

Appendix 2 – Legislation Summary

| Part of The Act | Summary of powers available | To Whom | Further information |
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| 1 | A Court may grant an injunction against a person aged 10 or over if they are satisfied, on the balance of probabilities that the person has engaged or threatens to engage in anti-social behaviour and it is just and convenient to grant it to prevent such engagement. | (a) a housing provider, (b) a local authority, or (c) a chief officer of police Can make application. | “anti-social behaviour” means— (a)conduct that has caused, or is likely to cause, harassment, alarm or distress to any person, (b)conduct capable of causing nuisance or annoyance to a person in relation to that person’s occupation of residential premises, or (c)conduct capable of causing housing-related nuisance or annoyance to any person. An injunction under this section may for the purpose of preventing the respondent from engaging in anti-social behaviour— (a)prohibit the respondent from doing anything described in the injunction; (b)require the respondent to do anything described in |

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| | | | the injunction. |
| 2 | If a court is satisfied that an offender has engaged in behaviour that caused or was likely to cause harassment alarm or distress and that an order will help prevent an offender engaging in such behaviour, it may make a Criminal Behaviour Order (CBO). | Courts | CBO can prohibit offender doing anything described in the order or can require offender to do anything described in the order. |
| 3 | A Constable in uniform may direct a person in a public place to leave and not to return for an “exclusion period”, if they have reasonable grounds to suspect that a person’s behaviour in the locality has contributed to (or is likely to) :- a. Members of the public being harassed, alarmed or distressed, or b. the occurrence of Crime or Disorder or the Constable considers that the direction is necessary to review or reduce the likelihood of a or b. | Police | The exclusion period may not exceed 48 hours. |
| 4 (1) | A Community Protection Notice (CPN) can be served on individuals over 16 or a body if satisfied that on reasonable grounds that the individual or body’s conduct is having a | Police, Local Authority or persons designated by Local Authority. | CPN may impose requirements to <ul style="list-style-type: none"> • Prohibit Specific action • Undertake specific |

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| | detrimental effect of a persistent or continuing nature on the quality of life of those in the locality <u>and</u> the conduct is unreasonable. | | <p>action</p> <ul style="list-style-type: none"> • Take reasonable steps to achieve specified results <p>To prevent or reduce the detrimental effect</p> |
| 4(2) | A Public Space Protection Order (PSPO) may be issued by a Local Authority if activities have had a detrimental effect on the quality of life of those in the amenity (or are likely to). | Local Authority | <p>Following appropriate consultation a PSPO can prohibit or require action in the “restricted area”.</p> <p>N.B. These areas would need to be enforced by the Police or the Local Authority and therefore an order would require resourcing appropriately.</p> |
| 4(3) | Police Inspectors (and higher ranks) or a Local Authority can issue Closure Notices where nuisance or disorder from a premises has occurred or is likely to. | Local Authority/Police | <p>Closure Notices are for a period of 24hrs, unless the Police rank is Superintendent (or higher) or for a Local Authority is an officer designated as the Chief Executive Officer (M.D.s).</p> <p>Twenty four hour notices can be extended by a period of up to 24 hrs by these senior designated officers as well.</p> |

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| 5 | <p>For any of the following:-</p> <ul style="list-style-type: none"> • Serious offences • Breach of Anti-social behaviour injunction • Breach of Criminal Behaviour Order, under the Act. • Properties subject to a Closure Order, under the Act, or • Conviction for offence of breaching noise abatement notice served under the Environmental Protection Act 1990. <p>There is a new absolute ground for possession under section 84 of the Housing Act 1985 – caveats apply.</p> | | |
| 6 | Each local policing body must prepare a community remedy document for its area, and may revise it at any time. | Police | |
| 6(2) | <p>In a case where a person has made a complaint about anti-social behaviour in a particular local government area, the relevant bodies in that area must carry out a review of the response to that behaviour (an “ASB case review)” if—</p> <p>(a)that person, or any other person, makes an application for such a review, and</p> | person who makes an application for an ASB case review | <p>“Relevant bodies” means</p> <ul style="list-style-type: none"> • Local Authority, • Chief of Police • Clinical Commissioning group |

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| | (b)the relevant bodies decide that the threshold for a review is met. | | |
| 7 | In relation to Dogs that are dangerously out of control the requirement for this to be in a public place has been removed. | Police | Previously action could not be taken if an attack happened in a home, for example. |
| 8 | Relates to offences of unauthorised possession etc of prohibited weapons and ammunition | Police | |
| 9 | Sexual harm prevention orders and sexual risk orders, etc | Police | |
| 10 | Offence of breaching forced marriage protection order | Police | |
| 11 | Miscellaneous police matters | | Provision is also made for the Secretary of State to make regulations allowing fixed penalty notices to be served on the keepers of vehicles if litter is thrown from that vehicle, whether or not it was the keeper who threw it. |
| 12 | Extradition Act 2003 amendments | | |
| 13 | Criminal Justice and court fees | | |
| 14 | General | | |