23 November 2018 | Written questions | 193604**

### **Crime Prevention**

#### **Asked by: Louise Haigh**

To ask the Secretary of State for the Home Department, with reference to his statement of 31 October 2018 to the APCC and NPCC joint summit that there needs to be more of an emphasis on crime prevention, what research his Department holds on the effect of a reduction in police resources on the levels of proactive policing.

#### **Answered by: Mr Nick Hurd | Home Office**

As we made clear in our Modern Crime Prevention Strategy, there are many factors that drive crime, and so preventing crime is the responsibility of many institutions, not just the police.

This Government has provided a strong and comprehensive settlement that is increasing total investment in the police system by over £460m in 2018-19, of which more than £280m from increased council tax precept will go direct to forces to spend locally. It is for operationally independent Chief Constables to decide how best to deploy officers in their force area.

HMICFRS's 2017 PEEL: Effectiveness inspection graded 34 forces as good at preventing crime and anti-social behaviour, four more than in 2016. Some forces had changed their approach to neighbourhood policing to ensure sufficient officers and PCSOs dedicated to preventative and community focused activity. A Police Foundation (2017) study of changes to neighbourhood policing found that forces have pursued a variety of strategies in relation to organising neighbourhood teams.

**12 November 2018 | Written questions | 188133**

### **Ministry of Housing, Communities and Local Government: Crime Prevention**

#### **Asked by: Louise Haigh**

To ask the Secretary of State for Housing, Communities and Local Government, what specific projects his Department is leading on to (a) support complex families with children at risk of involvement in crime and (b) build safer communities with a greater resilience to serious and organised crime.

#### **Answered by: Rishi Sunak | Ministry of Housing, Communities and Local Government**

My Department leads on the national Troubled Families Programme, which aims to find better ways of working with complex families with multiple high-cost problems. £920 million has been committed to the programme from 2015 - 2020. It targets families at risk of poor outcomes for early support. This can include families already involved in crime or anti-social behaviour; those where children are not attending school regularly; or where children are in need of help. I also recently

announced a new £5 million Supporting Families Against Youth Crime Fund to help eligible local authorities in England who are part of the Troubled Families Programme increase their focus on tackling youth crime and gangs.

**06 November 2018 | Written questions | 187086**

[Public Transport: Crimes of Violence](#)

**Asked by: David Simpson**

To ask the Secretary of State for Transport, what steps his Department is taking to ensure the safety of passengers from (a) verbal and (b) physical abuse on the public transport network.

**Answered by: Ms Nusrat Ghani | Department for Transport**

The Government is committed to reducing crime, anti-social behaviour and the fear of crime wherever it occurs in the transport system. We want to see more and more people using public transport - one of the key ways of encouraging this is to make sure it is a safe option.

The Department works with the British Transport Police (BTP) to tackle crime and anti-social behaviour on the railways in Great Britain. Under their franchise agreements, Train Operating Companies are required to work with BTP to manage and reduce railway crime.

BTP also operates a popular dedicated crime reporting text service - '61016' - which allows people to report offences to the police easily and discreetly.

**30 October 2018 | Written questions | 182173**

[Antisocial Behaviour: Urban Areas](#)

**Asked by: Maggie Throup**

What steps he is taking to tackle anti-social behaviour in town centres.

**Answered by: Victoria Atkins | Home Office**

The Government introduced the Anti-Social Behaviour, Crime and Policing Act 2014 which provides powers that the police and local authorities can use to tackle anti-social behaviour in town centres.

The powers include Public Spaces Protection Orders for local councils to stop people committing anti-social behaviour in public spaces and a Dispersal Power the police can use to disperse anti-social individuals.

**29 October 2018 | Written questions | 907316**

[Antisocial Behaviour: Cars](#)

**Asked by: Mahmood, Shabana**

To ask the Secretary of State for Housing, Communities and Local Government, what discussions he has had with the Secretary of State for Justice on tackling car cruising.

**Answered by:** Rishi Sunak | Ministry of Housing, Communities and Local Government

The Secretary of State for Housing, Communities and Local Government has not met the Secretary of State for Justice to discuss car cruising.

The Anti-Social Behaviour, Crime and Policing Act 2014 provides the police, local authorities and other local agencies with a range of flexible powers that they can use to respond quickly and effectively to different forms of anti-social and nuisance behaviour.

The powers include the Community Protection Notice which can be used by the police or the local authority to deal with particular problems or nuisances, including noise related, that are having a persistent or continuing and detrimental effect on the quality of life of those in the locality; the Civil Injunction which allows the police, local councils and other local agencies to apply to the court for an injunction against an individual or individuals in a range of circumstances where their behaviour is causing, or is likely to cause, harassment, alarm or distress; a Criminal Behaviour Order which can be issued by a court against an individual convicted of an offence to stop the behaviour of the most destructive individuals; a Public Spaces Protection Order which councils can issue to stop people committing anti-social behaviour in a public space; a Dispersal Power which can be used by the police to move-on problem groups or individuals; and a Closure Power which the police and councils can use to close premises that are a magnet for trouble.

The powers in the 2014 Act are deliberately local in nature, and it is for local agencies to determine whether their use is appropriate in the specific circumstances which apply.

The police also have the power under section 59 of the Police Reform Act 2002 to seize vehicles. This can be as a result of using a vehicle in a careless and inconsiderate manner, contrary to the Road Traffic Act 1988, and in a manner causing alarm, distress or annoyance to members of the public. Before so doing, a constable is required to give a warning that the vehicle will be seized unless the behaviour stops. The only exception is where a warning is impractical, or has already been given on that occasion, or given to the same person within the previous 12 months. The requirement for a warning provides people with the chance to stop their behaviour of their own accord and ensures the power of seizure is only used when necessary. Seizure, if carried out, puts an immediate stop to the behaviour in question. The seizure is not permanent: the owner can reclaim the vehicle on payment of prescribed removal and storage charges.

Any assessment of the effectiveness of these powers would be a matter for the Home Office.

### Antisocial Behaviour: Cars

**Asked by:** Mahmood, Shabana

To ask the Secretary of State for Housing, Communities and Local Government, what plans he has to help local authorities tackle car cruising.

**Answered by:** Rishi Sunak | Communities and Local Government

The Secretary of State for Housing, Communities and Local Government has not met the Secretary of State for Justice to discuss car cruising.

The Anti-Social Behaviour, Crime and Policing Act 2014 provides the police, local authorities and other local agencies with a range of flexible powers that they can use to respond quickly and effectively to different forms of anti-social and nuisance behaviour.

The powers include the Community Protection Notice which can be used by the police or the local authority to deal with particular problems or nuisances, including noise related, that are having a persistent or continuing and detrimental effect on the quality of life of those in the locality; the Civil Injunction which allows the police, local councils and other local agencies to apply to the court for an injunction against an individual or individuals in a range of circumstances where their behaviour is causing, or is likely to cause, harassment, alarm or distress; a Criminal Behaviour Order which can be issued by a court against an individual convicted of an offence to stop the behaviour of the most destructive individuals; a Public Spaces Protection Order which councils can issue to stop people committing anti-social behaviour in a public space; a Dispersal Power which can be used by the police to move-on problem groups or individuals; and a Closure Power which the police and councils can use to close premises that are a magnet for trouble.

The powers in the 2014 Act are deliberately local in nature, and it is for local agencies to determine whether their use is appropriate in the specific circumstances which apply.

The police also have the power under section 59 of the Police Reform Act 2002 to seize vehicles. This can be as a result of using a vehicle in a careless and inconsiderate manner, contrary to the Road Traffic Act 1988, and in a manner causing alarm, distress or annoyance to members of the public. Before so doing, a constable is required to give a warning that the vehicle will be seized unless the behaviour stops. The only exception is where a warning is impractical, or has already been given on that occasion, or given to the same person within the previous 12 months. The requirement for a warning provides people with the chance to stop their behaviour of their own accord and ensures the power of seizure is only used when necessary. Seizure, if carried out, puts an immediate stop to the behaviour in question. The seizure is not permanent: the owner can reclaim the vehicle on payment of prescribed removal and storage charges.

Any assessment of the effectiveness of these powers would be a matter for the Home Office.

26 October 2018 | Written questions | 182732

[Antisocial Behaviour: Cars](#)

**Asked by:** Mahmood, Shabana

To ask the Secretary of State for Housing, Communities and Local Government, what recent assessment he has made of the effectiveness of local government powers to tackle car cruising.

**Answered by:** Rishi Sunak | Ministry of Housing, Communities and Local Government

The Secretary of State for Housing, Communities and Local Government has not met the Secretary of State for Justice to discuss car cruising.

The Anti-Social Behaviour, Crime and Policing Act 2014 provides the police, local authorities and other local agencies with a range of flexible powers that they can use to respond quickly and effectively to different forms of anti-social and nuisance behaviour.

The powers include the Community Protection Notice which can be used by the police or the local authority to deal with particular problems or nuisances, including noise related, that are having a persistent or continuing and detrimental effect on the quality of life of those in the locality; the Civil Injunction which allows the police, local councils and other local agencies to apply to the court for an injunction against an individual or individuals in a range of circumstances where their behaviour is causing, or is likely to cause, harassment, alarm or distress; a Criminal Behaviour Order which can be issued by a court against an individual convicted of an offence to stop the behaviour of the most destructive individuals; a Public Spaces Protection Order which councils can issue to stop people committing anti-social behaviour in a public space; a Dispersal Power which can be used by the police to move-on problem groups or individuals; and a Closure Power which the police and councils can use to close premises that are a magnet for trouble.

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permanent: the owner can reclaim the vehicle on payment of prescribed removal and storage charges.

Any assessment of the effectiveness of these powers would be a matter for the Home Office.

26 October 2018 | Written questions | 182731

[Antisocial Behaviour: Young People](#)

**Asked by:** Simpson, David

To ask the Secretary of State for the Home Department, what steps his Department is taking to prevent young people from committing anti-social behaviour.

**Answered by:** Victoria Atkins | **Department:** Home Office

The Anti-social Behaviour, Crime and Policing Act 2014 provides the police and local authorities with a range of flexible powers that they can use to prevent young people and others from committing anti-social behaviour. The legislation is designed to ensure that anti-social behaviour by young people is dealt with properly and proportionately.

To support local agencies decide when and how to use these powers the Home Office refreshed its statutory guidance for frontline practitioners on the use of the statutory powers in December 2017.

10 October 2018 | Written questions | 174015

[Legal Aid Scheme: Public Spaces Protection Orders](#)

**Asked by:** Lord Rosser

To ask Her Majesty's Government in what circumstances, to whom, and to what extent, is legal aid available to challenge public spaces protection orders under the statutory appeal procedure provided in section 66 of the Anti-Social Behaviour, Crime and Policing Act 2014.

**Answered by:** Lord Keen of Elie | Ministry of Justice

We have made sure that legal aid continues to be available in the most serious cases, for example where people's life, liberty, or housing is at stake or where their children may be taken into care.

Legal aid is available for the making, varying, discharging and appealing of certain Protection Orders where there is a real risk to an individual's life or liberty.

Challenges to Public Space Protection Orders do not currently fall within the scope of the legal aid scheme. However, individuals may apply for Exceptional Case Funding where failure to provide legal aid would breach, or risk breaching, the European Convention on Human Rights or enforceable EU law, subject to statutory tests of means and merits.

19 September 2018 | Written questions | HL10013

[Antisocial Behaviour](#)

**Asked by:** Chishti, Rehman

To ask the Secretary of State for the Home Department, what steps his Department is taking to tackle anti-social behaviour.

**Answered by:** Victoria Atkins | Home Office

The Anti-social Behaviour, Crime and Policing Act 2014 provides the police and local authorities with a range of flexible powers that they can use to tackle and prevent anti-social behaviour. To support local agencies decide when and how to use these powers the Home Office refreshed its statutory guidance for frontline practitioners on the use of the statutory powers in December 2017.

13 September 2018 | Written questions | 171361

#### [Antisocial Behaviour: Crime Prevention](#)

**Asked by:** Phillipson, Bridget

To ask the Secretary of State for the Home Department, what assessment he has made of the effect of changes in police officer numbers on the ability of police to respond to anti-social behaviour.

**Answered by:** Mr Nick Hurd | Home Office

Chief Officers and Police and Crime Commissioners are responsible for local operational decisions including allocating appropriate resources to tackle anti-social behaviour. The Anti-social Behaviour, Crime and Policing Act 2014 provides the police with a wide range of powers to tackle all forms of anti-social behaviour effectively. We have therefore not made any specific assessment of the changes on police officer numbers to respond to anti-social behaviour.

10 September 2018 | Written questions | 170309

#### [Antisocial Behaviour](#)

**Asked by:** Morris, Grahame

To ask the Secretary of State for the Home Department, what powers are available to local authorities to require (a) organisations and (b) individuals to (i) clear and (ii) tidy industrial sites where anti-social behaviour is having a detrimental effect on local residents.

**Answered by:** Victoria Atkins | Home Office

The Anti-social Behaviour, Crime and Policing Act 2014 provides the police and local authorities with a range of flexible powers that they can use to tackle anti-social and nuisance behaviour.

This includes the Community Protection Notice which can be used by police, councils and designated housing providers to stop anti-social behaviour by individuals or businesses, that is having a detrimental effect on the community's quality of life. A Community Protection Notice can include requirements to stop causing the nuisance and/ or to

do specified things to 'make good'. It is for local agencies to decide when it is appropriate to make use of these powers.

03 September 2018 | Written questions | 166137

## 4. Organisations and further reading

Age UK, [Anti-social behaviour in housing](#), February 2019

Public Accounts Select Committee, [Financial pressures undermining confidence in the police](#), 7 November 2018

Home Affairs Select Committee, [Committee warns of "dire consequences" without extra police funding](#), 25 October 2018

National Audit Office, [Financial sustainability of police forces in England and Wales 2018, HC 1501](#), 11 September 2018

Howard League for Penal Reform, [Howard League for Penal Reform's response to the Sentencing Council's consultation on public order offences](#), 8 August 2018

Crown Prosecution Service, [Criminal Behaviour Orders](#), 28 June 2018

Sentencing Council, [New guidelines proposed for sentencing people convicted of public order offences](#), 9 May 2019

Home Office, [Serious Violence Strategy](#), 9 April 2018

Ben Sanders and Francesca Albanese, , [An examination of the scale and impact of enforcement interventions on street homeless people in England and Wales](#), Crisis, April 2017

Peabody, [Antisocial behaviour](#)

### Commons Library briefings

[Constituency Casework: Anti-Social Behaviour](#)

Briefing paper 7270, 29 June 2018

A briefing to assist MPs and their staff in dealing with enquiries from constituents regarding anti-social behaviour

### [Rough Sleepers and Anti-Social Behaviour \(England\)](#)

Commons Briefing paper 7836, 27 February 2018

This briefing paper discusses the use of anti-social behaviour powers to ban activities often associated with rough sleeping, and concerns that an increase in the use of these powers is criminalising homelessness and is not addressing the root cause of the problem.

### [Anti-social neighbours living in private housing \(England\)](#)

Commons Briefing paper 1012, 25 February 2017

This Commons Library briefing paper outlines the legal position and potential remedies available where people find themselves living next door to tenants of private landlords or owner-occupiers who exhibit anti-social behaviour. The briefing focuses on the legal position in England.

### [Anti-social behaviour in social housing \(England\)](#)

Commons Briefing papers 00264, 25 February 2017

This Commons Library briefing paper provides an overview of the remedies available to social landlords to deal with tenants who exhibit anti-social behaviour. The paper focuses on England but some of the same legislation applies in Wales. Scotland and Northern Ireland operate under different legislative regimes.

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