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When anti-social behaviour occurs it significantly damages the quality of the lives of victims and communities and, if left unchecked, can sometimes escalate to become criminal activity. The public look to their local authorities, the police and other agencies who are responsible for tackling anti-social behaviour to prevent it happening or to nip it quickly in the bud.

Practitioners are now equipped with the tools and powers they need to meet the public’s expectations. These can be used in a stepped approach to match the intervention with the level of nuisance caused. Low-level problems can be tackled with warning letters and Acceptable Behaviour Contracts and more serious cases can be tackled through Anti-Social Behaviour Orders or Anti-Social Behaviour Injunctions. There are also measures to tackle alcohol and drug-related anti-social behaviour, such as Fixed Penalty Notices, powers to restrict drinking in certain public places, or to close disorderly licensed or unlicensed premises. There are powers to close drug dens and premises which are the focus of serious and persistent anti-social behaviour.

As well as being armed with these tools and powers, agencies in local areas have been given considerable advice and guidance on best practice and problem solving, so agencies have no excuse for not using them where they are needed.

As a Member of Parliament, there may be occasions when your constituents approach you to ask what is being done in their area to tackle anti-social behaviour. This guide is intended to be a comprehensive reference source to enable you to identify where responsibility lies for tackling different aspects of anti-social behaviour and we hope you find it useful. It may also help you to challenge practitioners in your area if a local problem appears to be getting needlessly out of control.

The following is a checklist of questions you might like to ask a constituent who contacts you about anti-social behaviour they have experienced.

1. Who have they reported it to?
2. Have they been given a timescale for dealing with the problem and a contact name?
3. Have they been given a diary sheet and told what evidence they might have to give?
4. Will they need to give evidence?
5. Has the local authority, police or landlord publicised the outcome of actions taken?

Most areas have an anti-social behaviour co-ordinator. You can find who this is by visiting the Anti-Social Behaviour website (www.respect.gov.uk) and entering the postcode.

Although there are statutory powers in place, local areas are responsible for deciding how best to deploy their resources for tackling anti-social behaviour according to their local priorities. This means there is a variety of approaches, but most areas have multi-agency teams which may have either the police or the local authority as the lead agency. Your local police and local authority websites will have more information on this.

For more detailed information on all these tools and powers, please visit the Anti-Social Behaviour website at: www.respect.gov.uk.
**Part 1: Noise nuisance and housing-related anti-social behaviour**

**NOISE NUISANCE**

**Domestic noise**

What is domestic noise?
Any noise emitted from premises which is prejudicial to health or a nuisance is defined as a statutory nuisance under the Environmental Protection Act 1990.

Who is responsible for dealing with domestic noise?
Local authorities have a duty to deal with any noise that they consider to be a statutory nuisance.

Social and private landlords have powers to take action against tenants who breach their tenancy agreement.

What can local authorities do about domestic noise?
- Apply for Noise Abatement Notices to stop a noise nuisance.
- Draw up Acceptable Behaviour Contracts to set out standards of behaviour that an individual causing the nuisance should maintain.
- Apply for an Anti-Social Behaviour Order (ASBO) or Anti-social Behaviour Injunction (ASBI).
- Issue a Fixed Penalty Notice if warnings are not heeded.
- Use the Clean Neighbourhoods and Environment Act 2005 to deal with annoyance caused by audible intruder alarms.

What can local authorities do about noisy licensed premises?
Local authorities may use the Noise Act 1996 (as amended by the Clean Neighbourhoods and Environment Act 2005) to take proceedings against licensed premises which exceed the permitted level for noise but where the problem is not severe enough to warrant serving a 24-hour Closure Order.

Part 6, section 40 of the Anti-social Behaviour Act 2003 gives the local authority’s chief executive, or an authorised environmental health officer, powers to close noisy licensed premises if they cause noise nuisance for a period of 24 hours. These can be licensed premises or premises operating under a Temporary Event Notice.

What can be done if the noise is related to drug dealing and drug taking?
Sections 1 to 11 of the Anti-social Behaviour Act 2003 contain powers available to the police, in consultation with local authorities, to close properties taken over by drug dealers and users of Class A drugs, which cause disorder or serious nuisance to the local community. Home Office guidance is available at: www.respect.gov.uk/members/article.aspx?id=7884.

**OTHER HOUSING-RELATED ANTI-SOCIAL BEHAVIOUR**

What action can be taken?

Injunctions
Injunctions are civil orders obtained from the County Court. An injunction prohibits the person concerned from engaging in the behaviour detailed in the injunction. Injunctions can be used to prevent a range of anti-social behaviour relating to housing: for example using a property for drug dealing, playing loud music at night, barking dogs, verbal abuse and vandalism. Some injunctions can exclude the person from specified places or areas.

Breach of the provisions of an injunction can result in up to two years’ imprisonment and/or an unlimited fine for contempt of court.

What are Housing Injunctions?
Section 13 of the Anti-social Behaviour Act 2003 allows social landlords to apply for injunctions to prohibit anti-social behaviour that affects their management of their housing stock. They also allow Housing Action Trusts to apply for injunctions.

There are also other injunctive powers that can be used to tackle anti-social behaviour, for example injunctions under section 222 of the Local Government Act 1972.

**Section 153A of the Housing Act 1996 – Anti-Social Behaviour Injunction**
A social landlord (local housing authorities, Housing Action Trusts and registered social landlords) may apply to the court for an injunction to prevent anti-social behaviour under section 153A of the Housing Act 1996.
In considering whether to grant an injunction under section 153A of the Housing Act 1996, the court must first be satisfied that the alleged anti-social behaviour meets the following ‘conduct test’.

The conduct must be:
- capable of causing nuisance or annoyance to any person; and/or
- directly or indirectly relating to or affecting the housing management functions of the landlord.

Further information can be found in a fact sheet on injunctions at: www.communities.gov.uk.

**Anti-Social Behaviour Orders**

ASBOs can be used to prohibit the anti-social behaviour of owner-occupiers or those in private rented accommodation, as well as social housing tenants. They are community-based orders that involve local people in collecting evidence and in helping to enforce breaches of the prohibitions in the ASBO.

Any action taken in the county court for anti-social behaviour can have an ASBO application attached to it. This can also include joining persons other than a party to the principal proceedings whose behaviour is material in order to seek an ASBO against them.

**Who can apply for them?**

In a housing context the police, local authorities, registered social landlords and housing action trusts can apply for ASBOs.

There is comprehensive guidance on ASBOs on the crime reduction website at: www.crimereduction.gov.uk/antisocialbehaviour/antisocialbehaviour55.htm.

**Premises Closure Orders**

In cases of serious persistent nuisance or disorder, local authorities or the police (in partnership) may apply to the courts to close the premises. This applies to any property, including privately owned houses. This is an order of last resort only after all else has been tried and failed.

**Family intervention tenancies**

Family intervention tenancies were introduced in the Housing and Regeneration Act 2008 to enable local housing authorities and registered social landlords to offer tenancies which are not secure or assured to certain tenants who have lost or are potentially at risk of losing their secure or assured tenancy. Family intervention tenancies will be offered as part of a behavioural support package (known as a family intervention project) for tenants against whom a possession order for anti-social behaviour has been made or for tenants who could face possession proceedings on the grounds of anti-social behaviour.

Family intervention projects are designed to help a small number of families who have been found to be among the most challenging to local housing authorities and registered social landlords. They are likely to be families with serious anti-social behaviour problems, possible drug and alcohol misuse and other interrelated problems.

Further information can be found at: www.communities.gov.uk

**Measures specific to registered social landlords for tackling anti-social behaviour**

**Introductory and starter tenancies**

These are probationary tenancies that allow local housing authorities and housing action trusts to adopt an introductory tenancy scheme for new tenants. The landlord may evict them within this period if their behaviour is unacceptable.

**Demotion Orders**

Local authorities, housing action trusts and registered social landlords may apply to the county court to bring a tenancy to an end by a Demotion Order. Upon the granting of the Order, the tenancy is replaced with a less secure form of tenancy.

**Eviction**

Eviction is a serious sanction that should be used when necessary to protect the community, but only as a last resort.
Private sector landlords

Licensing of private sector landlords and Interim Management Orders
Part 3 of the Housing Act 2004 provides for the licensing of the private rented sector in areas that are experiencing problems caused by anti-social behaviour. Under the Housing Act the local authority can take over the management of the property to protect the health, safety and welfare of persons occupying the premises or persons living in the vicinity. Further information is available on the Anti-Social Behaviour website at: www.respect.gov.uk/members/article.aspx?id=8006.

HIGH HEDGES

Part 8 of the Anti-social Behaviour Act 2003 gives local authorities powers to deal with complaints about high hedges which are having an adverse effect on a neighbour’s enjoyment of his property.

‘Over the Garden Hedge’ is a leaflet produced by Communities and Local Government advising members of the public on ways to negotiate with their neighbours to reach agreement over hedges. A second leaflet called ‘Complaining to the Council’ is also available.
WHAT IS ENVIRONMENTAL ANTI-SOCIAL BEHAVIOUR AND WHO CAN TACKLE IT?

Environmental anti-social behaviour includes unacceptable behaviour such as fly-tipping, abandoning cars, dog fouling, noise nuisance and graffiti.

Tackling environmental anti-social behaviour requires commitment from many partners each of whom has a responsibility in the local community.

- Housing officers have powers to tackle neighbourhoods where damage to the local environment is part of the problem.
- Social and private landlords can take action against tenants who breach their tenancy agreement by failing to control a dog’s noisy and aggressive behaviour.
- City centre managers tackling begging and street drinking can organise partnership interventions such as community clean-ups.
- Environmental improvements by partners can help design out crime in an area (e.g. by relocating a phone box or replanting trees).

CRIMINAL DAMAGE AND VANDALISM

What action can be taken?

Any damage to, or destruction of, property by vandalism, graffiti or arson is likely to be a criminal offence under the Criminal Damage Act 1971. The Act creates two levels of offence, a summary offence and a more serious offence.

Some authorities, including the British Transport Police, have found ASBOs useful to address the behaviour of people who repeatedly cause criminal damage.

In the magistrates’ court, racially or religiously aggravated criminal damage is an offence carrying a maximum prison term of six months and/or a Level 5 fine. In the Crown Court, it carries a maximum prison term of 14 years and/or an unlimited fine.

Stop and search

The Criminal Justice Act 2003 gave the police power to stop and search people whom they suspect of having items intended to be used to cause criminal damage, for example aerosol cans of paint. Section 54 of the Anti-social Behaviour Act 2003 makes it illegal to sell aerosol paint to children under the age of 16.

GATING ORDERS

A Gating Order enables local authorities to restrict public access to any public highway by gating it in order to prevent crime or anti-social behaviour from occurring.

Further information about closing or diverting rights of way to prevent crime can be found at www.defra.gov.uk/wildlife-countryside/index.htm or by contacting Defra on 0117 372 8379 or by email at rights.ofway@defra.gsi.gov.uk. The Home Office guidance ‘A Step by Step Guide to Gating Problem Alleys’ can be downloaded from: www.respect.gov.uk.

VEHICLE OFFENCES

Nuisance parking

Sections 3 to 5 of the Clean Neighbourhoods and Environment Act 2005 makes it an offence to:

- sell two or more vehicles on a road within 500 metres of each other;
- carry out ‘restricted works’ on a vehicle on the road except for repairs from an accident or breakdown carried out within 72 hours of the incident; and
- allow directors or owners of a company to permit this to take place.

Abandoned vehicles

It is an offence to abandon any vehicle under section 2 of the Refuse Disposal (Amenity) Act 1978. A local authority can remove any abandoned vehicle immediately without the need to attach a notice first. Vehicles parked illegally, obstructively or dangerously and broken down vehicles can be removed immediately by the police if they are on a road.

Who is responsible for removing abandoned vehicles and illegally, obstructively or dangerously parked vehicles?

It is the responsibility of the relevant waste collection authority, usually the local authority, to remove abandoned and dangerously parked vehicles.
This is done in conjunction with the police and the Driver and Vehicle Licensing Agency.

Police community support officers (PCSOs) also have the power to require the removal of abandoned vehicles.

**What action can be taken?**

Abandoning a vehicle is a criminal offence under section 2 of the Refuse Disposal (Amenity) Act 1978, punishable by a maximum fine of £2,500 and/or three months in prison.

Fixed Penalty Notices for abandonment of vehicles may be issued. An abandoned vehicle, once it has reached the end of its useful life, can also be classified as ‘hazardous waste’, causing an offence under section 33 of the Environmental Protection Act 1990.

A defendant may be disqualified from holding a driving licence where they have committed a relevant offence.

**Further information**

Detailed guidance and information on the Clean Neighbourhoods and Environment Act 2005 issued by Defra can be downloaded from the environmental protection section at: www.defra.gov.uk. This section also includes guidance on the Fixed Penalty Notices provisions of the Environmental Protection Act 1990, the Clean Neighbourhoods and Environment Act and other legislation.

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**LITTER AND REFUSE**

**What action can be taken?**

Section 87 of the Environmental Protection Act 1990 makes it a criminal offence to drop, throw, deposit or leave litter. The offender can be prosecuted by the police or local authority. Private individuals may also prosecute.

**Fixed Penalty Notices**

Section 88 of the Act gives the power to issue a Fixed Penalty Notice for the offence of leaving litter.

Fixed Penalty Notices can be issued by:

- litter authority authorised officers including persons not employed by the local authority (includes parish councils, National Park authorities and the Broads Authority);
- accredited persons – litter wardens; and
- PCSOs.

Where appropriate, Fixed Penalty Notices may be issued to children aged 10 or over as well as to adults. See Defra guidance, ‘Issuing Fixed Penalty Notices to Juveniles’ (Clean Neighbourhoods and Environment Act 2005).

**Litter Clearing Notices**

Principal litter authorities, appropriate Crown authorities, designated statutory undertakers, governing bodies of designated educational institutions and the Secretary of State already have a legal obligation under section 89 of the Environmental Protection Act 1990 to keep relevant land and highways clear of litter and refuse. Local authorities can issue Litter Clearing Notices to require individuals and businesses to remove litter from other land in their area.

**Who is responsible for clearing up litter and waste?**

Section 89 of the Environmental Protection Act 1990 ensures that certain bodies are responsible for keeping public places clear of litter and refuse. These include local authorities, Network Rail, schools, colleges and universities.
Removal of advertisements
Posters can be removed by the local authority without notice.

Local authorities may serve a Defacement Removal Notice on bodies responsible for a surface defaced by fly-posting.

Who can issue penalties for fly-posting?
The following people can issue Fixed Penalty Notices for fly-posting activity:
- an authorised officer of the local authority in whose area the offence has been committed;
- PCSOs; and
- someone trained and accredited as part of a community safety scheme.

FLY-TIPPING

What is fly-tipping and what is the duty of care to dispose of waste legally?
Fly-tipping is the illegal disposal of waste without a waste management licence. Under section 33 of the Environmental Protection Act, action can be taken against anyone who has committed a fly-tipping offence. Any producer of waste has a ‘duty of care’ to make sure that waste is disposed of properly. The Waste (Household Waste Duty of Care) (England and Wales) Regulations 2005 extend the duty of care to householders.

Registration as a waste carrier is compulsory
People who collect or transport waste for profit must be registered with the Environment Agency under the Control of Pollution (Amendment) Act 1989.

Information on licensing is available at: www2.environment-agency.gov.uk/epr/pubreg.asp.

What action can be taken?
The current power to stop, search and seize a vehicle is available on suspicion of an offence under section 1(1) of the Control of Pollution (Amendment) Act 1989 and is only possible after obtaining a warrant from a magistrate.

Members of the public can apply to the magistrates’ court under section 91 of the Environmental Protection Act 1990 for a Litter Abatement Order to ensure that an area under the control of a duty body is cleared of litter and refuse.

Local authorities can serve Litter Abatement Notices on bodies which have failed to keep their area free of litter or refuse.

Local authorities can issue Street Litter Control Notices requiring owners or occupiers of commercial premises to prevent or remove the accumulation of litter, where it is related to their activities (e.g. takeaway food premises).

Under the Environmental Protection Act 1990 it is an offence for anyone to distribute, or cause someone else to distribute, free literature, without consent, in an area designated a litter control area by a principal litter authority.

Litter on private land
If a piece of private land is littered, the owner is responsible for clearing the litter but the local authority can take legal action to get areas cleaned up.

Further information

ILLEGAL ADVERTISEMENTS (FLY-POSTING)

What action can be taken?
Fly-posting is the posting of stickers, posters and other advertising without the consent of the owner of the property and is an offence under section 224(3) of the Town and Country Planning Act 1990 and the Highways Act 1980. Advertisers can be fined for this offence and the individual who physically affixes the fly poster may be issued with a Fixed Penalty Notice.
Waste collection authorities can:
• investigate fly-tipping incidents;
• stop and search a vehicle suspected of being used to deposit unlawful waste, if a police constable is present; and
• seize a vehicle used to deposit unlawful waste after the issue of a warrant.

These powers are also available under the Control of Pollution (Amendment) Act 1989 (c.14) as amended by section 55 of the Anti-social Behaviour Act 2003.

**What are penalties for fly-tipping?**

Penalties for fly-tipping reflect the seriousness of the offence, its impact on the environment and the cost of cleaning up and dealing with the resulting pollution.
• Fixed Penalty Notices for minor and less serious offences.
• For repeated fly-tipping offenders an ASBO and/or vehicle confiscation.
• Serious offences committed on a commercial and industrial scale: large fines in combination with prison sentences.
• Removal of driving licence under section 146 of the Powers of the Criminal Courts (Sentencing) Act 2000.
• Forfeiture of vehicle in order to interrupt or terminate the illegal business.
• Fines of £5,000 for breaching the waste duty of care.
• Fines of up to £50,000 and/or 12 months’ maximum imprisonment or unlimited fines and/or five years’ imprisonment for illegal waste disposal.

**Further information**

Detailed guidance and information on the Clean Neighbourhoods and Environment Act 2005 issued by Defra can be downloaded from the local environmental quality section of www.defra.gov.uk.

Further information on fly-tipping is available from Defra: www.defra.gov.uk/environment/localenv/flytipping/index.htm.


A toolkit for tackling environmental anti-social behaviour is available from the Chartered Institute of Environmental Health website: www.cieh.org/library/knowledge/Public_health/Anti-social_behaviour/AntiSocialBehaviourToolKitSeptember2006.pdf.

**GRAFFITI**

**What action can be taken?**

• The Anti-social Behaviour Act 2003 enables local authority officers, PCSOs or any person accredited by the Chief Constable to issue a Fixed Penalty Notice for minor graffiti offences.
• Under the Anti-social Behaviour Act 2003 it is an offence to sell aerosol paint to anyone under the age of 16. The Clean Neighbourhoods and Environment Act 2005 places a duty on local trading standards to review underage sales once every 12 months and take enforcement action where necessary.
• Defacement Removal Notices can be served by local authorities on the owners of street furniture, designated statutory undertakers such as Network Rail, and educational institutions whose property is defaced with graffiti.

**FIREWORKS MISUSE**

There are laws in place to protect communities from the misuse of fireworks. These are powers for the police to help tackle problems in their communities. Breaking the law by committing any of the following offences carries a £5,000 fine or six months in prison, or both.
• Throwing fireworks or setting off fireworks in public places. Section 80 of the Explosives Act 1875 prohibits throwing or setting off fireworks on any highway, street, thoroughfare or public place. A public place is anywhere other than someone’s own back garden.
• Possession of adult fireworks by anyone under 18 in a public place.
• Possession of public display fireworks by anyone other than a fireworks professional.

**Curfew on fireworks use**

The Fireworks Regulations 2004 make it an offence for any person to use adult fireworks between the hours of 11pm and 7am – except for ‘permitted’ fireworks nights.
These exceptions, where the curfew start time is later, are as follows:
- November: 12 midnight;
- Diwali: 1am;
- New Year’s Eve: 1am; and
- Chinese New Year: 1am.

**Powers to tackle fireworks misuse**
- The police, including PCSOs, are able to use Penalty Notices for Disorder (PNDs) to tackle misuse of fireworks for those aged 16 and over.
- Other powers can be put to use where fireworks misuse is part of a wider anti-social behaviour problem, for example Acceptable Behaviour Contracts, Dispersal Notices and ASBOs.
- Section 115 of the Serious Organised Crime and Police Act 2005 introduced a further power for the police to stop and search an individual or vehicle suspected of being in possession of prohibited fireworks.

Guidance and a new tools and powers crib sheet is available on the crime reduction website at: www.crimereduction.homeoffice.gov.uk/antisocialbehaviour/antisocialbehaviour061.htm.


**ANIMAL NUISANCE**

**Barking dogs**

**What action can be taken?**
- Where the barking is deemed to be a statutory nuisance by the local authority, an Abatement Notice must be served under section 80 of the Environmental Protection Act 1990.
- An environmental health officer can use Fixed Penalty Notices and Noise Abatement Notices to stop a noise that is causing a statutory nuisance.
- Social and private landlords have powers to take action against tenants who are breaching their tenancy agreement by causing nuisance to neighbours. This can include noise nuisance caused by barking dogs.
- An ASBO may be taken out on an individual causing noise nuisance irrespective of their type of tenancy.
- Social landlords may take out an ASBI on a tenant for causing noise nuisance in breach of their tenancy.


**Dog Control Orders**

Local authorities and parish councils can use Dog Control Orders to cover the five offences below:
- failing to remove dog faeces;
- not keeping a dog on a lead;
- not putting, and keeping, a dog on a lead when directed to do so by an authorised officer;
- permitting a dog to enter land from which dogs are excluded; and
- taking more than a specified number of dogs on to land specified in the Order.
**Fixed Penalty Notices**

A Fixed Penalty Notice is available for contravening a Dog Control Order. Persons who can issue a Fixed Penalty Notice are:

- local authority dog wardens or other authorised local authority officer;
- a person authorised by a secondary authority, e.g. parish council;
- any person (including their employees) if authorised by a local authority or parish council; and
- PCSOs and other persons accredited by Chief Police Officers.

**ENVIRONMENT-RELATED PENALTY NOTICES FOR DISORDER**

PNDs are issued for more serious offences, such as throwing fireworks or being drunk and disorderly. PNDs can be issued by the police and, where designated, PCSOs, and are available as part of a community safety accreditation scheme.

PNDs can be issued to anyone over 16 years old and are for either £50 or £80 depending on the severity of the offence.

Offences where a PND might be issued include:

- behaviour likely to cause harassment, alarm or distress to others;
- drunk and disorderly behaviour in a public place;
- destroying or damaging property up to the value of £500;
- retail theft under £200;
- selling alcohol to a person under 18 years of age;
- selling alcohol to a drunken person;
- using threatening words or behaviour; and
- breaching a fireworks curfew.
**STREET DRINKING**

**What action can be taken?**

- People who are drunk and causing anti-social behaviour can be arrested as drunk and disorderly, drunk in a highway or causing harassment, alarm or distress under section 5 of the Public Order Act 1986.
- Penalty Notices for Disorder can be issued by the police.
- ASBOs can be used to exclude the perpetrator from the area in which they have been causing a problem and also from areas where they can obtain alcohol. This can also be an effective way to ban an individual from licensed premises where they have been causing disruption and disorder.
- Under the Licensed Premises (Exclusion of Certain Persons) Act 1980, following conviction for an offence committed on licensed premises involving violence or threats of violence, a court can make an order prohibiting the person from entering that or other specified licensed premises for between three months and two years.

**Designated Public Places Orders (DPPOs)** under section 13 of the Criminal Justice and Police Act 2001 make it easier for local authorities to designate places where restrictions on public drinking will apply. They are available in areas that have experienced alcohol-related disorder or nuisance. The police have powers to enforce this restriction.

**Alcohol Disorder Zones** build on the existing powers that allow the police and local authorities to use a DPPO, to confiscate alcohol containers within a certain area.

- A constable in uniform has a power to issue a direction to an individual aged 16 years or more to leave a locality. For further information on use of this power, go to: http://police.homeoffice.gov.uk/news-and-publications/publication/operational-policing/directions-to-leave-locality?version=1.

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**DRUG/SUBSTANCE MISUSE**

In most cases, a tenant using drugs in a way that causes serious nuisance will be breaching their tenancy agreement. Possession and supply of controlled drugs is illegal under the Misuse of Drugs Act 1971.

**What action can be taken?**

Civil measures such as ASBOs and ASBIs are available to protect the community from behaviour causing harassment, alarm or distress. An ASBO on conviction may also be appropriate where someone is in court for drugs offences. Conditions of the Order may include a ban from the area where drugs are being bought and used, or a specific ban on using drugs in public.

**Intervention Orders**

Intervention Orders are available through section 20 of the Drugs Act 2005. They require individuals who act anti-socially as a result of drugs misuse to comply with positive conditions that tackle their anti-social behaviour.

Intervention Orders can only be applied for alongside ASBO applications that are made as ‘stand alone’ in the magistrates’ court, or alongside proceedings in the county court. They can be given to individuals aged 18 or over and can last six months or less. (Individual Support Orders are available for 10- to 17-year-olds.)

The following agencies can apply for an Intervention Order but the police and local authorities are most likely to take the application forward on behalf of other agencies:

- the police;
- local authorities;
- housing associations;
- registered social landlords;
- Transport for London; and
- the Environment Agency.

For a court to make an Intervention Order, the court must be satisfied that drugs misuse is responsible for the perpetrator’s anti-social behaviour.
Conditional Cautions

Conditional cautioning allows for conditions to be attached to the caution which have a restorative or rehabilitative purpose. Provided that the conditions have a rehabilitative or restorative purpose, restrictive conditions can be imposed. A Conditional Caution is given by the police after receiving a pre-charge decision from the Crown Prosecution Service. There is no power for local authorities to give Conditional Cautions. If the offender does not comply with the conditions, then they are liable to prosecution for the original offence.

Compulsory drugs testing for trigger offences under the Drugs Act 2005

Under Part 2, section 7 of the Drugs Act 2005, the police can drug test those arrested for a variety of ‘trigger’ offences (theft, robbery, burglary, aggravated burglary, taking a motor vehicle or other conveyance, aggravated vehicle-taking, obtaining property by deception, handling stolen goods) or where an inspector or more senior officer believes that drug misuse has contributed to the offence.

Those who test positive for drugs will be obliged to attend a compulsory drug assessment by specialist drugs workers. Those who fail to provide a sample or comply with a required assessment face a fine and/or up to three months in prison. These provisions are only available in some areas.

Initial and follow-up assessments

Sections 9 and 10 of the Drugs Act 2005 allow the police to impose on any individual testing positive for specific Class A drugs the requirement to attend two assessments and remain for their duration.

DRUG DEALING

Dealing in controlled drugs is illegal under the Misuse of Drugs Act 1971. This is a very serious offence that should be dealt with accordingly. The Government’s website www.drugs.gov.uk gives further information about work to tackle illegal drugs.

What action can be taken?

Civil orders such as ASBOs and ASBIs can be sought using hearsay evidence and professional witnesses and may, therefore, be available to deal with behaviour even where a criminal conviction cannot be achieved.

Housing-related measures such as Housing Act 2004 injunctions, demoted tenancies and possession are all available in situations where a tenant is engaged in illegal behaviour. Illegal activity such as drug dealing will also usually be a breach of a tenancy agreement.

The Anti-social Behaviour Act 2003 also introduced powers to close premises that are being used in connection with the unlawful use, production or supply of a Class A controlled drug, and there is serious nuisance or disorder.

STREET PROSTITUTION

What action can be taken?

It is an offence for someone who is a common prostitute to solicit or loiter in a public place for the purposes of prostitution. The Sexual Offences Act 2003 (section 56) extends this offence to men as well as women.

Drug treatment and other rehabilitative activities can also be provided through Conditional Cautions or arrest referral. The court may also make a Community Order if an individual has been convicted and fined at least three times.

KERB CRAWLING

Kerb crawling is an offence under section 1 of the Sexual Offences Act 1985.

What action can be taken?

Civil injunctions obtained by local authorities using their powers under section 222 of the Local Government Act 1972 can also be a speedy and effective way of prohibiting kerb crawlers from continuing that behaviour.
ASBOs can also be obtained from the magistrates’ court or from the criminal court following a conviction for the offence of kerb crawling.

Re-education programmes can be effective for first-time offenders. Attendance can be reinforced by the use of police Cautions.

**Further information**
The full prostitution strategy published by the Government in January 2006 can be viewed at: www.homeoffice.gov.uk/documents/cons-paying-the-price/.

**PUBLIC ORDER OFFENCES**

**When is anti-social behaviour a public order offence?**

Section 5 of the Public Order Act 1986 makes it a criminal offence to use threatening, abusive, insulting words or behaviour or disorderly behaviour within the hearing or sight of a person likely to be caused harassment, alarm or distress by that behaviour.

The types of behaviour covered by this section may include:

- causing a disturbance in a residential area;
- persistently shouting abuse or obscenities at passers-by;
- rowdy behaviour in a street late at night;
- using slogans or language that cause distress;
- threats or abuse directed at individuals carrying out public service duties;
- throwing missiles;
- minor violence or threats of violence;
- incidents between neighbours that may fall short of a charge of assault; and
- an individual who is picked on by a gang where the behaviour does not justify an assault charge.
Part 4: Youth-related anti-social behaviour

INTERVENTIONS FOR CHILDREN AT RISK OF COMMITTING ANTI-SOCIAL BEHAVIOUR

Youth Offending Teams

Youth Offending Teams (YOTs) are key to the success of the youth justice system. There is a YOT in every local authority in England and Wales. They are made up of representatives from the police, Probation Service, social services, health, education, drugs and alcohol misuse and housing officers. Each YOT is run by a YOT manager.

The YOT identifies the needs of each young offender by carrying out a national assessment. It identifies the specific problems that make the young person offend as well as measuring the risk they pose to others. This enables the YOT to identify suitable programmes to address the needs of the young person with the intention of preventing further offending.

ANTI-SOCIAL BEHAVIOUR INTERVENTIONS

Acceptable Behaviour Contracts

There is separate comprehensive guidance on Acceptable Behaviour Contracts on the Anti-Social Behaviour website at: www.respect.gov.uk.

Restorative justice

Restorative justice can be an effective means of helping young people who have committed anti-social behaviour better understand and appreciate the concerns of the victim, and the impact on society of their actions. This can include:

- direct reparation to the victim, for example an oral or written apology, or supervised activity to benefit the victim; and
- community reparation, for example young people painting over graffiti, repairing vandalism done to a local play area, or helping to arrange and deliver local youth activities.

For comprehensive information on restorative justice, please refer to the Youth Justice Board website and ‘Best Practice Guidance for Restorative Practitioners’ on the Home Office website at: www.homeoffice.gov.uk/documents/ri_bestpractice.pdf.

Reprimands

A reprimand is available for 10- to 17-year-olds admitting guilt for a minor first offence. It is a formal verbal warning given by a police officer to a young person who admits they are guilty of a minor first offence.

Warnings

Warnings involve a warning and an assessment and intervention package for young people admitting guilt for their first or second offence. A warning is a formal verbal warning given by a police officer to a young person who admits their guilt for a first or second offence. Unlike a reprimand, however, the young person is also assessed to determine the causes of their offending behaviour and a programme of activities is identified to address them.

Fixed Penalty Notices or Penalty Notices for Disorder

These are the first stage of intervention for many low-level disorder offences. They are speedy and effective and ensure that unacceptable behaviour is challenged.

Dispersal of groups

Senior police officers may designate an area where there is persistent anti-social behaviour and a problem with groups causing intimidation. The local authority must also agree the designation.

Within designated areas the police, including police community support officers, have the power to:

- disperse groups where the relevant officer has reasonable grounds for believing that their presence or behaviour has resulted, or is likely to result, in a member of the public being harassed, intimidated, alarmed or distressed. Individuals can be directed to leave the locality and may be excluded from the area for up to 24 hours; and
- return young people under the age of 16 to their homes, if they are out on the streets and not under the control of an adult after 9pm, and if they are either at risk from or vulnerable to anti-social behaviour or crime etc, or are causing, or are at risk of causing, anti-social behaviour.
Anti-social Behaviour Orders and Individual Support Orders

ASBOs are civil orders made by a court which prohibit the perpetrator from performing specific anti-social acts and from entering defined areas on a map (exclusion zones). An ASBO can be made against anyone aged 10 years or more who has acted in an anti-social manner (i.e. behaviour that caused, or is likely to cause, harassment, alarm or distress to others) and where an Order is needed to protect a person(s) from further anti-social acts. ASBOs can be used in conjunction with other measures as part of a tiered approach to tackling anti-social behaviour. The Order lasts for a minimum of two years.

Comprehensive guidance on how to use ASBOs is available on the crime reduction website at: www.crimereduction.gov.uk/antisocialbehaviour/antisocialbehaviour55.htm.

Individual Support Orders (ISOs) can be attached to a stand-alone ASBO on a young person. The ISO includes positive obligations to tackle the underlying behaviour and help them meet the conditions of their ASBO. Where other support interventions are being provided by the YOT, an ISO may then not be necessary and so will not be used in every young person’s ASBO case.

Vehicle-Related Nuisance

Joy riding and dangerous and illegal driving

Driving a vehicle off road without authority is an offence under section 34 of the Road Traffic Act 1988 (as amended by Schedule 7 of the Countryside and Rights of Way Act 2000).

There are a range of penalties available including the power to confiscate vehicles and bikes used off road in a manner which causes ‘alarm, distress and annoyance’ in sections 59 and 60 of the Police Reform Act 2002.

Agreements and warnings can be used to ensure that those engaged in vehicle-related nuisance appreciate the impact on local residents.

Environmental improvements such as bollards, gates and CCTV can stop inappropriate use of vehicles within a residential area. All such schemes should be aligned with a clear message that the anti-social behaviour must be stopped and will be subject to further enforcement action if it continues.

ASBOs or ASBIs can be used to stop the behaviour and protect the community.

Tackling the inappropriate use of mini-motos

Measures to tackle nuisance caused by mini-moto misuse include:

- section 59 of the Police Reform Act 2002 to seize vehicles following further nuisance after an initial warning;
- the Environmental Protection Act 1990 using section 79 on statutory nuisance;
- the Noise Act 1996 for the removal of noise-making equipment;
- arrest for causing public disturbance;
- PCSOs can also issue a Penalty Notice for Disorder for behaviour likely to cause harassment, alarm or distress; and
- riders using mini-motos and other such vehicles illegally on public roads and footpaths can also be prosecuted under road traffic legislation, fined and receive points on their licences.

A practitioner guide detailing the tools and powers for addressing this problem has been produced and is available on the Anti-Social Behaviour website at: www.respect.gov.uk/uploadedFiles/Members_site/Document_Library/step-by-step_guides/MiniMoto_StepByStepGuide0010.pdf.
VANDALISM
Youth vandalism can be addressed by a range of measures, such as:

• Fixed Penalty Notices for minor graffiti and fly-posting to individuals aged 10 years and over;
• Penalty Notices for Disorder to those aged 16 years and over for destroying or damaging property that is valued at under £500;
• Acceptable Behaviour Contracts between a perpetrator and a relevant authority, in which the perpetrator agrees not to perform certain anti-social acts; and
• ASBOs and ASBIs, prohibiting the perpetrator from undertaking specific anti-social acts.

PERPETRATORS WITH HEALTH NEEDS
Section 47 of the NHS and Community Care Act 1990 requires all perpetrators with health needs to be assessed. However, even if the anti-social behaviour practitioner manages to get the agreement of social services to do the assessment, the perpetrator does not have to comply. Where non-compliance is an issue and if the behaviour displayed is of a very serious and harmful nature, the case should be referred on to mental health services and, if appropriate, section 2 of the Mental Health Act 1983 can be applied which may result in a mental health sectioning for 28 days.

SUPPORTIVE PARENTING INTERVENTIONS
Parenting programmes
Parenting programmes provide parents with an opportunity to improve their skills in dealing with the behaviour that puts their child at risk of offending. A parenting programme could be offered at the first sign of problems.

Family intervention projects
Family intervention projects work with persistently anti-social families to change their behaviour. They take a whole-family approach which considers the needs of the whole household and assesses the underlying problems driving the family’s behaviour, to identify which services need to be involved.

Referrals might be made by statutory agencies, housing associations, voluntary sector organisations or even by families themselves. Referrals must be accepted into the projects from anti-social behaviour teams or their equivalent.

Further information on family intervention projects can be viewed at: www.respect.gov.uk/members/article.aspx?id=8678.

Parenting Contracts
Sections 19 and 25 of the Anti-Social Behaviour Act 2003 give certain agencies the power to enter into Parenting Contracts. Schools and local education authorities (LEAs) can enter into Parenting Contracts with the parent(s) of a child who has truanted or been excluded from school, and YOTs can enter into Parenting Contracts with the parent(s) of a child who has engaged in or is likely to engage in criminal conduct or anti-social behaviour.

The contract contains a statement by the parent(s) agreeing to comply with the requirements for the period specified and a statement by the YOT or the LEA agreeing to provide the necessary support to the parent(s) to comply with the requirements.

There is comprehensive information on the issue of parenting on the Youth Justice Board website: www.youth-justice-board.gov.uk.

Parenting Contracts and Orders with an anti-social behaviour trigger
Local authorities and registered social landlords have the power to enter into Parenting Contracts and apply for a Parenting Order where anti-social behaviour is the trigger under amendments to the Anti-social Behaviour Act 2003 in the Police and Justice Act 2006. This follows up on the Respect Action Plan commitment to ‘widen the range of agencies which can apply for a Parenting Order where a child’s behaviour requires it’.

A housing association can apply for Parenting Orders in similar situations but must first consult with the local authority in the area.
Many people and organisations are involved in helping to reduce anti-social behaviour on public transport. This includes transport operators, local authorities, local police, British Transport Police, passenger transport executives, Transport for London, town centre managers, Crime and Disorder Reduction Partnerships, and schools.

There are a significant number of tools and powers that can be used to tackle anti-social behaviour on public transport. Many of these – such as Acceptable Behaviour Contracts, warning letters, ASBOs, Fixed Penalty Notices, Penalty Notices for Disorder and alcohol exclusion zones – are not specific to public transport and are covered elsewhere in this guide.

Under the Public Service Vehicles (PSV) conduct regulations, passengers deemed to be causing a nuisance to a reasonable passenger, playing music to the annoyance of other passengers, having no or incorrect ticket, etc can be removed from a PSV by the driver, conductor, inspector or police.

There are also a range of offences for which criminal prosecutions can be brought:

- **Begging.** The Vagrancy Act 1884 relates to begging, sleeping rough and being found in enclosed areas, and is punishable by five years’ imprisonment.

- **Trespassing on the railway.** Under section 16 of the Railway Regulation Act 1840 it is an offence to wilfully trespass on any railway premises, punishable by one month’s imprisonment. Section 55 of the British Transport Commission Act 1949 penalises trespass on railway lines or on property in dangerous proximity to lines. This is punishable by a Level 1 fine (currently £200).

- **Penalties for fare evasion.** Section 5 of the Regulation of Railways Act 1889 makes it an offence to travel or attempt to travel without having paid a fare and with intent to avoid payment.

- **Prosecutions can be brought under the Criminal Damage Act 1971** which created an offence where a person intentionally or recklessly damages or destroys property belonging to another.

- **Cautions and reprimands** can be given by police officers after a person has admitted an offence. This can be used as an alternative to a charge and possible prosecution.