

### What is ASB?

Legislation defines it as “*conduct that has caused, or is likely to cause, harassment, alarm or distress to any person*”.

Businesses may experience this through intimidation, violence, harassment, verbal abuse, vandalism, property damage, graffiti, shoplifting, or anti-social drinking. This can be caused by an individual or a group.

### Who are the victims?

Anyone can be affected. It may be a variety of businesses and people who use those businesses, ranging from employees, concessions or franchisee employees, staff from facilities management companies, suppliers delivering stock, security staff, or customers and other members of the public.

### How do you stop it?

Police and other agencies have a statutory duty to tackle crime and community safety issues. A combination of interventions and evidence gathering by a variety of stakeholders, including businesses, can result in court orders being obtained to tackle those whose actions harm businesses and communities.

## Introduction

The Anti-Social Behaviour, Crime and Policing Act 2014 allows police and other agencies to apply for court orders to prevent anti-social behaviour. These orders can be against individuals (Criminal Behaviour Orders), against areas (Dispersal Orders and Public Place Protection Orders), or against properties (Closure Orders).

The act also includes the Case Review providing victims of persistent ASB the opportunity to demand a review by public bodies to determine whether any further action can be taken.

At the heart of this legislation is protecting community and making people feel safer in their homes, workplaces, and public spaces. If you, your family, your business, or your community are suffering anti-social behaviour there are ways to make it stop.



## How can the Anti-Social Behaviour Act 2014 help?

The Anti-Social Behaviour, Crime and Policing Act 2014 contains several orders and powers available to Police, Councils, NHS Trusts, and other organisations enabling them to tackle anti-social behaviour. Decisions on which of the orders or powers described below to use will depend on the evidence available and what is proportionate and appropriate for the offender, the victim, and the community.

There is no one size fits all approach to stopping anti-social behaviour but there is a wealth of options available to provide respite to victims and make communities safer. Different organisations will lead on different aspects of the enforcement actions described below depending on the type of ASB being committed. It is worth bearing this in mind as you will see different applications of the legislation and options for enforcement.

There will be cases where a witness wants to provide evidence but is too vulnerable or too frightened of reprisals from the person, or group, committing the anti-social behaviour to do so. In these situations their evidence can be anonymised and presented at court on their behalf by a professional such as a Police Officer or Manager. This type of evidence is called hearsay evidence.

As a business, your staff and customers have the right to feel safe on your premises. Crimes against business are not faceless and contain an impact to both the organisation and individuals. If you are suffering from persistent anti-social behaviour or crime report it to the police and speak to your local policing team for advice.

### The Impact on Victims

The legislation's purpose is to protect people and communities from being subjected to behaviour that causes other alarm, harassment, or distress. You should not feel embarrassed about reporting what is happening to you, how it makes you feel, or feel that you are wasting the time of the organisation you are reporting it to.

The guidance published by the Home Office for agencies who can use the powers in this legislation urges them to consider the following.

*“When considering the response to a complaint of anti-social behaviour, agencies must consider the effect that the behaviour in question is having on the lives of those subject to it. For example agencies should recognise/consider the debilitating impact that persistent or repeated anti-social behaviour can have on its victims, and the cumulative impact if that behaviour persists over a period of time”*

Anti-social Behaviour, Crime and Policing Act 2014. Statutory guidance for front line professionals  
2021



## What Orders and Powers are available under the Anti-social Behaviour, Crime and Policing Act?

Below is a summary of the different orders and powers available to a variety of agencies to tackle ASB. The first step will usually be reporting the behaviour to the police, but the police may not always be best suited to resolve the issue. Tackling ASB requires a partnership approach which often involves a Community Safety Partnership to identify the best course of action.

Order or Power Available	Purpose	Duration	Penalties for Breaching	Who can Apply for one?
The ASB Case Review	Allows victims the right to request a case review of the ASB In their area so that agencies can determine if all action has been taken and if not find a solution.	If the threshold for a review has been met the review process will start and the victim updated.	The review will determine what action is necessary and which of the powers below may be required.	Councils, Police, Social Housing, and the NHS.
Community Remedy	This allows victims a say in the out of court punishments that can be used against those who commit ASB. This is for offences that could result in a caution if the case went to court but the Police feel an out of court punishment is more appropriate. Examples include offenders cleaning up the graffiti they sprayed on a wall.	Until the community remedy option has been completed.	If the offender fails to comply with the community remedy they can be taken to court for the original offence.	Police
Civil Injunction	Used to prevent further ASB by an individual or group. The application for the injunction takes place in the civil courts. Injunctions can contain prohibitions preventing individuals from entering specific locations, socialising with specific people, or doing certain behaviours.	Injunctions can be for a fixed time period or indefinite.	A breach is not a criminal offence but punishments can include unlimited fines or 2 years in prison.	Police, Councils, Landlords, NHS, Transport agencies, the Environment Agency.



<b>Criminal Behaviour Order (CBO)</b>	CBOs are used against an individual or group who persistently commit ASB and criminal activity. CBO's will contain prohibitions preventing the ASB.	CBOs last for a minimum of 2 years and can be indefinite.	A breach of the prohibitions in the order is a criminal offence. Punishment can include a fine, imprisonment or both.	In most cases it will be the Crown Prosecution Service on behalf of the Police or Local Authority
<b>Dispersal Power</b>	If Police believe there likely to be ASB, crime or disorder in a specific area the use of a dispersal power can be granted. This power requires anyone committing ASB, crime or disorder in that area to leave for up to 48 hours. It provides immediate respite to a community but is a short-term solution.	Up to 48 hours	Breach is a criminal offence punishable by a fine and/or prison.	Police
<b>Community Protection Notice (CPN)</b>	Used against a person, business, or organisation committing ASB which adversely impacts the community's quality of life. CPN's can deal with a range of behaviours such as noise nuisance or littering and can include requirement to fix problems to ensure ASB does not continue.	Duration will depend on the type of nuisance or ASB and what measures are required to stop it from happening in the future.	Breach is a criminal offence punishable by fines for individuals or businesses but can also include court orders to resolve issues.	Police, Councils, Social Landlords
<b>Public Spaces Protection Order (PSPO)</b>	To stop individuals or groups committing ASB in a public place. Orders may include restrictions on certain activities at certain times.	Maximum of 3 years.	Fixed penalty notice or if prosecuted a fine up to Level 4.	Councils
<b>Closure Power</b>	To close premises which are being used to commit ASB, nuisance, criminal activity, or disorder. Once a premises is closed by a Closure Order no-one can enter the premises without permission of the Police or Council.	Closure Notices can last for up to 48 hours. Closure Orders can last up to six months	Breaches of Closure Notices and Closure Orders are a criminal offence dealt with by a fine, imprisonment or both.	Police, and Councils

