



In Focus

Powers under the Anti-social Behaviour, Crime and Policing Act 2014

On 8 September 2016, the House of Lords will debate the powers available under the Anti-social Behaviour, Crime and Policing Act 2014. This briefing explains the reformed measures available to tackle anti-social behaviour, changes to the law on dangerous dogs, introduction of new fire arm offences and the criminalisation of forced marriage provided for by this Act.

Anti-social Behaviour

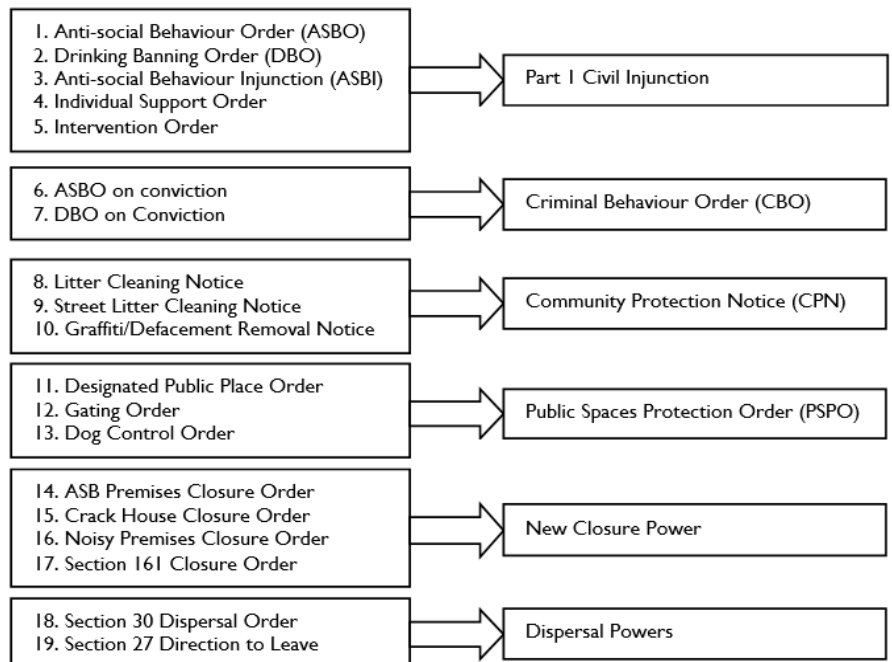
Anti-social behaviour is a term that is used broadly to describe incidents of criminal behaviour from vandalism to verbal abuse, nuisances—such as graffiti, littering or noise—and disorderly behaviour associated with alcohol, dogs or rowdiness. Responsibility for addressing such issues is shared between agencies such as the police, councils and providers of social housing.¹

The Anti-social Behaviour, Crime and Policing Act 2014 replaced 19 previously existing mechanisms for tackling anti-social behaviour with six new powers, as represented in the diagram opposite.

Civil Injunction

Civil injunctions are now available where conduct has caused or is likely to cause harassment, alarm or distress to any person (in a non-housing related context, such as public places); or where there is conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises; or causing housing-related nuisance or annoyance to any

person (housing-related context).² In comparison to some of the previous mechanisms, civil injunctions are available to a wider range of agencies—such as Transport for London and NHS Protect—and obtainable on a civil standard of proof. The court must also be satisfied that it is both 'just and convenient' to grant an order. In addition to containing prohibitions relating to behaviour, the terms of



(Source: *Cornerstone on Anti-social Behaviour: The New Law*, Bhogal, K, 2015, Figure 1.1, p 2)

an injunction may include positive requirements, such as attending an alcohol awareness class or mediation with neighbours. Breach of a civil injunction is not a criminal offence though a criminal standard of proof applies in breach proceedings due to the “potential severity” of the penalties.³

Criminal Behaviour Order

A Criminal Behaviour Order (CBO) is issued by a criminal court upon conviction of any criminal offence where the court is satisfied, beyond reasonable doubt, that the offender has engaged in behaviour that caused, or was likely to cause, harassment, alarm or distress to any person, and that the court considers making the order will help in preventing the offender from engaging in such behaviour. The order may include positive requirements such as an anger management course or a substance misuse awareness session. Breach of a CBO is a criminal offence.⁴ According to the Ministry of Justice, in 2015 there were 799 people found guilty of breaching a Criminal Behaviour Order.⁵

Community Protection Notice

To deal with behaviour that is deemed to be persistent or continuing, unreasonable and having a detrimental effect on the quality of life of those in the locality—such as graffiti, rubbish and noise, for example—a Community Protection Notice (CPN) may be issued by the police, councils or social landlords to individuals aged 16 and over, or to a body, including a business. A CPN can contain requirements that problems are rectified with steps to prevent recurrences. A breach of a CPN attracts fixed penalty notices or remedial action.⁶ In particular, whilst a CPN can be issued by the police, social landlords and councils, this power “does not discharge” councils from their duty to issue an Abatement Notice for statutory nuisances under the Environmental Protection Act 1990.⁷

Public Spaces Protection Order

Public Spaces Protection Orders (PSPO) are aimed at dealing with behaviours deemed to be persistent or continuing; unreasonable; and have had, or are likely to have, a detrimental effect on the quality of life of those in the locality. PSPOs relate to areas such as parks, alleyways or communal areas. Following a consultation with the police, Police and Crime Commissioner and other relevant bodies, councils are able to impose restrictions and requirements on areas with enforcement by police officers, police community support officers and council officers. Breach is a criminal offence with a fixed penalty notice or a fine.⁸

New Closure Power

To allow the closure of premises that are used, or likely to be used, to commit nuisance or disorder, a council or police force can issue a closure notice for 24 hours (with the potential for this period to be extended to 48 hours if authorised by the council’s chief executive officer or a police superintendent). A subsequent closure order for up to six months may be obtained by application to the magistrates’ court in cases of disorderly, offensive or criminal behaviour, or serious nuisance or disorder. Breach of a notice or closure order is a criminal offence.⁹

Dispersal Power

Dispersal powers allow police officers and police community support officers (if designated the power by their chief constable) to direct an individual to leave an area for up to 48 hours to remove or reduce the likelihood of anti-social behaviour, crime or disorder. A direction can be given to anyone who is, or appears to be, over the age of ten (if under 16 they can be taken home or to a place of safety) and items can also be confiscated. Breach is a criminal offence. In comparison to previous mechanisms, it is “a more flexible power”, and can be used to provide immediate respite to a community.¹⁰

New Ground for Possession

Part five of the Anti-social Behaviour, Crime and Policing Act 2014 provides landlords with a new absolute ground for possession where anti-social behaviour or criminality—such as being convicted of a serious offence or being found to have breached a civil injunction—has been proven by another court. The offences or breaches need to have occurred in the locality of the property, or affected a person living in the locality or affected the landlord or his or her staff. If the conditions set out in the legal test are met, the court must grant a possession order within 14 days or a maximum of six weeks in exceptional circumstances.¹¹

Local Involvement and Accountability

Part six of the Act introduces two new local involvement and accountability measures. The Community Trigger gives individuals affected by anti-social behaviour the ability to request a review of their case which would bring together local agencies, such as councils, the police, and co-opted registered providers of social housing. An action plan is then discussed with the victim. The Community Trigger can also be used on behalf of the victim. The Community Remedy mechanism gives victims a say in the out-of-court punishment of anti-social behaviour and low-level crimes.¹²

Statistics on Anti-social Behaviour

The latest statistical bulletin by the Office for National Statistics *Crime in England and Wales: Year Ending March 2016*, states: “around 1.8 million incidents of anti-social behaviour were recorded by the police (including the British Transport Police) in the latest year, a decrease of 7 percent compared with the previous year”.¹³

According to the Crime Survey of England and Wales, 28.4 percent of respondents reported experiencing or witnessing anti-social behaviour in their local area in the year ending March 2016, up from 27.3 percent in the year ending March 2015. In both years, the top two types of anti-social behaviour were “drink related behaviour” and “groups hanging around on the streets”.¹⁴ Further, 10.8 percent of respondents had a high-level of perceived anti-social behaviour in their local area for the year ending March 2016.¹⁵

Other Provisions in the Anti-social Behaviour, Crime and Policing Act 2014

Dangerous Dogs

Part 7 of the Act extended criminal liability under section 3 of the Dangerous Dogs Act 1991 for owning or being in charge of a dog that is dangerously out of control to include private places (it previously only covered public places) and that an attack on an assistance dog is an offence and to be considered as an aggravated offence. The Act also extends the considerations taken into account for a court deciding whether a dog on the prohibited list should be destroyed or not, such as the character of the owner and the temperament of the dog.

In terms of the prevalence of prosecutions under the Dangerous Dogs Act 1991: in 2015, there were 246 individuals found guilty of summary offences; 243 individuals found guilty of “other offences relating to dogs”; five people were found guilty of being an “owner or person in charge allowing [a] dog to enter a non-public place and injure any person” and 123 people were found guilty of being an “owner or person in charge allowing [a] dog to be dangerously out of control in a public place injuring any person”.¹⁶

Firearms

Previously, there was no specific offence in relation to possession of prohibited firearms with intent to supply.¹⁷ Following a House of Commons Home Affairs Committee inquiry and a government consultation on legislative changes to firearm controls, the Coalition Government announced on 22 October 2012 that it would “increase the maximum penalty for illegal importation of firearms to life imprisonment” and “create a new offence of ‘possession with intent to supply’ with a maximum sentence of life imprisonment”.¹⁸ In the year ending March 2015, the police recorded 7,866 offences involving a firearm, an increase of 2 percent compared with the previous year (7,729 offences).¹⁹

Forced Marriage

Under the Forced Marriage (Civil Protection) Act 2007, an individual being forced or having been forced into marriage may apply to the court for a Forced Marriage Protection Order. In 2011, the Home Affairs Committee stated in its report, *Forced Marriage*, that it was “not at all clear that the Act is wholly effective” and “it would send out a very clear and positive message” if it became a criminal offence.²⁰ The 2014 Act now makes forced marriage and breach of a Forced Marriage Protection Order a criminal offence. In 2014, one person was found guilty of the new crime of forced marriage and three people—two in 2014 and one in 2015—have been found guilty of breaching a Forced Marriage Protection Order.²¹

The volume of forced marriage referrals from the police to the Crown Prosecution Service rose to 82 in 2014–15 from 67 in 2013–14.²² Since 2007, 1,081 Forced Marriage Protection Orders have been made in total. Of these, 217 were made in 2015 and 49 in the first quarter of 2016.²³

Other Measures

The Act also addresses Protection from Sexual Harm and Violence, Policing Reforms, Criminal Justice and Court Reforms and Extradition.

Further Information

- Home Office, [Anti-social Behaviour, Crime and Policing Act 2014: Reform of Anti-social Behaviour Powers: Statutory Guidance for Frontline Professionals](#), July 2014
 - House of Commons Library, [Anti-social Behaviour, Crime And Policing Bill: Bill No 7 of 2013–14, Research Paper 13/34](#), 4 June 2013; [Anti-social Behaviour—New Provisions](#), 25 February 2015, [Constituency Casework: Anti-social Behaviour](#), 3 September 2013; [Anti-social Behaviour in Private Housing \(England\)](#), 16 June 2015 and [Anti-social Behaviour in Social Housing \(England\)](#), 3 March 2015
 - House of Lords Library, [Anti-social Behaviour, Crime and Policing Bill \(HL Bill 52 of 2013–14\)](#), 25 October 2013
 - House of Commons Library, [Dangerous Dogs](#) and 11 August 2016; [Forced Marriage](#), 21 January 2015
 - Kuljit Bhogal, *Cornerstone on Anti-social Behaviour: The New Law*, 2015
-

-
- ¹ Home Office, [Anti-social Behaviour, Crime and Policing Act 2014: Reform of Anti-social Behaviour Powers: Statutory Guidance for Frontline Professionals](#), July 2014, p 1.
- ² *ibid*, p 22.
- ³ *ibid*, pp 20–26.
- ⁴ *ibid*, pp 27–31.
- ⁵ Ministry of Justice, '[Criminal Justice Statistics Quarterly: Outcomes by Offence Tables](#)', 19 May 2016.
- ⁶ Home Office, [Anti-social Behaviour, Crime and Policing Act 2014: Reform of Anti-social Behaviour Powers: Statutory Guidance for Frontline Professionals](#), July 2014, pp 38–45.
- ⁷ *ibid*, p 41.
- ⁸ *ibid*, pp 46–51.
- ⁹ *ibid*, pp 53–57.
- ¹⁰ *ibid*, pp 32–37.
- ¹¹ *ibid*, pp 58–63.
- ¹² *ibid*, pp 3–15.
- ¹³ Office for National Statistics, [Statistical Bulletin, 'Crime in England and Wales: Year ending March 2016'](#), 21 July 2016, p 8.
- ¹⁴ Office for National Statistics, '[Crime in England and Wales: Bulletin Tables](#)', Table F24 (Crime Survey for England and Wales) 21 July 2016.
- ¹⁵ *ibid*, Table F25 (Crime Survey for England and Wales).
- ¹⁶ House of Commons, '[Written Question: Dangerous Dogs](#)', 29 June 2016, 41499.
- ¹⁷ House of Commons Library, [Anti-social Behaviour, Crime And Policing Bill: Bill No 7 of 2013–14, Research Paper 13/34](#), 4 June 2013, pp 59–62.
- ¹⁸ [HC Hansard, 22 October 2012, col 44WS](#).
- ¹⁹ Office for National Statistics, '[Offences Involving Use of Weapons](#)', Appendix Table 3.02, 11 February 2016, p 3.
- ²⁰ Home Office, [Forced Marriage: The Government Response to the Eighth Report from the Home Affairs Committee. Session 2010–12](#), July 2011, Cm 8151, p 3.
- ²¹ Ministry of Justice, '[Criminal Justice Statistics Quarterly: Outcomes by Offence Tables](#)', 19 May 2016.
- ²² Crown Prosecution Service, [Violence Against Women and Girls Crime Report 2014–2015](#), June 2015, p 71 and see House of Commons, '[Written Question: Forced Marriage](#)', 10 May 2016, 36352.
- ²³ Ministry of Justice, '[Family Court Statistics Quarterly: January to March 2016 Tables](#)' and [Family Court Statistics Quarterly: January to March 2016](#), p 20.

Library In Focus are compiled for the benefit of Members of the House of Lords and their personal staff, to provide impartial, politically balanced briefings on a selection of topical subjects. Authors are available to discuss the contents of the Notes with the Members and their staff but cannot advise members of the general public.

Any comments on In Focus should be sent to the Head of Research Services, House of Lords Library, London, SW1A 0PW or emailed to purvism@parliament.uk.