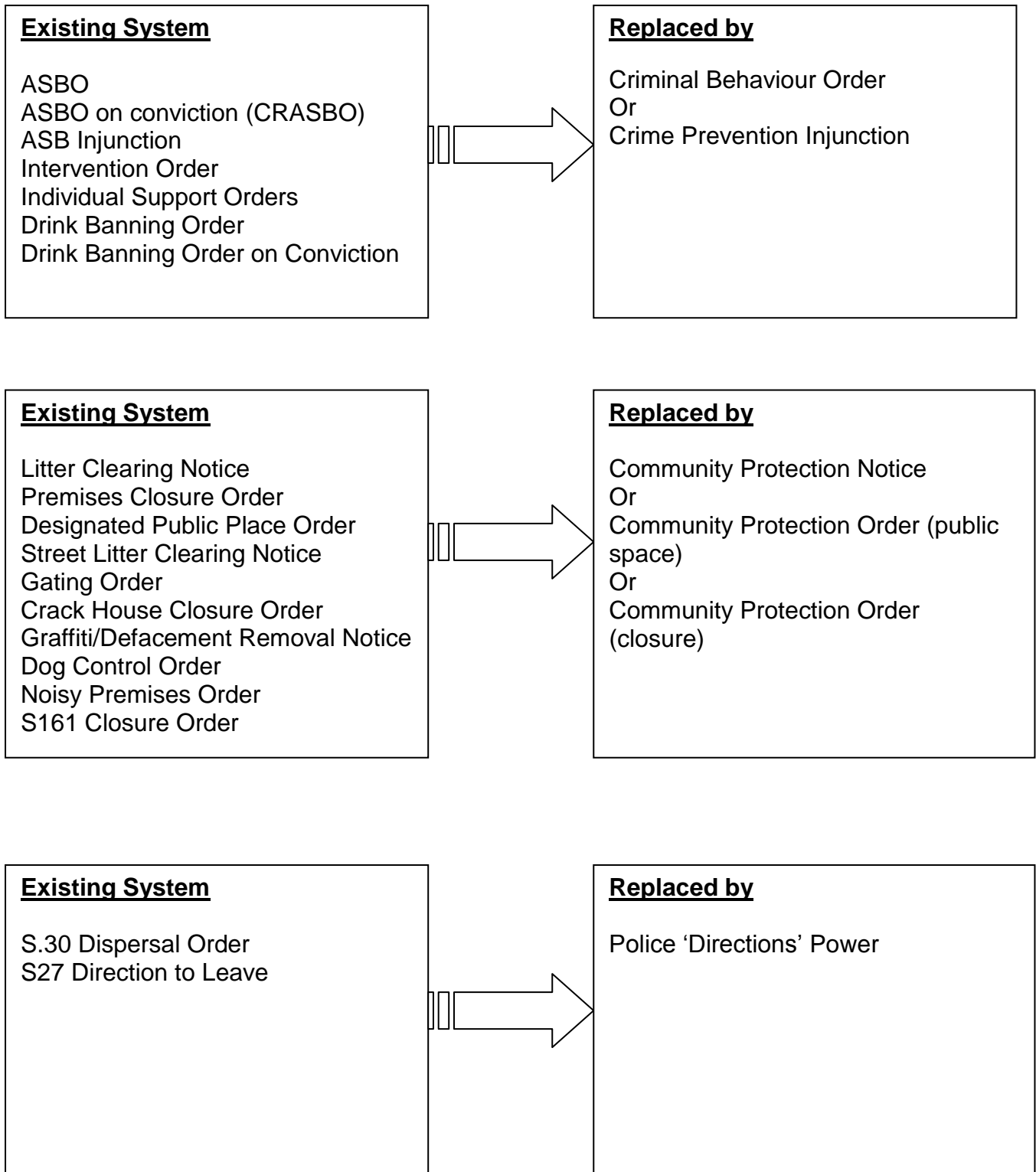


Anti Social Behaviour Powers

Local Authorities and partners have completed an exercise exploring the new powers that will replace the existing ones, looking at how they are currently used and what will need to change when we move to the new powers from Sept 14. A task and finish group was held in May last year where colleagues from police, voluntary sector, public protection and community safety.

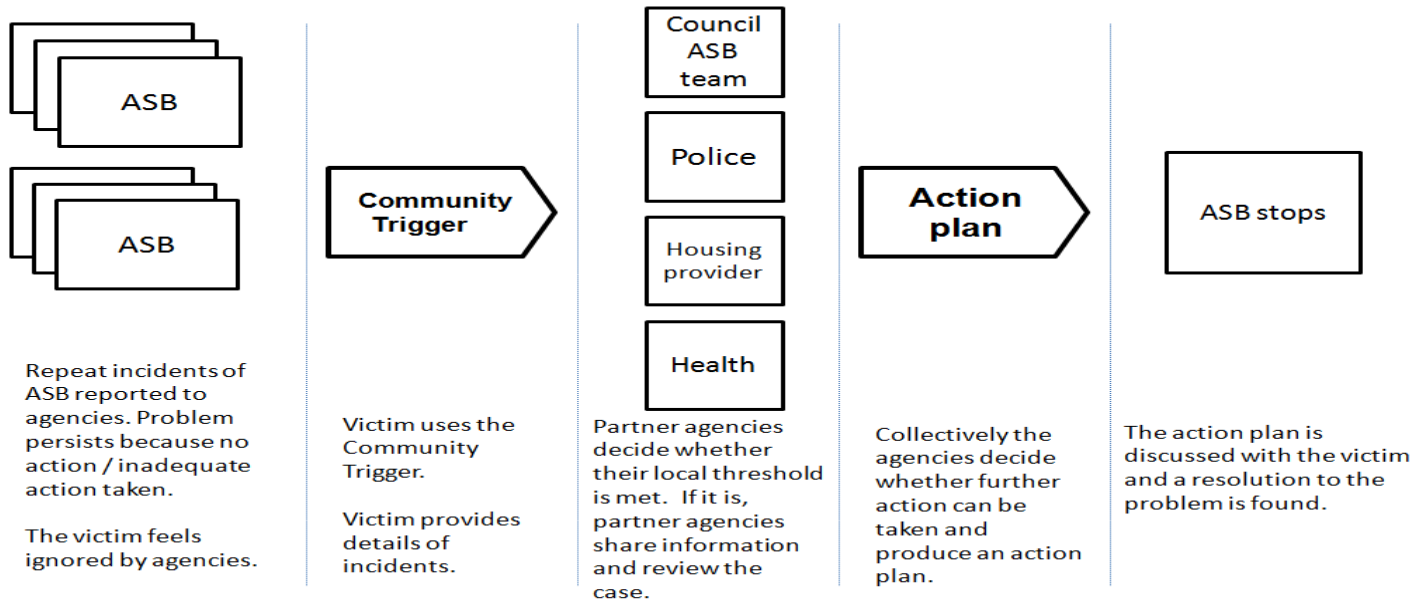


Summary of Powers

COMMUNITY TRIGGER

Purpose	To give 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 for the victim.
Agencies with a responsibility to have arrangements in place for the Community Trigger	<ul style="list-style-type: none"> • Council; • Police; • Clinical Commissioning Groups in England and Local Health Boards in Wales; • Registered providers of social housing who are co-opted onto this group.
Threshold	<p>To be defined by the local agencies but not more than:</p> <ul style="list-style-type: none"> • Three complaints in the previous six month period. <p>May also take account of:</p> <ul style="list-style-type: none"> • The persistence of the anti-social behaviour; • The harm or potential harm caused by the anti-social behaviour; • The adequacy of response to the anti-social behaviour.
Details	<ul style="list-style-type: none"> • When the Community Trigger is activated, agencies must decide whether the threshold has been met and communicate this to the victim; • 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; • The review encourages a problem-solving approach aimed at dealing with some of the most persistent, complex cases of anti-social behaviour; • 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.
Who can use the Community Trigger?	<p>A victim of anti-social behaviour or another person acting on behalf of the victim such as a carer or family member, MP or councillor.</p> <p>The victim could be an individual, a business or a community group.</p>

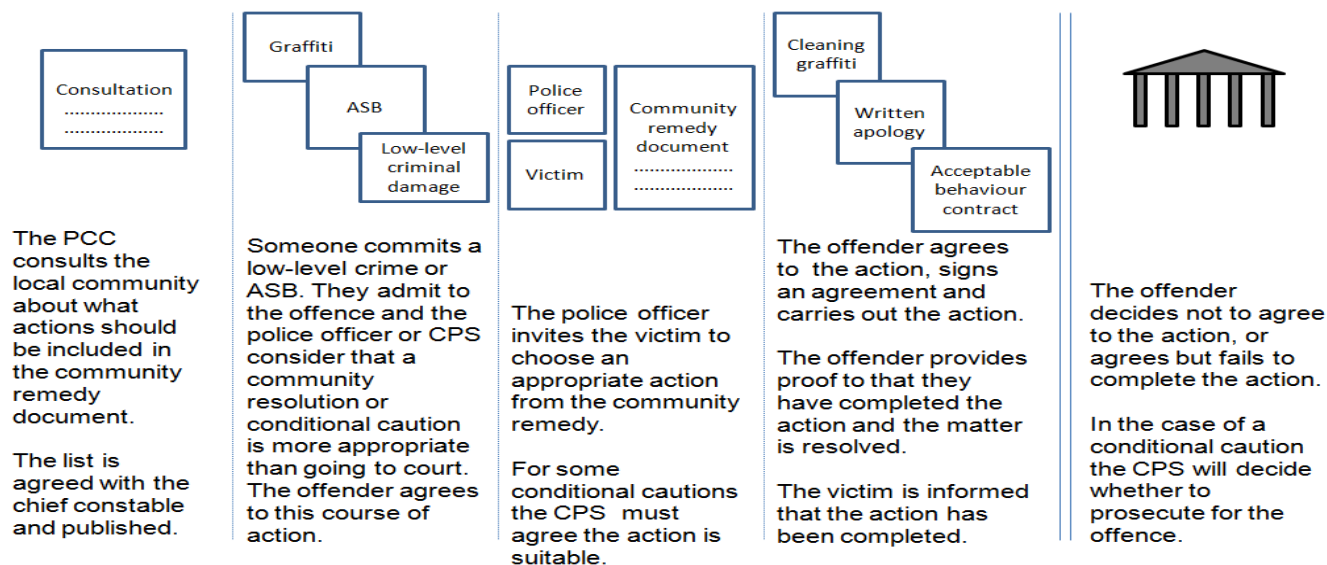
The Community Trigger



COMMUNITY REMEDY

Purpose	The community remedy gives victims a say in the out-of-court punishment of offenders for low-level crime and anti-social behaviour.
Applicants / who can use the remedy	<ul style="list-style-type: none"> • Police officer; • An investigating officer (which can include Police Community Support Officers for certain offences, if designated the power by their Chief Constable); • A person authorised by a relevant prosecutor for conditional cautions or youth conditional cautions.
Test	<ul style="list-style-type: none"> • The officer must have evidence that the person has engaged in anti-social behaviour or committed an offence; • The person must admit to the behaviour or offence; • The officer must think that the evidence is enough for court proceedings including an injunction to prevent nuisance and annoyance, or impose a caution or fixed penalty notice, but considers that a community resolution would be appropriate.
Conditional cautions	The community remedy must be considered when an offender is given a conditional caution or youth conditional caution. The action chosen by the victim can be attached as a condition to the caution.
Details	When dealing with anti-social behaviour or low-level offences out-of-court through community resolutions and conditional cautions the police officer must use the community remedy as a means to engage the victim in having a say in the punishment of the offender. The Act places a duty on the PCC to consult with members of the public and community representatives on what punitive, restorative or rehabilitative actions they would consider appropriate to be on the community remedy document.
Failure to comply	If the offender fails to comply with a conditional caution or youth conditional caution they can face court action for the offence or anti-social behaviour.
Important changes /differences	The community remedy is used with the community resolutions, conditional cautions and youth conditional cautions. The community remedy document is a list of actions which may be chosen by the victim for the perpetrator to undertake in consequence of their behaviour or offending.

Community Remedy

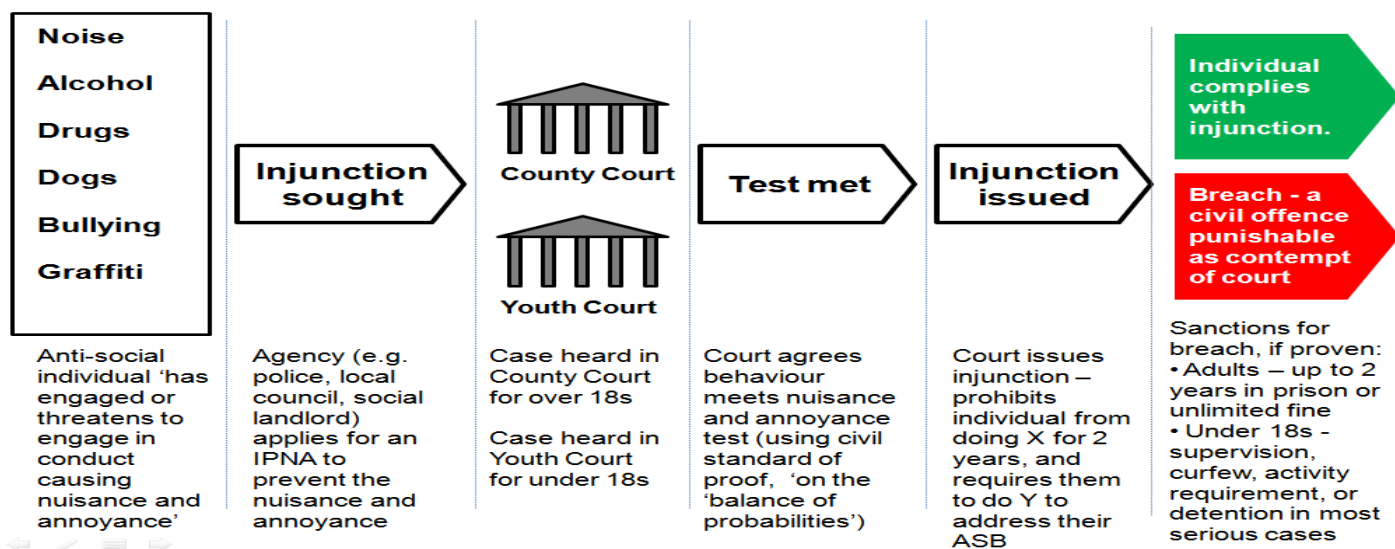


INJUNCTIONS TO PREVENT NUISANCE AND ANNOYANCE (IPNA)

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"> • Police (including British Transport Police) • Local authorities • Social landlords • NHS Protect and NHS Protect (Wales) • Environment Agency and Natural Resources Wales • Transport for London
Test	<ul style="list-style-type: none"> • On a balance of probabilities, the respondent has engaged or is threatening to engage in conduct capable of causing nuisance and annoyance to any person; and • The court considers it is just and convenient to grant the injunction to stop the anti-social behaviour.
Details	<ul style="list-style-type: none"> • Issued by the county court for over 18s and the youth court for under 18s • Injunction will include prohibitions and can also include positive requirements to get perpetrator to address the underlying causes of their behaviour. • Agencies must consult Youth Offending Teams for applications for under 18s
Penalty on breach	<ul style="list-style-type: none"> • Breach of the injunction is not a criminal offence but breach must be proved to the criminal standard, that is, beyond a reasonable doubt. • Over 18s: Civil contempt of court with Unlimited fine or up to 2 years in prison • Under 18s: supervision order or, as a very last resort, a detention order of up to 3 months for 14-17 year olds
Appeals	<ul style="list-style-type: none"> • Over 18s to the High Court; • Under 18s to the Crown Court.
Important changes /differences	<ul style="list-style-type: none"> • Available to a wider range of agencies than Anti-Social Behaviour Injunctions; • Obtainable on a civil standard of proof unlike Anti-Social Behaviour Orders; • Lower anti-social behaviour test than Anti-Social Behaviour Orders; • No need to prove “necessity” unlike Anti-Social Behaviour Orders; • Breach is not a criminal offence; and

- Scope for positive requirements to focus on long-term solutions.

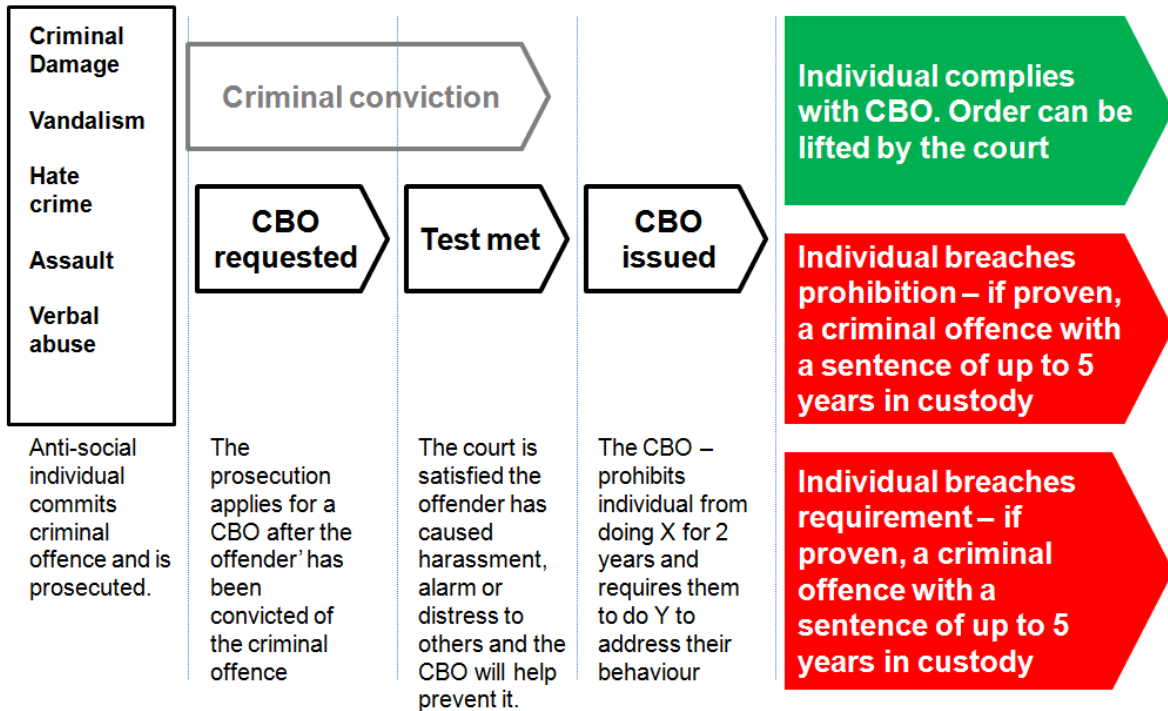
Injunction to Prevent Nuisance and Annoyance



CRIMINAL BEHAVIOUR ORDERS

Purpose	Issued by any criminal court against a person who has been convicted of an offence to tackle the most hard-core of persistently anti-social individuals who are also engaged in criminal activity.
Applicants	The prosecution, in most cases the Crown Prosecution Service (CPS), either at its own initiative or following a request from the police or local authority.
Test	<ul style="list-style-type: none"> • Beyond a reasonable doubt, the court is satisfied that the offender has engaged in behaviour caused or likely to cause harassment, alarm or distress to any person; and • The court considers that making the order will help prevent the offender from engaging in such behaviour.
Details	<ul style="list-style-type: none"> • Issued by any criminal court for any criminal offence; • The anti-social behaviour does not need to be part of the criminal offence; • 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 their behaviour; • Agencies must consult the Youth Offending Teams for applications for under 18s.
Penalty on breach	<ul style="list-style-type: none"> • Breach of the order is a criminal offence and must be proved to a criminal standard of proof, that is, beyond a reasonable doubt; • For over 18s on summary conviction: up to 6 months imprisonment or a fine or both; For over 18s on conviction on indictment: up to 5 years imprisonment or a fine or both; • For under 18s: the sentencing powers in the youth court apply.
Appeals	<ul style="list-style-type: none"> • Appeals against orders made in the magistrates' court (which would include the youth court) lie to the Crown Court; • Appeals against orders made in the Crown Court lie to the Court of Appeal.
Important changes /differences	<ul style="list-style-type: none"> • Consultation requirement with YOTs for under18s; • No need to prove "necessity" unlike Anti-Social Behaviour Orders; • Scope for positive requirements to focus on long-term solutions.

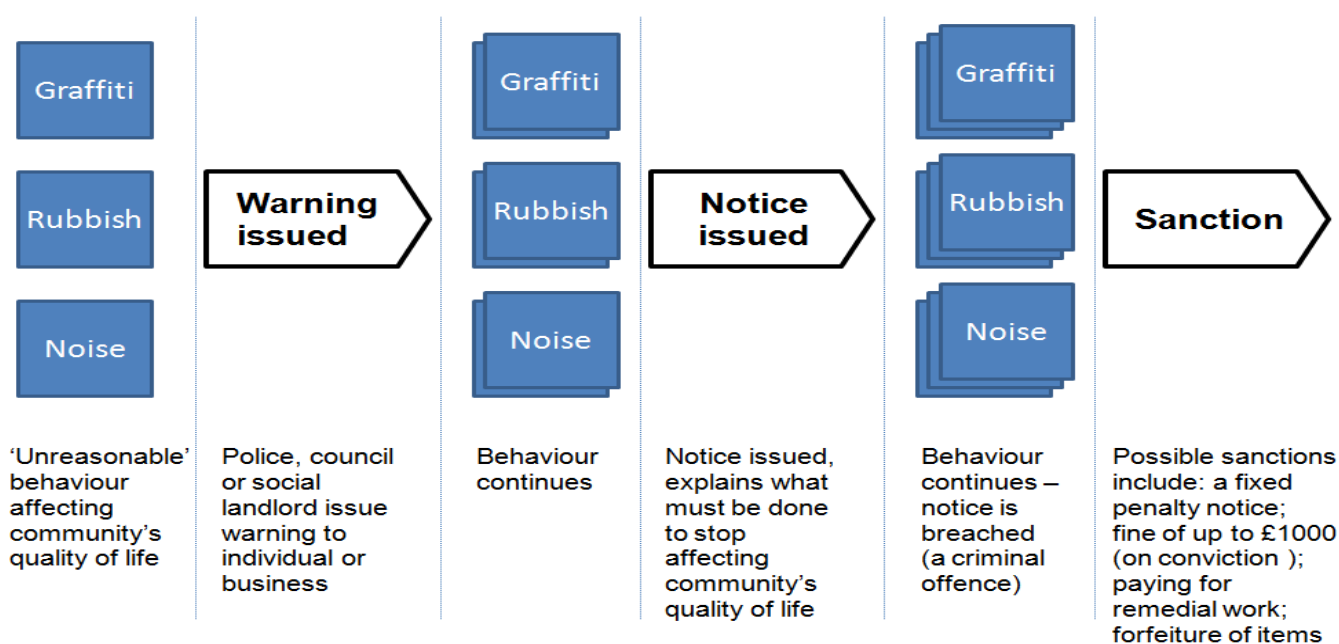
Criminal Behaviour Order



COMMUNITY PROTECTION NOTICE

Purpose	To stop a person, business or organisation committing anti-social behaviour which spoils the community's quality of life.
Applicants	<ul style="list-style-type: none"> • Council officers; • Police officers; • Police community support officers (PCSOs); • Social landlords (if designated by the council).
Test	Behaviour has to: <ul style="list-style-type: none"> • have a detrimental effect on the quality of life of those in the locality; • be of a persistent or continuing nature; and • Be unreasonable.
Details	<ul style="list-style-type: none"> • Written warning issued by applicant informing perpetrator of problem behaviour and consequences of continuing; • Community protection notice (CPN) issued including requirement to stop things, do things or take reasonable steps to avoid further anti-social behaviour; • Can allow council to carry out works in default on behalf of a perpetrator.
Penalty on breach	<ul style="list-style-type: none"> • Breach is a criminal offence; • Applicants can issue a fixed penalty notice of up to £100 if appropriate; • A fine of up to £2,500, or £20,000 for businesses.
Appeals	<ul style="list-style-type: none"> • Terms of a CPN can be appealed by the perpetrator within 21 days of issue; • 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.
Important changes /differences	<ul style="list-style-type: none"> • The CPN can deal with a wider range of behaviours for instance, it can deal with noise nuisance; • The CPN can be used against a wider range of perpetrators; • The CPN can include positive requirements ensuring that problems are rectified and that steps are taken to prevent the anti-social behaviour occurring again.

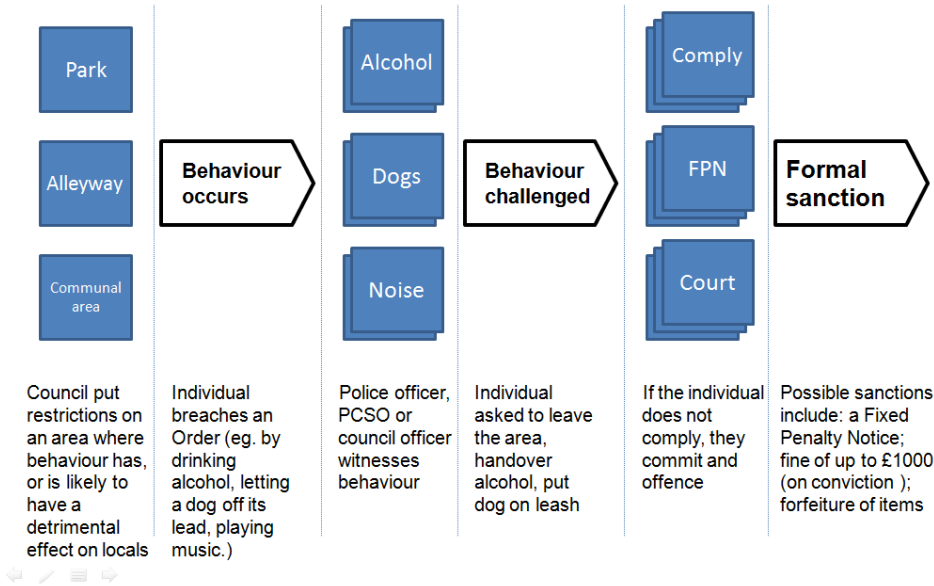
Community Protection Notice



PUBLIC SPACES PROTECTION ORDERS

Purpose	Designed to stop individuals or groups committing anti-social behaviour in a public space
Applicants	<ul style="list-style-type: none"> Councils issue a public spaces protection order (PSPO) after consultation with the police, Police and Crime Commissioner (PCC) and other relevant bodies.
Test	Behaviour being restricted has to: <ul style="list-style-type: none"> be having, or be likely to have, a detrimental effect on the quality of life of those in the locality; be persistent or continuing nature; and Be unreasonable.
Details	<ul style="list-style-type: none"> Restrictions and requirements set by the council; These can be blanket restrictions or requirements or can be targeted against certain behaviours by certain groups at certain times; Can restrict access to public rights of way where that route is being used to commit anti-social behaviour; Can be enforced by a police officer, Police Community Support Officers and council officers.
Penalty on breach	<ul style="list-style-type: none"> Breach is a criminal offence; Enforcement officers can issue a fixed penalty notice of up to £100 if appropriate; A fine of up to £1,000 on prosecution.
Appeals	<ul style="list-style-type: none"> Anyone who lives in, or regularly works or visits the area can appeal a PSPO in the High Court within 6 weeks of issue; Further appeal is available each time the PSPO is varied by the council.
Important changes /differences	<ul style="list-style-type: none"> A single PSPO can deal with a wider range of behaviours than the orders it replaces; More than one restriction can be added to the same PSPO.

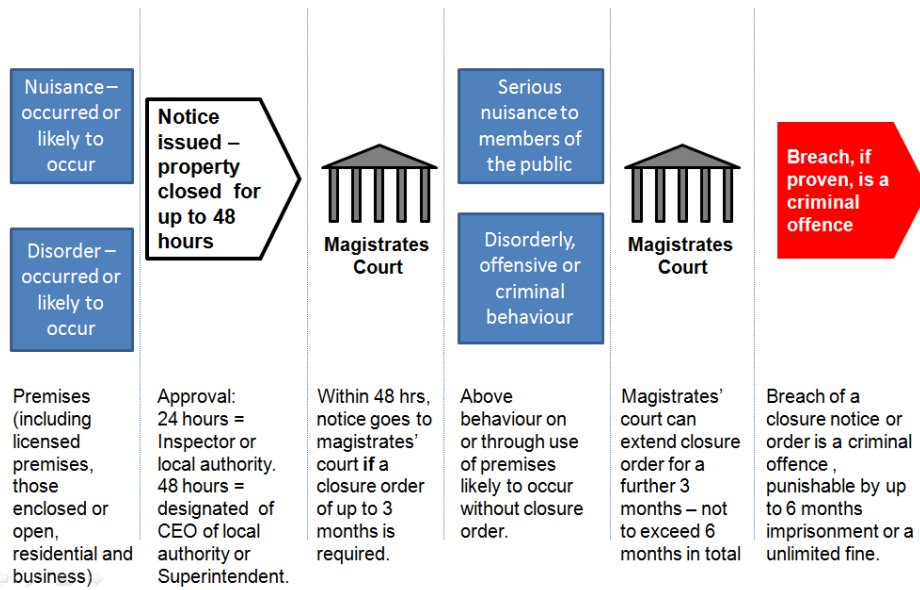
Public Spaces Protection Order



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"> • council; • The police.
Test	<p>Following has occurred or will if closure power not used:</p> <p>Closure notice (up to 48 hours):</p> <ul style="list-style-type: none"> • Nuisance to the public; or • Disorder near those premises; <p>Closure order (up to six months):</p> <ul style="list-style-type: none"> • Disorderly, offensive or criminal behaviour; • Serious nuisance to the public; or • Disorder near the premises.
Details	<ul style="list-style-type: none"> • Notice: can close a premises for up to 48 hrs out-of-court but cannot stop owner or those who live there accessing the premises • Order: up to 6 months agreed by magistrates' court and can restrict all access. • 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.
Penalty on breach	<p>Breach is a criminal offence</p> <ul style="list-style-type: none"> • Notice: Up to 3 months in prison; • Order: Up to 6 months in prison; • Both: Up to an unlimited fine for residential and non-residential premises.
Who can appeal	<ul style="list-style-type: none"> • Any person who the closure notice was served on; • Any person who had not been served the closure notice but has an interest in the property; • The council (where closure order not made); • The Police (where closure order not made).
Important changes/differences	A single closure power covering a wider range of behaviour. Quick, flexible and can be used for up to 48 hours out-of-court.

Closure Powers



NEW ABSOLUTE GROUND FOR POSSESSION

Overview	The Bill introduces a new absolute ground for possession of secure and assured tenancies where anti-social behaviour or criminality has already been proven by another court.
Purpose	To expedite the eviction of landlords' most anti-social tenants to bring faster relief to victims.
Applicants / Who can use the new ground	<ul style="list-style-type: none"> • Social landlords (local authorities and housing associations) • Private rented sector landlords.
Test	The tenant, a member of the tenant's household, or a person visiting the property has been: <ul style="list-style-type: none"> • convicted for a serious offence (specified in Schedule 3 of the Bill); • found by a court to have breached an injunction to prevent nuisance and annoyance (IPNA); • convicted for breaching a criminal behaviour order (CBO); • convicted for breaching a noise abatement notice/order; or • The tenant's property has been closed for more than 48 hours under a closure order for anti-social behaviour.
Details	<ul style="list-style-type: none"> • Offence / breach needs to have occurred in the locality of the property or affected a person with a right to live in the locality or affected the landlord or his or her staff/ contractors; • Secure tenants of local housing authorities will have a statutory right to request a review of the landlord's decision to seek possession.
Result of action	<ul style="list-style-type: none"> • If the above test is met, the court must grant a possession order (subject to any available human rights defence raised by the tenant) where the correct procedure has been followed.
Important changes /differences	<ul style="list-style-type: none"> • Unlike the existing discretionary grounds for possession, the landlord will not be required to prove to the court that it is reasonable to grant possession. This means the court will be more likely to determine cases in a single, short hearing; • This will offer better protection and faster relief for victims and witnesses of anti-social behaviour, save landlords costs, and free up court resources and time; • It will provide new flexibility for landlords to obtain possession through this faster route for persistently anti-social tenants; • The court will not be able to postpone possession to a date later than 14 days after the making of the order except in exceptional circumstances, and will not be able to postpone for later than 6 weeks in any event.

Absolute Ground for Possession

Tenant, member of their household or visitor convicted for

1. Serious criminal offence
2. Found by a court to have breached IPNA
3. Convicted for breach of CBO
4. Convicted for breach of Noise Abatement Notice/Order
- OR
5. Tenant's property closed under Closure Order

Offences must have been committed in locality/against residents/landlord's staff anywhere

Landlord considers possession on absolute ground

Landlord serves Notice

Generally 4 week notice period before landlord applies to court

Review

Tenant requests review of decision

Decision upheld



Landlord applies to court

Hearing set for max 8 weeks

Court Consideration

Court must grant possession subject to any available human rights defence provided set procedures have been followed

Court grants Outright Possession

Court's discretion to suspend possession will be limited to no later than fourteen days or 6 weeks in exceptional circumstances

DRAFT

Community Trigger

Leicester, Leicestershire and Rutland

Responding to and tackling anti-social behaviour and hate motivated incidents are a top priority for agencies across Leicester, Leicestershire and Rutland. The County, City and Rutland have strong mechanisms which allow the police, council, housing providers, other organisations and communities to work in partnership with each other to tackle anti-social behaviour and hate incidents.

We want to make sure we get it right first time, but recognise there may be occasions when we don't.

What is a Community Trigger?

The Community Trigger is a process which allows members of the community to ask the Community Safety Partnership to review their response to complaints of anti-social behaviour. Registered Housing Providers (social landlords) will also be included in this process.

The Community Trigger gives victims and communities the right to require action is taken where an ongoing problem has not been addressed. It helps us and you by making sure that no-one suffering the harmful effects of anti-social behaviour and hate incidents falls through the net. It will also ensure that all that can be done, is being done.

The Trigger is designed to ensure we work together to try and resolve any complaints about anti-social behaviour. We will do this by talking about the problem, sharing information and using our resources to try and reach an agreeable outcome.

The Trigger does not replace the complaints procedures of individual organisations, or your opportunity to complain to the [Local Government Ombudsman](#) or the [Independent Police Complaints Commission](#).

Local authorities, police and health services will deal jointly with complaints raised by members of the community to try and resolve ongoing antisocial behaviour issues. Private registered providers of social housing will also have a duty to cooperate with this group, as they play a key role in tackling antisocial behaviour in local areas.

The Community Trigger is not a first port-of-call; it is only to be used if you believe that there has been a failure to respond to your complaint.

If you have experienced ASB please call:

Police – 101

Blaby District Council -

Charnwood Borough Council -

Harborough District Council -

Hinckley Borough Council -

Melton Borough Council -

North West Leicestershire District Council -

Oadby and Wigston Borough Council –

Leicester Anti Social Behaviour Unit (LASBU) –

Rutland County Council -

If you have experienced a hate Incident please contact the Hate Incident Monitoring Project – 0116 305 8263 or www.leics.gov.uk/reporthatate

In an emergency call 999.

When can I use the Community Trigger?

The Community Trigger can be used in the following situations:

- If you (as an individual) have complained to the Council, Police or a Registered Housing Provider (social landlord) about three separate incidents in the last six months and you consider there has been no action taken.
- If five individuals in your local community have complained separately to the Council, Police or Registered Housing Provider (social landlord) in the last six months about similar incidents of anti-social behaviour and they consider no action has been taken.

How do I activate the Community Trigger?

In order to activate the Community Trigger you are required to complete the attached form and forward it to [CSP Chair & Community Safety Manager email / postal address](#).

What can I expect?

Once you have asked for a Community Trigger to be activated, the Chair of the Community Safety Partnership shall acknowledge your request within 5 working days.

They shall then ask the agencies involved to provide details of your complaints and actions that they have considered and taken to date.

At this point, you shall be informed if your enquiry meets the threshold and whether a Community Trigger will be activated. If it does not meet the threshold you shall be informed with an explanation on how that decision was reached.

If it does meet the threshold, a meeting will take place between the appropriate Community Safety Partnership agencies, or the Registered Housing Provider and other partners (if they are involved) to discuss the anti-social behaviour and what actions have been considered and taken. The group will review how the Partnership has responded and make recommendations on how the problem can be resolved.

A response will be sent to you by the Chair of the Community Safety Partnership, explaining the action taken and also suggestions on how the Partnership will attempt to resolve the anti-social behaviour.

Equality and Diversity

We value diversity across Leicestershire and work to ensure that it is an inclusive city. Community Trigger applications may be rejected if they are thought to be prejudicial, discriminatory, malicious, unreasonable or frivolous.