

## Anti-Social Behaviour - Table of Interventions

	<b>Interventions</b>	<b>Description of provision</b>	<b>Lead Agency(s)</b>
1.	<b>Acceptable Behaviour Contracts or Agreements (ABCs)</b>	An ABC is an intervention designed to engage an individual in acknowledging his or her anti-social behaviour and its effect on others, with the aim of stopping that behaviour. ABCs have now been developed to deal with many types of nuisance involving individuals, families, groups and communities.	<b>Multi-agency</b>
2.	<b>Parenting Control Agreements (PCA)</b>	A PCA is an intervention designed to engage an individual under the age of 10 by encouraging their parents to acknowledge and take responsibility for their child's unacceptable behaviour with the aim of stopping that behaviour.	<b>Housing providers and Police</b>
3.	<b>Neighbourhood Agreements (NAs)</b>	NAs are set up in areas to empower communities to understand partnership working. They identify shared and individual responsibilities and allow local people to participate in local decisions regarding local issues.	<b>Multi-Agency</b>
4.	<b>Parenting Contracts( PCs)</b>  Sec 19 and 25 Anti-Social Behaviour Act 2003	A PC is an individual written agreement negotiated between the Youth Offending Service or Schools / Local Education Officer and the parents of a child involved or likely to be involved in criminal conduct, anti-social behaviour or is truanting or expelled from school.	<b>Education Authorities and Youth Offending Service (Housing providers from Oct 07)</b>
5.	<b>Mediation</b>  <a href="http://www.mediationuk.org.uk">www.mediationuk.org.uk</a>	Mediation is a process in which an impartial third-party – the mediator – helps people in dispute to work out an agreement.  Mediation is particularly successful in tackling neighbour disputes, family conflict, group conflict and bring victims and offenders together to heal the personal effects of crime	<b>Multi-agency</b>
6.	<b>Housing Allocation Policy</b>  Sec 160A (7) Housing Act 1996	A restrictive practice where housing providers can introduce vetting policies and allocate stock sensitively to avoid future dispute.	<b>Housing Providers</b>

7.	<b>Use of Starter Tenancies / Introductory Tenancies</b>  Sec 124 Housing Act 1996	Housing providers have the ability to deal with problem tenants by placing them “on probation” for the first year of tenancy which allows for simpler route to possession if behaviour doesn’t improve.	<b>Housing Providers</b>
8.	<b>Housing ASB Policy and Procedures</b>  Sec 12 Anti-social Behaviour Act 2003	All Local authorities, Housing Action Trusts and Registered social landlords must have in place by the 31 December 2004 an anti-social behaviour policy and have clearly defined procedures for tackling it.	<b>Housing Providers</b>
9.	<b>Pastoral Support Plan (PSPs)</b>	A pastoral support plan is a method used by schools to support an individual who is high risk of being excluded from school for unacceptable behaviour. The plan will highlight a number of actions that the school, the pupil and possibly the parents will undertake to avoid the situation from becoming worse. PSPs can be used in conjunction with acceptable behaviour contracts and parenting contracts	<b>Schools</b>
10.	<b>Closure of Drug Premises</b>  Part 1 of the Anti-social Behaviour Act 2003	Police power after consultation with the local authority to close premises used in connection with the unlawful use, production or supply of Class A drugs. The use of the premises must be associated with the occurrence of disorder or serious nuisance to members of the public within the last 3 months of the date that the use of the provision is considered  <b>New proposed legislation will provide powers for police and local Authorities to use this power for serious ASB without the need requirement for drug involvement (07)</b>	<b>Police and Local Authority</b>
11.	<b>Closure of Noisy Premises</b>  Section 40 of the Anti-social Behaviour Act 2003	The local authority's chief executive, or an authorised environmental health officer, has the power to close noisy premises where these cause a public noise nuisance. These can be licensed premises or premises operating under a temporary event notice.  A closure order requires the premises to be kept closed for a specified period not exceeding 24 hours, starting from when the manager of the premises receives written notice of the order.  It is a criminal offence to allow the premises to open when a closure order is in place. The offence is punishable on summary conviction by a maximum fine of 20,000 and or a maximum prison sentence of three months.	<b>Local Authority</b>
12.	<b>Closure of Disorderly Premises</b>  Part 2 Section 17 of the Criminal Justice and	The police can make a closure order on individual licensed premises or all licensed premises in a geographical area, in the interests of public safety if there is actual disorder or anticipated disorder on or near those premises.	<b>Police</b>

	<p>Police Act 2001 extended by the Licensing Act 2003</p>	<p>The closure order can last for up to 24 hours.</p> <p>Sections 161-170 of the Licensing Act 2003 replace and extend the longstanding powers of the police to immediately close premises that are experiencing disorder.</p> <p>The Licensing Act extends the powers of closure to a wider range of regulated entertainment venues including clubs, open air concerts and late night refreshment providers to all premises in a specified geographical area where there is, or it is anticipated that there will be, disorder or noise nuisance.</p> <p>Where disorder is anticipated and contingency planning is possible, the police will seek an order from the magistrates' court under Section 160.</p> <p>The purpose of these extended powers is to place pressure on licence holders to maintain order and to minimise anti-social behaviour often caused by the excessive consumption of alcohol. The powers are intended to make individuals more alive to their responsibilities to the wider community.</p> <p>The powers will include:</p> <ul style="list-style-type: none"> <li>• The police will have the power to make closure orders effective immediately on disorderly or noisy licensed or temporary event premises for a maximum of 24 hours. There will be provision for a 24-hour extension</li> <li>• The magistrates' court, on application by the police, will have the power to close all licensed premises within a specified geographical area for 24 hours</li> <li>• Temporarily or permanently reduce trading hours</li> <li>• Suspend or revoke liquor licenses</li> <li>• Premises that have been subject to a closure notice will automatically have their licence reviewed by the licensing authority.</li> </ul>	
13.	<p><b>Housing Injunctions</b></p>	<p>The following injunctions are available:</p> <ul style="list-style-type: none"> <li>• Injunction to restrain trespass on land</li> <li>• Injunction to restrain trespass to person/assaults on person</li> <li>• Injunction to stop breach of Tenancy Agreement</li> <li>• Qui termet injunction</li> <li>• Anti-social behaviour Injunction</li> <li>• Interim interlocutory injunction</li> <li>• Injunctions without notice</li> <li>•</li> </ul> <p>Other restraining orders are available</p> <ul style="list-style-type: none"> <li>• Undertakings</li> <li>• Non-molestation Orders</li> </ul>	<p><b>Local Authority Housing Providers, Registered Social Landlords</b></p>

		<ul style="list-style-type: none"> <li>• Occupation Orders</li> <li>• Sec 222 injunctions which allow criminal or civil proceedings to be taken out against something affecting the community. New power of arrest</li> </ul> <p><b>From June 2007 it is not necessary to name witnesses and victims in ASBI applications</b></p>	
14.	<p><b>Demotion Order</b></p> <p>Sec 14 – 17 Anti-social Behaviour Act 2003</p>	<p>The demotion order terminates a tenants pre-existing tenancy and creates a less secure one. The tenant remains in occupation on a 1 year probation. If behaviour continues to be unacceptable during this period the tenant will have the premises re-possessed. If behaviour improves after the period they will return to a secure tenancy. Tenants lose the right to buy whilst on a demotion order.</p>	<p><b>Local Authority Housing Providers, Registered Social Landlords</b></p>
15.	<p><b>Possession Order</b></p> <p>Part Two, Section 16, of the Anti-social Behaviour Act</p>	<p>Courts must give particular consideration to the actual or likely effect which the anti-social behaviour has had or could have had on others when considering whether it is reasonable to grant a possession order on the grounds of nuisance or annoyance.</p> <p>This has been introduced by the following changes to legislation, which are intended to come into effect on 30th June 2004:</p> <ul style="list-style-type: none"> <li>• Possession proceedings for a secure tenancy: Section 16 (1) introduces a new section 85A into the Housing Act 1985.</li> <li>• Possession proceedings for an assured tenancy: Clause 16(2) introduces new section 9A into the Housing Act 1988.</li> </ul> <p>These require the courts to give this particular consideration where the following grounds, outlined in the previous section, are being used to seek possession:</p> <ul style="list-style-type: none"> <li>• For secure tenancies - Ground 2 (under Part 1 of Schedule 2 of the Housing Act 1985).</li> <li>• For assured tenancies - Ground 14 (under Part 2 of Schedule 2 of the Housing Act 1988). This applies both to RSLs and to private sector landlords</li> </ul> <p>Under these 'nuisance' grounds for possession the court must consider, in particular -</p> <ul style="list-style-type: none"> <li>• the effect that the nuisance or annoyance has had on persons other than the person against whom the order is sought</li> <li>• any continuing effect the nuisance or annoyance is likely to have on such persons;</li> <li>• the effect that the nuisance or annoyance would be likely to have on such persons if the conduct is repeated.</li> </ul> <p>This consideration does not remove the duty on the court to consider fairly the case against the</p>	<p><b>Local Authority Housing Providers, Registered Social Landlords</b></p>

		tenant who is accused of committing or failing to prevent anti-social behaviour. This might include any particular circumstances that may have led to such conduct, (issues of mental health or drug or alcohol abuse for example). But in doing so, the Court must also take into account the effect of their behaviour on their victims and the wider community.	
16.	<b>Notice of Intention to Seek Possession (NOSPs)</b>	This gives housing providers the right to bring possession proceedings before the court. NOSPs can either be a deterrent - "warning shot across the bows" or the first step in effective case presentation. The NOSP must be served on an anti-social tenant	<b>Local Authority Housing Providers, Registered Social Landlords</b>
17.	<b>Dispersal of Groups</b>  Part 4 of the Anti-social Behaviour Act 2003	Police have the power after consultation and obtaining the agreement of the local authority to designate a dispersal area for up to 6 months, if there are grounds that members of the public have been intimidated, harassed, alarmed or distressed as a result of the presence or behaviour of a group of 2 or more and that anti-social behaviour is a significant and persistent problem in the area. Police can disperse groups and direct them to leave the area if they don't reside there for up to 24 hours. Additional powers allow the police to remove unsupervised young people under the age of 16 from these areas after 9pm and before 6 am	<b>Police and Local Authorities (Incl. British Transport Police)</b>
18.	<b>Local Child Curfew Orders (LCCO)</b>  Crime and Disorder Act 1998 and Sec 48 and 49 of the Criminal Justice and Police Act 2001	Under a LCCO, a local authority or local police force can ban children under 16 from being in a public place between 9pm and 6am. Unless under the control of a responsible adult. Home Secretary approval is required to utilise this provision which can last up to 90 days.	<b>Police and Local Authorities</b>
19.	<b>Fixed Penalty Notices for Disorder</b>  Sec 1-11 of the Criminal Justice and Police Act 2001	<p>The scheme has been introduced as a response to both the police and government wanting a speedy and effective option for dealing with low-level, anti-social and nuisance offending. The scheme also aims to reduce the amount of time that police officers spend completing paperwork and attending court.</p> <p>An authorised officer who has reason to believe that a person, aged 16 years of age or over, has committed a penalty offence, may give that person a penalty notice for that offence. The notice may be issued either on the spot by an officer in uniform in public or in private; or at a police station by an authorised officer.</p> <p>The issue of the penalty notice offers the recipient an opportunity, by paying the penalty, to discharge their liability to conviction for the penalty offence. Failure to pay the penalty may result in a fine of one-and-a-half times the penalty amount or, exceptionally, proceedings commenced for the penalty offence</p> <p>There are <b>11</b> offences that are currently part of the penalty notice for disorder scheme.</p>	<b>Police</b>

		<p>Offences with a penalty of £80:</p> <ul style="list-style-type: none"> <li>Using threatening words or behaviour likely to cause alarm, harassment or distress (s5 Public Order Act 1986).</li> <li>Wasting police time or giving a false report (s5(2) Criminal Law Act 1967).</li> <li>Knowingly giving a false alarm to a fire brigade (s31 Fire Services Act 1947).</li> <li>Using public electronic communications network in order to cause annoyance, inconvenience or needless anxiety. (s127(2) Communications Act 2003).</li> <li>Throwing fireworks in a thoroughfare (Explosives Act 1875).</li> </ul> <p>Offences with a penalty of £50:</p> <ul style="list-style-type: none"> <li>Disorderly behaviour while drunk in a public place (s91 Criminal Justice Act 1967).</li> <li>Being drunk in a highway, other public place or licensed premises (s12 Licensing Act 1872).</li> <li>Trespassing on a railway (s55 British Transport Commission Act 1949).</li> <li>Throwing stones etc at trains or other things on railways (s56 British Transport Commission Act 1949).</li> <li>An adult buying or attempting to buy alcohol for consumption in a bar or in licensed premises by a person aged under 18. (s1 Licensing (Young Persons) Act 2000).</li> <li>Consuming alcohol in a designated public place (s12 Criminal Justice and Police Act 2001).</li> </ul>	
20.	<p><b>Fixed Penalty Notices for Environmental Issues</b></p> <p>The Anti-social Behaviour Act 2003</p>	<p>Penalty notices can be issued to children aged 10 or over, as well as to adults.</p> <p>The intention is that such notices will be used to deal with less serious instances of graffiti and fly-posting, which may otherwise have not been considered to be worth the time or expense of a prosecution.</p> <p>Penalty notices are not appropriate for racially or religiously targeted or motivated graffiti or fly-posting offences. The Act therefore specifically excludes such offences.</p> <p>Offenders have 14 days in which to pay the penalty, after which time prosecution for the offence can be initiated. No proceedings may be brought where the penalty has been paid within the 14-day period.</p> <p>The penalty is currently set at £50.</p>	<b>Local Authority</b>
21.	<p><b>Fixed Penalty Notices for Noise</b></p>	<p>The Noise Act 1996 created the power for local authorities to investigate complaints from residents about excessive noise coming from a dwelling during the night, defined as between the</p>	<b>Local Authority</b>

	The Noise Act 1996 as amended by the Anti-social Behaviour Act	<p>hours of 11pm and 7pm.</p> <p><b>Warning notices</b> in respect of such noise must be given, and where the noise remains excessive the local authority can either prosecute or (more likely) issue a fixed penalty notice.</p> <p><b>Penalty notices</b> can often deal quickly and effectively with inconsiderate noisy neighbours. It gives the noisemakers a clear choice between stopping the noise within 10 minutes or paying a £ 100 penalty. At night time the quick resolution of a noise problem is vital.</p>	
22.	<b>Fixed Penalty Notices for Truancy</b>	<p>Under existing legislation, parent(s) of a registered pupil whose child fails to attend school regularly have committed an offence for which prosecution is the only available sanction (S 444(1) Education Act 1996).</p> <p>As from 27 February 2004 penalty notices will provide an alternative to such prosecutions, offering parents an opportunity to discharge any liability for conviction, by paying a penalty of £50 (if paid within 28 days) or £100 (if paid within 42 days).</p> <p>If the penalty remains unpaid (or part-paid) after 42 days, the LEA must either withdraw the notice (which it can only do in specified circumstances) or prosecute the parent(s) for the offence. Unlike other penalty notice schemes, the prosecution is for the offence itself, not for non-payment of the notice.</p>	<b>Local Education Authority (LEA)</b>
23.	<b>Stand-alone Anti-social Behaviour Orders (ASBOs)</b>  Crime and Disorder Act 1998	<p>An ASBO (stand-alone order) can be obtained from the magistrates' court acting in its civil capacity. A complaint must be made to the magistrates' court within six months of the behaviour being complained of (although earlier incidents may be used as background information to support the case). One incident of serious anti-social behaviour may be sufficient for an order to be made, however the agency applying for the order must demonstrate that an order is necessary to stop the behaviour from continuing.</p>	<b>Police (Incl. British Transport Police), Local Authority, Registered Social Landlords, Housing Action Trusts</b>
24.	<b>Interim Anti-social Behaviour Orders</b>  The Police Reform Act 2002	<p><b>Interim orders</b> are available in both the magistrate's court and the county court. An interim order is not available for an order on conviction.</p> <p>An interim order can be made at the initial court hearing on the application for an ASBO in order to provide immediate protection for the community until the full hearing is held.</p> <p>An interim order can be made, with leave from the court clerk, without notice of proceedings being given to the defendant.</p> <p><b>They are designed to:</b></p> <ul style="list-style-type: none"> <li>enable the court to put an immediate stop to the anti-social behaviour, protecting the</li> </ul>	<b>Police (Incl. British Transport Police), Local Authority, Registered Social Landlords, Housing Action Trusts</b>

		<p>public more quickly</p> <ul style="list-style-type: none"> <li>• reduce the scope for witness intimidation</li> <li>• remove any incentive for delaying the proceedings on the part of the perpetrator</li> <li>• send a clear message to the community that swift action can be taken to stop anti-social behaviour</li> <li>• provide an important remedy where there are delays by the courts in listing cases for full hearings.</li> </ul>	
25.	<p><b>Anti-social Behaviour Orders on Conviction</b></p> <p>Police Reform Act 2002</p>	<p>Criminal courts can make an order equivalent to an ASBO prohibiting the defendant from doing anything specified in the order, after that person has been convicted of a relevant offence (i.e. one that is committed on or after 2 December 2002).</p> <p><b>An order on conviction is a civil order</b> and therefore the civil rules of evidence apply. The order is in addition to the criminal sentence and is considered separately from the criminal part of the proceedings. An order on conviction has the same effect as an anti-social behaviour order (ASBO); it lasts for a minimum of two years and a breach of the terms of the order is a criminal offence.</p>	<p><b>Police (Incl. British Transport Police), Local Authority, Registered Social Landlords, Housing Action Trusts and Courts</b></p>
26.	<p><b>County Court Anti-social Behaviour Orders</b></p> <p>Police Reform Act 2002</p>	<p>ASBOs can be made by a County Court where the principal proceedings involve the anti-social behaviour of someone who is a party to those proceedings, for example, where a social landlord is seeking to evict a tenant (possession proceedings) for causing nuisance or annoyance.</p> <p>The Court cannot make a stand-alone order as there must always be other proceedings (principal proceedings) to which the application for an ASBO can be attached.</p> <p>Changes introduced by the Anti-Social Behaviour Act 2003 enable proceedings to be streamlined.</p> <p>Section 85 enables persons including juveniles, who have behaved in an anti-social manner but who are not party to the principal proceedings in the County Court, to be joined to those proceedings and be made the subject of an ASBO. The purpose of these changes is to avoid the need for the same evidence to be presented twice in two different courts. It will speed up protection from anti-social behaviour for communities and free up court time to deal with other cases.</p>	<p><b>Police (Incl. British Transport Police), Local Authority, Registered Social Landlords, Housing Action Trusts</b></p>
27.	<p><b>Drug Intervention Orders (IOs)</b></p>	<p>Section 20 of the Drugs Act 2005 amends the Crime and Disorder Act 1998 to allow a court (subject to certain conditions) to make an IO alongside an ASBO.</p> <p>IOs are civil orders used to commit the individual to undergo drug treatment to tackle the root causes of their anti-social behaviour. Applied for in the magistrates or county court, the order specifically outlines the activities the individual must undergo to stop anti-social behaviour caused by drug misuse. Only drug misusers aged 18 and over can be given an order.</p>	<p><b>Police (Incl. British Transport Police), Local Authority, Registered Social Landlords, Housing Action Trusts</b></p>

		<p>Failure to comply and the drug misusers could be fined up to £2,500.</p> <p>The basis of the IO is that the defendant's trigger behaviour can be tackled via its root cause. However, the IOs priority is the prevention of anti-social behaviour, and it should be structured (and delivered) to reflect this objective. The welfare of the defendant is not the only purpose of the order, but instead should be balanced with the community's need to be safe from anti-social behaviour.</p>	
	<p><b>Seizure of Vehicles</b></p> <p>Sections 59 and 60 of the Police Reform Act 2002.</p>	<p>The seizure power applies where the offender is both breaking the law either by driving on road without due care and attention or inconsiderately, or driving off-road without lawful authority and in doing so is causing or is likely to cause alarm, distress or annoyance to members of the public.</p> <p>The powers can be exercised by designated Police Community Support Officers (PCSOs). Careless and inconsiderate driving and unauthorised off-road driving are offences under sections 3 and 34 of the Road Traffic Act 1988. The provisions apply to all motor vehicles, motor bikes as well as cars and whether intended for on-or off-road use. The police, and PCSOs supervised by the police, can enter premises other than a private dwelling house to affect a seizure.</p> <p>Unless a warning has been given previously, the police are required where practical to warn the person before seizing the vehicle, so that its anti-social use can be stopped. Once a vehicle has been stopped the police should serve a notice on the vehicle's owner.</p> <p>This requires the owner to pay a charge for removal and storage if they want the vehicle back.</p> <p>A person who fails to comply with an order to stop driving in this manner is also guilty of an offence and is liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.</p>	<p><b>Police</b></p>
28.	<p><b>Seizure of Noise Making Equipment</b></p> <p>Environmental Protection Act 1990 (as amended), and the Noise Nuisance Act 1996</p>	<p>Authorised local authority officers have the power to enter premises, residential dwellings and vehicles to seize and remove any noise-making equipment.</p> <p>Equipment is not defined but can be anything that emits excessive noise.</p> <p>The permitted levels of noise coming from a dwelling at night have been laid down by the Secretary of State which, if exceeded following a warning, can result in the confiscation of the equipment making the excessive noise. In cases of day time noise, the noise must amount to a statutory nuisance for noise-making equipment to be seized. There are no fixed levels of noise that constitute a statutory nuisance.</p>	<p><b>Local Authority</b></p>

		Once removed, the local authority can apply to the magistrates' court to have the equipment forfeited.	
29.	<p><b>Seizure of Tobacco and Alcohol</b></p> <p>The Criminal Justice and Police Act 2001</p>	<p>Police, Police community support officers PCSOs, and accredited persons have powers to confiscate alcohol from people who are consuming or intend to consume alcohol in a public place to which drinking restrictions apply. (Designated Public Place Order).</p> <p>If the person refuses to surrender their alcohol they are committing an offence, they can be prosecuted or the officer can issue a penalty notice of £50. Penalty notices for this offence have been extended to young people aged 16-17 since 20 January 2004 as part of the penalty notice for disorder scheme.</p> <p>The police and PCSOs also have the power to confiscate alcohol from young persons and cigarettes and tobacco products from under-age smokers. The confiscation of alcohol from young people is permitted by the Confiscation of Alcohol (Young Person's) Act 1997 (as amended). The alcohol may be in a sealed or unsealed container.</p> <p>The power to confiscate cigarettes and tobacco products is derived from the Children and Young Person's Act 1933. PCSOs have been given this power by the Police Reform Act 2002.</p>	<b>Police and Local Authority</b>
30.	<p><b>Parenting Orders</b></p> <p>Crime and Disorder Act as amended by (section 18 Anti-social Behaviour Act 2003).</p>	<p>Parents have a critical role in teaching their children the difference between right and wrong.</p> <p><b>Parenting orders</b> are imposed by a criminal court, family court or magistrate's court, acting under civil jurisdiction when there has been a problem with a young person's behaviour. They allow parents to build their skills so that they can respond more effectively to the challenges of parenting.</p> <p><b>Parenting orders</b> can consist of the following elements.</p> <p>A parenting programme designed to meet parents' individual needs to help them address their child(ren)'s misbehaviour.</p> <p>This is not a punishment but a positive way of bolstering parental responsibility and helping parents develop their skills so they can respond more effectively to their child(ren)'s needs.</p> <p>The second element specifies ways in which parents are required to exercise control over their child(ren)'s behaviour to address particular factors associated with their offending. Examples would be escorting their child(ren) to and from school every day to ensure attendance, or ensuring that a child is at home during certain hours.</p> <p>As from 27 February 2004 the courts can require parent/s to attend a residential parenting course provided that it is likely to be more effective than a non-residential course and that any</p>	<b>Education Authority, Schools and the Youth Offending Service</b>

		interference with family life is proportionate  <b>Available to Housing providers Oct 07</b>	
31.	<b>Designated Public Places Order (DPPOs)</b>  Section 13 of the Criminal Justice and Police Act 2001	<p>DPPOs are orders made by local authorities and make it easier for local authorities to designate places where restrictions on public drinking will apply and are available in areas that have experienced alcohol-related disorder or nuisance.</p> <p>Over 90 areas across the country have now introduced controlled drinking zones, ranging from small areas to city-wide. The crime reduction website contains further information about DPPOs and the areas that have used the orders.</p> <p>While it is not an offence to consume alcohol within a 'designated' area, the police, PCSOs and people accredited through a community safety accreditation scheme have powers to control the consumption of alcohol within that place.</p> <p>If they believe someone is consuming alcohol or intends to consume alcohol they can:</p> <ul style="list-style-type: none"> <li>• require them to stop; and</li> <li>• confiscate the alcohol from people (see article on confiscation below).</li> </ul> <p>If someone, without a reasonable excuse, fails to comply with the officer's request they are committing an offence and further action can be taken:</p> <ul style="list-style-type: none"> <li>• a penalty notice of £40;</li> <li>• arrest and prosecution for a level 2 fine (max £500);</li> <li>• bail conditions can be used to stop the individual from drinking in public.</li> </ul>	<b>Local Authority</b>
32.	<b>Noise Abatement Notices</b>  Sections 80 and 81 of the Environmental Protection Act 1990, (as amended by the Noise and Statutory Nuisance Act 1993)	<p>Local authorities have a duty to deal with any noise which they consider to be a statutory nuisance.</p> <p>Noise Abatement Notices can be used to stop a noise that is causing a statutory nuisance. Where noise does not stop, the local authority may itself take action to stop the nuisance and recover the costs. This includes the power to seize and remove any equipment, which is being or has been used in the emission of the noise in question.</p>	<b>Local Authority</b>
33.	<b>Individual Support Orders (ISO)</b>	Where a magistrates' court is making an ASBO (stand alone only) against a person under 18 years old it is obliged to make an individual support order at the same time if the following conditions are met:	<b>Youth Offending Service</b>

		<ul style="list-style-type: none"> <li>the ISO would be desirable in the interests of preventing any repetition of the anti-social behaviour which led to the ASBO being made, and</li> <li>the young person is not already subject to an ISO.</li> </ul> <p>Individual support orders are not available for orders on conviction where it is expected that sentencing will address the underlying causes of the criminal offence.</p> <p>Before making an individual support order the court may consider information from a social worker or youth offending team member on the appropriateness of the order and the terms of the order.</p> <p>ISOs contain positive obligations, which are overseen by the responsible officer. The responsible officer is usually a member of the youth offending team or from the social services department. The responsible officer advises the magistrates' court on the need for the ISO. The ISO :</p> <ul style="list-style-type: none"> <li>lasts for up to six months</li> <li>can require the person subject to the order to attend a maximum of two sessions a week. The order specifies the times and places where attendance is required.</li> </ul> <p>If an ASBO is discharged during the period of the ISO, the ISO will also cease.</p> <p>The conditions of the support order are targeted on the types of behaviour that led to the ASBO being made, for example counselling to tackle substance misuse or aggressive behaviour.</p>	
34.	<p><b>Power to Remove Trespassers</b></p> <p>Criminal Justice and Public Order Act 1994 amended by Sections 60-64 Anti-social Behaviour Act 2003</p>	<p>Police have powers to direct travellers, who are trespassing, to leave the land and to remove any vehicles and other property.</p> <p>This power can only be used where there is a suitable pitch available on a relevant caravan site.</p> <p>Once a direction to leave has been given, failing to leave the land is an offence or to move onto other land within the same local authority area within 3 months of the direction being given.</p>	<b>Police</b>
35.	<p><b>Aggravated Trespass</b></p> <p>Public Order Act 1984 amended by the Anti-social Behaviour Act 2003 (ASBA)</p>	<p>Section 57 amends the definition of public assembly reducing the number of persons required to constitute a public assembly from 20 to 2.</p> <p>This enables the police to impose conditions on public assemblies where more than two persons are gathering or expected to gather as from 20 January 2004.</p> <p>Section 59 of ASBA amends the definition of aggravated trespass in Section 68 of the Criminal Justice and Public Order Act 1994.</p>	<b>Police</b>

		The offence of aggravated trespass is designed to deal with protesters who try to prevent lawful construction of roads or fox hunting for example, and who trespass on private land to do so. The definition of land is no longer restricted to land in the open air.	
36.	<p><b>Illegal Raves</b></p> <p>Criminal Justice and Public Order Act 1994 as amended by the Anti-social Behaviour Act 2003</p>	<p>Section 58 amends police powers in relation to raves under section 63 of the Criminal Justice and Public Order Act 1994.</p> <p>The minimum number of persons attending an illegal rave has been reduced from 100 to 20.</p> <p>The definition is not restricted to raves that take place on land in the open air but covers any gathering on any land of 20 or more people.</p>	<b>Police</b>
37.	<p><b>Child Safety Orders</b></p>	<p>A Child Safety Order only applies to children under 10 years of age. Such children are below the age of criminal responsibility and so it is not possible to use other enforcement tools to stop behaviour that is causing harassment, distress or alarm to the community. This order is therefore extremely useful in providing a means of moderating the child's behaviour, ensuring they are placed under the supervision of a responsible officer and engaging the parents in stopping the behaviour.</p> <p>The order can be applied to a child who has committed an act which, had he or she been aged 10 or over, would have constituted an offence, breached a Child Curfew Order or caused harassment, distress or alarm to others.</p> <p>The Order has two elements. It can:</p> <ul style="list-style-type: none"> <li>place the child under the supervision of the responsible officer, for up to three months (or 12 months in exceptional cases)</li> <li>require the child to comply with requirements the court considers desirable in the interests of ensuring that the child receives appropriate care, protection and support and is subject to proper control; or preventing any repetition of the kind of behaviour that led to the Child Safety Order being made.</li> </ul> <p>The order is made in the family court; there is provision to make a Parenting Order alongside the Child Safety Order.</p>	<b>Local Authority (including housing, education, youth or social services, youth offending service and local youth inclusion support panels)</b>
38.	<p><b>Referral Orders</b></p>	<p>All young people who plead guilty to a first offence in court must receive a Referral Order, unless they are given an absolute discharge or the offence is so serious that a custodial sentence is required.</p> <p>Once a Referral Order is made, the young person is required to attend a Youth Offender Panel, made up of a youth offending team (YOT) officer and two volunteers from the local community. The Panel, together with the young person, their parents/carers and the victim (where</p>	<b>Youth Offending Service</b>

		<p>appropriate) agree a contract lasting between three and 12 months.</p> <p>The contract can include attending programmes to address offending behaviour, repairing the harm done by their offence or a variety of other actions. The conviction is spent once the contract has been completed.</p> <p>S324 and Schedule 34 of the Criminal Justice Act 2003 now provides the court with a new power to make a Parenting Order at the same time as it makes a Referral Order for a first offence.</p>	
39.	<b>Supervision Orders</b>	<p>A Supervision Order is a sentence available for juvenile offenders and can last up to three years.</p> <p>A range of conditions, 'specified activities', can be attached to a Supervision Order when the sentence is used for more serious offences, which can last for up to 90 days (to be increased to 180 days as from 30 September 2004).</p> <p>Examples of activities include participation in an intensive supervision and surveillance programme (ISSP), drug treatment and testing, curfews or residence requirements that might require a young person to live in local authority accommodation for the period of the sentence.</p> <p>A young person receiving a Supervision Order is also required to take part in activities set by the youth offending team (YOT), which could include repairing the harm done by their offence to the victim or the community, and programmes to address their offending behaviour, such as anger management.</p> <p>The Criminal Justice Act 2003 extends the courts' powers to impose a drug treatment and testing requirement to 14 and 15 year olds, as part of a Supervision Order.</p>	<b>Youth Offending Service</b>
40	<b>Action Plan Orders</b>	<p>An Action Plan Order is an intensive, community-based sentencing programme lasting three months, available for juvenile offenders. The order is supervised by the youth offending team (YOT).</p> <p>The programme developed by the YOT is specifically tailored to the risks and needs of the young person.</p> <p>Requirements specified by the court under an Action Plan Order will include some or all of the following:</p> <ul style="list-style-type: none"> <li>• to participate in specified activities</li> <li>• to present him/herself at certain specified times and places</li> <li>• to attend an attendance centre for a specified number of hours</li> <li>• to stay away from certain places</li> </ul>	<b>Youth Offending Service</b>

		<ul style="list-style-type: none"> <li>• to comply with any specified arrangements for his education</li> <li>• to make reparation to the victim of his crime or to the community</li> <li>• to attend any other hearing fixed by the court within 21 days of the making of the order.</li> </ul>	
41.	<p><b>Detention and Training Orders (DTO)</b></p>	<p>When no alternative sentence is appropriate due to the seriousness of the offence, the history of the offender or the risk to the public, young offenders will be sentenced to custody.</p> <p>The main custodial sentence for a juvenile is the DTO. For very serious offences (murder, rape) a young person will be given a full custodial sentence.</p> <p>A DTO sentences a young person to custody. There are three types of secure accommodation in which a young person can be placed:</p> <ul style="list-style-type: none"> <li>• Secure Training Centres (STCs)</li> <li>• Local Authority Secure Children's Homes (LASCHs)</li> <li>• Young Offenders Institutions (YOIs).</li> </ul> <p>A DTO can be given to 12 to 17 year-olds. The length of the sentence can be between four months and two years. The first half is spent in custody whilst the second half is spent in the community under the supervision of the Youth Offending Team (YOT).</p> <p>The Secretary of State / Youth Justice Board can require the young person to be on an Intensive Supervision and Surveillance Programme (ISSP) as a condition of the community period of the sentence.</p> <p>A DTO is only given by the courts to young people who represent a high level of risk, have a significant offending history or are persistent offenders and where no other sentence will manage their risks effectively.</p> <p>The seriousness of the offence is always taken into account when a young person is sentenced to a DTO.</p>	<p><b>Courts</b></p>
42.	<p><b>Community Penalties</b></p> <p>The Criminal Justice Act 2003 (CJA)</p>	<p>Courts have the following available for any offender aged 16 or over:</p> <ul style="list-style-type: none"> <li>• an unpaid work requirement of not less than 40 hours and not more than 300 hours' work</li> <li>• an activity requirement ordering the offender to carry out specified activities for not more than 60 days. Activities may include reparation to the victim where appropriate;</li> <li>• a programme requirement ordering the offender to take part in an accredited programme;</li> </ul>	<p><b>Courts</b></p>

		<ul style="list-style-type: none"> <li>• a prohibited activity requirement ordering the offender to refrain from specified activities on a particular day or days or over a specified period;</li> <li>• a curfew requirement ordering the offender to remain in a specified place for a period of not less than two hours and not more than 12 hours. The court must, in addition, order electronic monitoring of the curfew order where appropriate;</li> <li>• an exclusion requirement order prohibiting the offender from entering a specified place for a specified period;</li> <li>• a residence requirement ordering the offender to live in a specified place;</li> <li>• a mental health treatment requirement ordering the offender to submit to treatment;</li> <li>• a drug rehabilitation requirement ordering the offender to submit to drug treatment;</li> <li>• an alcohol treatment requirement ordering the offender to submit to treatment for alcohol dependency;</li> <li>• a supervision requirement ordering the offender to attend appointments with a responsible officer to promote rehabilitation. This can include attendance at an attendance centre when the offender is under 25.</li> </ul> <p>The CJA also gives the court the power to give a community sentence to a persistent offender aged 16 or over, (where that person has been convicted and fined on three or more previous occasions) where the fourth offence would not otherwise have been serious enough to attract a community sentence.</p>	
43.	<p><b>Fines</b></p>	<p>Fines are a suitable punishment for criminal offences in cases which are not serious enough to warrant a community penalty, nor so serious that a custodial sentence must be considered.</p> <p>The aim of using a financial penalty as a punishment is that it has equal impact on rich or poor, and therefore the court, before fixing the amount of the fine, will enquire into the offender's financial circumstances.</p> <p>The fine must reflect the seriousness of the offence and must be proportionate to the offender's means.</p> <p>Fines for juveniles reflect both the seriousness of the offence and the offender's financial circumstances. For offenders under 16, the payment of the fine is the responsibility of the parent or carer and their financial circumstances will be taken into account when the amount of the fine is set.</p> <p>The maximum amount of a fine for a particular offence can be set out in the statute governing that offence. In these circumstances the maximum fine is expressed in terms of a level.</p> <p>In the magistrates' court there are five levels of fines the current maxima are (section 37(2) of the Criminal Justice Act 1982):</p>	<p><b>Courts</b></p>

		<ul style="list-style-type: none"> <li>• Level 1 - £200</li> <li>• Level 2 - £500</li> <li>• Level 3 - £1,000</li> <li>• Level 4 - £2,500</li> <li>• Level 5 - £5,000</li> </ul>	
44.	<p><b>Drug Treatment and Testing Order (DTTO)</b></p>	<p>DTTO are used for offenders who have drug misuse issues that require treatment. The offender must agree to comply with the order before it can be made.</p> <p>The order lasts between six months and three years.</p> <p>Under the order, the person receives regular drug testing and treatment in the community. The order specifies the type of drug treatment, which can be residential or non-residential, and the number of drug tests that have to be completed per month. The person receiving the order is supervised by the probation service.</p> <p>The Criminal Justice Act 2003 has reduced the minimum age for a DTTO to 14, which will be available later this year. The DTTO can be made part of a Supervision Order or Action Plan Order - sentences available for young offenders.</p>	<p><b>Courts</b></p>
45.	<p><b>Driving Disqualification</b></p> <p>Under Section 146(1) of the Powers of the Criminal Courts (sentencing) Act 2000</p>	<p>All criminal courts have the power to include a driving disqualification instead of, or as part of another type of sentence for an offence.</p> <p>The period of disqualification ordered, is for as long as the court thinks fit. Drivers can be prevented from obtaining a driving licence or have their licence removed.</p> <p>The power is available for any offence; however there are certain anti-social behaviour offences where it may be particularly appropriate as the offence has a particular link to the use of vehicles. These offences include;</p> <p><b>Kerb Crawling</b> - Using the power to remove the offender's driving licence could be considered not only a fitting sanction and deterrent, but also a means for diminishing the opportunity for further offending.</p> <p><b>Misuse of vehicles off-road</b> – Driving a vehicle off-road without authority is an offence and is connected to the offender's ability to act responsibly with motor vehicles. Disqualification may be regarded as a relevant penalty and a hindrance to re-offending.</p> <p><b>Abandoned vehicles</b> - Abandoning a vehicle is an offence that demonstrates a disregard for the regulations related to ownership and use of motor vehicles. Driving disqualification may be an appropriate sanction for this offence.</p>	<p><b>Courts</b></p>

46.	<p><b>Criminal Law Solutions to Anti-social Behaviour</b></p>	<p>Identifying the correct solution to tackle serious instances of nuisance must take into account that the criminal justice system is in place to protect individuals and communities.</p> <p>Below are a number criminal offences which may be a more appropriate action to take than other approaches :</p> <ul style="list-style-type: none"> <li>• Criminal Damage</li> <li>• Public Order</li> <li>• Assaults</li> <li>• Threats to kill</li> </ul>	<p><b>Police</b></p>
47.	<p><b>Fireworks</b></p> <p>Fireworks Act 2003 (the Fireworks Regulations 2003)</p>	<p>It an offence for anyone under 18 to possess fireworks in a public place. It also makes it an offence for any member of the public to possess the large and powerful category 4 fireworks used at professionally organised displays.</p> <p>The Fireworks Act 2003 also give the Secretary of State the power to issue regulations to introduce curfews, to set a noise limit on consumer fireworks, to require compulsory training for operators of public displays and to introduce a new licensing system for the sale of fireworks.</p> <p>Throwing a firework in a public place is an offence under section 80 of the Explosives Act 1875. It is an arrestable offence punishable with a level 5 fine (up to £5000).</p> <p>A fixed penalty notice may be issued for throwing a firework in a public place.</p> <p>Since 5 March 2004, the level of the penalty has been increased from £40 to £80 [The Penalties for Disorderly Behaviour (Amount of Penalty)(Amendment) Order 2004 (2004, No.36)].</p>	<p><b>Police</b></p>
48.	<p><b>Environmental Concerns</b></p> <p>Clean Neighbourhood and Environment Act 2005</p>	<p>The Act is divided into several topic areas :</p> <p><b>Crime and Disorder Partnerships</b></p> <ul style="list-style-type: none"> <li>• CDRPs must now take into account environmental issues in formulating their crime reduction strategies</li> <li>• LAs have powers to gate nuisance alleyways</li> </ul> <p><b>Fixed Penalty Notices</b></p> <ul style="list-style-type: none"> <li>• Las have the power to set their own rates</li> <li>• Parish councils can issue FPNs for dog-fouling, graffiti, litter and fly-posting</li> </ul>	<p><b>Local Authority and Environment Agency</b></p>

**Nuisance and abandoned vehicles**

- LAs have the power to immediately remove abandoned vehicles
- It is an offence to advertise the sale of two or more cars or repairing a vehicle on the road to stop nuisance parking

**Litter**

- It is an offence to drop litter on any land, includes private land, rivers, ponds and lakes
- LAs can issue litter clearing notices to businesses and individuals to remove litter off their land
- LAs can issue Street Litter Clearing Notices to force businesses to assist in cleaning the litter they generate
- LAs can restrict the number of flyers, handouts and pamphlets which could end up as litter
- Chewing gum and cigarette butts are clarified as litter for enforcement purposes.

**Graffiti and fly-posting**

- Graffiti removal notices now include fly-posting
- Stronger powers re the sale of aerosol paints
- Clarification that all beneficiaries of fly-posting can face prosecution
- Recovery of costs by LAs for removal of illegal posters

**Waste**

Measures to improve LAs abilities to tackle fly-tipping include:

- No defence of acting under employers instructions
- Increased maximum penalties
- LAs and environment agencies can recover their investigation and clear-up costs
- Extending provisions on clean up to landowner where there is no occupier
- LAs and environment agencies can issue FPNs and in cases where LAs have issued they can keep their receipts from such penalties – (to businesses that fail to produce their waste transfer notes and waste carriers who fail to produce their registration details or evidence that they do not need to be registered)

For waste left out on streets outside collection times (LAs only)

- Vehicles used in illegal fly-tipping can now be stopped, seized and enabling courts to forfeiture of such vehicles
- Provisions now in place covering the waste duty of care and the registration of waste

		<p>carriers</p> <p><b>Dogs</b></p> <ul style="list-style-type: none"> <li>• LAs now have sole responsibility for stray dogs</li> <li>• LAs and Parish Councils can now control dog-fouling, designated areas where dogs are not permitted, Areas where dogs must be kept on a leash and restrict the number of dogs walked by one person</li> </ul> <p><b>Noise</b></p> <ul style="list-style-type: none"> <li>• LAs have stronger powers to deal with alarms</li> <li>• Licensed premises can have FPNs imposed for ignoring warning of excessive noise</li> <li>• LAs have more flexibility for tackling noise nuisance</li> </ul> <p><b>Miscellaneous</b></p> <ul style="list-style-type: none"> <li>• LAs can recover the costs of recovery from shopping trolley owners</li> <li>• Statutory nuisance is now extended to light nuisance and nuisance caused by insects</li> <li>• Increased penalties</li> </ul>	
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