

## Anti-Social Behaviour Crime and Policing Act 2014

### Information Leaflet for Residents



#### Introduction



can take many forms.

Responsibility for dealing with ASB is shared between a number of agencies, notably the Police, local councils and social housing landlords.

The ASB, Crime and Policing Act 2014 (ASB Act) introduces a number of new powers to help those agencies tackle ASB.

This leaflet gives some examples of how these new powers may be used to tackle typical ASB scenarios and gives generalised advice on each issue.

The Bassetlaw, Newark and Sherwood Community Safety Partnership is committed to reducing ASB through a range of interventions to support healthy, safe, and welcoming communities.

If you are affected by ASB our contact details are contained in this leaflet.

#### Noise Nuisance



The ASB act can be used to tackle noise nuisance which may include neighbours playing loud music, dogs continually barking, noisy DIY at unreasonable hours etc.

In most cases the Police/Council/Landlord will initially ask the culprit to stop. If this does not solve the problem they can:

- Issue a Community Protection Notice Warning (CPNW) followed, on further breach, by a Community Protection Notice (CPN)
- If the ASB continues issue a Fixed Penalty Notice to the offender for breach of the CPN and prosecute if this is not paid.
- If the ASB continues, or is serious, obtain a Civil Injunction to prohibit the ASB from continuing. Breach of an injunction is a contempt of Court and may result in imprisonment.
- Obtain a Court order for the seizure/forfeiture of any equipment used to create the noise.
- In cases of significant and on-going ASB obtain a Closure Order which may potentially shut the property for 3 months.

Noise nuisance is likely to amount to a breach of tenancy if the perpetrator is in rented accommodation and may result in tenancy enforcement action being taken.

#### Street Drinking/Begging



Some communities suffer the impact of people drinking alcohol in the street, which may lead to loud/rowdy behaviour, damage to property, alcohol related litter. Street begging can also have a negative impact on communities

Police/Councils can use ASB Act powers to tackle individual street drinkers/beggars who cause problems. They can:

- Issue a CPNW stipulating the behaviours that should cease, followed on further breach, by a CPN.
- If the ASB continues issue a Fixed Penalty Notice to the offender for the breach of the CPN and prosecute if this is not paid
- If individuals persist in ASB, seek a civil injunction to prohibit the ASB from continuing which can also compel attendance for alcohol counselling
- Obtain a Criminal Behaviour Order (CBO) against any street drinker who is convicted of a related criminal offence

For areas that are constantly affected by street drinking and begging related ASB :

- Police can use short term dispersal powers to move groups or individuals from an area
- Councils can implement a Public Spaces Protection Order (PSPO) to restrict behaviours in that area

#### Irresponsible Dog Ownership



Irresponsible dog owners can cause problems by failing to pick up their dog's mess, allowing their dogs to roam off lead and allowing their dogs to enter areas where it would be best that they did not go.

Whilst failing to pick up your dog's mess is already a criminal offence, powers under the ASB Act allow Councils the ability to further tackle irresponsible dog ownership

Councils can implement a PSPO for either a specified part of, or the whole of their area, which may, for example:

- Require dog owners to go equipped with the means to clear up their dog's mess
- Require dogs to be kept on leads at all times on public highways etc.
- Allow dogs to be exercised off lead in agreed areas but require owners to put them on a lead if asked to do so by authorised officers
- Exclude dogs from defined areas such as children's playgrounds etc.

Breach of a PSPO is an offence and can be dealt with by Fixed Penalty Notice or prosecution

#### Untidy Properties/Gardens



Untidy properties, which may be falling in to disrepair or which may have accumulations of waste within their gardens can have a significant detrimental impact on a neighbourhood.

Local councils will normally take the lead in dealing with such issues and, in addition to other statutory powers; they can use the ASB Act to tackle such issues. They can:

- Issue a CPNW to the owner and/or occupier requiring the problem to be rectified i.e. repairs to be carried out, waste to be removed, followed by a CPN if the issue is not resolved
- If the matter is not resolved by the CPN, issue a Fixed Penalty Notice to or prosecute the recipient for breach
- Undertake the necessary work itself and recover the cost of this work from the owner/occupier of the property

#### Rowdy or Intimidating Groups

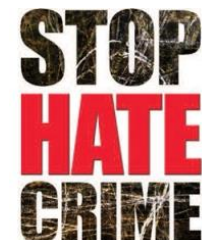


The ASB Act can help situations where groups gather in localities and cause ASB by intimidating local residents, acting in a noisy or rowdy manner, or

cause criminal damage

- The Police may use Dispersal Powers to direct anyone aged 10 or over who is causing ASB to leave a specified location for up to 48 hours.
- At the time of giving the direction the Police can also require the surrender of any item in their control used to cause ASB e.g. fireworks.
- Failure to comply with a direction to leave or to surrender equipment is an offence.
- If any of the individual perpetrators are convicted of an offence a CBO could be obtained against them which may exclude them from the area for a longer period.
- CPNWs/CPNs and Injunctions could also be used to tackle any individual perpetrators.
- Councils can consider the implementation of a PSPO for areas affected by such general ASB which can prohibit the behaviours involved.

#### Hate Crime



Hate Crime i.e. any crime that is motivated by hostility or prejudice towards any aspect of a person's identity, can have a devastating impact on that person and their families.

Hate Crime is, first and foremost, a crime and will be dealt with by the Police as such, but the ASB Act can help tackle such issues

- If any person is convicted of a Hate Crime offence a CBO could be sought at the time of the conviction to regulate future behaviour.
- Where it is not possible to obtain a conviction, it may still be possible for the Police/Council to obtain a Civil Injunction against the perpetrator to regulate future behaviour.
- Both CBOs and Civil Injunction can contain positive requirements e.g. attendance at support sessions aimed at tackling the underlying cause of their behaviour.

#### Community Trigger



The Community Trigger gives victims of ASB, 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.

- Councils are responsible for setting the local threshold that must be met before a Community Trigger review can be requested.
- A request for a Community Trigger review can be made by a victim, or with their permission, by any person on their behalf.
- If the threshold is met and a request is made a Community Trigger review must be held and the outcome reported back to the victim.

For details of how to make a request for a Community Trigger review please contact the appropriate local Council for the area you live in or use the following link to Notts Police:

<http://www.nottinghamshire.police.uk/complaints/trigger>

#### Making Contact for Help



Nottinghamshire Police

Tel: 101

<http://www.nottinghamshire.police.uk/contact>

Bassetlaw District Council

Tel: 01909 533533

<http://www.bassetlaw.gov.uk/>

Newark & Sherwood District Council

Tel: 01636 650000

<http://www.newark-sherwooddc.gov.uk/>

Police Commissioner

Tel: 0115 844 5998

<http://www.nottinghamshire.pcc.police.uk/>