

NEW POWERS

Issued by the Court to deal with individuals

		The test	Details	Penalties on breach
Part 1	Civil Injunction Issued by the court to stop a person committing ASB	<ol style="list-style-type: none"> 1. Behaviour likely to cause harassment, alarm or distress (non-housing); or 2. Conduct capable of causing nuisance or annoyance (housing); and 3. Just and convenient to grant the injunction to prevent ASB. 	<ul style="list-style-type: none"> • (1) Applied for by council, police and others but not social landlords • (2) Applied for by the police, councils and social landlords • Issued by the court • Prohibitions and positive requirements 	<ul style="list-style-type: none"> • Breach is not a criminal offence • Over 18s: Unlimited fine or up to 2 years in prison • Under 18s: Supervision or activity requirement, detention, as a last resort, of up to 3 months for 14-17 year olds
Part 2	Criminal Behaviour Order Issued by a criminal court after a person is found guilty of an offence	<ol style="list-style-type: none"> 1. Causing harassment, alarm or distress; and 2. Help in preventing the offender from engaging in such behaviour by addressing the underlying issues. 	<ul style="list-style-type: none"> • Applied for by the prosecution at the request of council or police • Issued by the court • Prohibitions and positive requirements 	<ul style="list-style-type: none"> • Breach is criminal offence • Adults: Summary conviction - up to 6 months in prison and/or a fine. Conviction on indictment – up to 5 years in prison and/or a fine. • Under-18s: 2-year Detention and Training Order.

Used by the police to move problem groups or individuals on

		The test	Details	Penalty on breach
Part 3	Dispersal Power Requires a person committing, or likely to commit ASB to leave an area for up to 48 hrs. (Immediate)	<ol style="list-style-type: none"> 1. Causing those in the locality harassment, alarm or distress (or crime and disorder); and 2. Direction necessary to remove or reduce the likelihood of the ASB. 	<ul style="list-style-type: none"> • Can determine the time, area and even the route to leave • Can confiscate items used • Requires sign off by Inspector 	<ul style="list-style-type: none"> • Breach is a criminal offence • Failure to move on – up to £2,500 fine and/or up to 3 months in prison • Failure to hand over items – up to £500 fine

Issued by councils, the police and social landlords to deal with problem places

		The test	Details	Penalty on breach
Part 4, Ch 1	Community Protection Notice Stops a person, business or organisation committing ASB which spoils the community's quality of life (Immediate)	<ol style="list-style-type: none"> 1. A detrimental effect, of a persistent or continuing nature, on the quality of life of those in the locality; and 2. The conduct is unreasonable. 	<ul style="list-style-type: none"> • Written by council or police officer or landlord • Requirement to stop things, do things or take reasonable steps • Can include undertaking remedial action or seizing items 	<ul style="list-style-type: none"> • Breach is a criminal offence • A fixed penalty notice of up to £100 • A fine of up to £2,500, or £20,000 for businesses.
Part 4, Ch 2	Public Spaces Protection Order Stops people committing ASB in a particular public place	<ol style="list-style-type: none"> 1. A detrimental effect on the quality of life of those in the locality; and 2. Persistent or continuing nature, unreasonable. 	<ul style="list-style-type: none"> • Restrictions set by the council • Consultation with those affected • Can be enforced by the police 	<ul style="list-style-type: none"> • Breach is a criminal offence • A fixed penalty notice of up to £100 • A maximum penalty of a £1,000 fine or a fixed penalty notice.
Part 4, Ch 3	Closure Power This would allow the police or local council to close premises where ASB was being committed, or was likely to be committed. (Immediate)	<ol style="list-style-type: none"> 1. Nuisance to the public; or 2. Disorder near those premises; and 3. Necessary to prevent the nuisance or disorder from continuing, recurring or occurring. 	<ul style="list-style-type: none"> • Notice up to 48 hrs out of court – cannot stop owner accessing property • Order up to 6 months agreed by court – can restrict all access. 	<ul style="list-style-type: none"> • Breach is a criminal offence • Notice: Up to 3 months in prison • Order: Up to 6 months in prison • Both: Unlimited fine for residential and non-residential premises.