

POCKET GUIDE TO TOOLS AND POWERS



Give respect Get respect

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ACCEPTABLE BEHAVIOUR CONTRACTS

WHAT ARE THEY?

- An acceptable behaviour contract (ABC) is a voluntary agreement between one or more local agencies and an individual, outlining what the perpetrator should or should not do.
- The terms of the contract should reflect the behaviour to be addressed and should not be too extensive. There should be a balance between general and specific conditions. The contract will also set out the possible consequences of breaking the agreement.
- Any agency can use ABCs, but normally lead agencies include local authorities, police, registered social landlords and youth offending teams.
- ABCs are often used with children and young people, but they could equally be used for adults.

WHEN SHOULD THEY BE USED?

- When a perpetrator of low-level anti-social behaviour has been identified.
- When a warning has been unsuccessful in addressing the problem.
- ABCs are flexible and can be adapted for a range of circumstances and between a range of agencies.

ANTI-SOCIAL BEHAVIOUR ORDERS

WHAT ARE THEY?

- Anti-social behaviour orders (ASBOs) are civil orders that protect the public from behaviour that causes, or is likely to cause, harassment, alarm or distress.
- Orders can be made on anyone aged 10 or over who has displayed anti-social behaviour in the previous six months.
- ASBOs can be imposed for a fixed period – from a minimum of two years to an unlimited maximum limit – or until a further order is made. It is best practice for orders made on young people to be reviewed after a year.
- The orders are not criminal penalties and are not intended to punish the offender, but rather to protect the well-being of the community. However, breach of an order is a criminal offence.
- Orders can be made by way of application (often known as 'stand alone'), by order on conviction or as part of proceedings in the county court.

- Interim orders can also be made at the initial court hearing, in order to provide immediate protection for the community until the full hearing is held.

WHEN SHOULD THEY BE USED?

- When a person aged 10 or over has acted in an anti-social manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as the perpetrator.
- When an offender has behaved in an anti-social way and an order is necessary to protect the public from further anti-social behaviour.
- ASBOs can be used on perpetrators living in any type of housing and to tackle anti-social behaviour in a wide range of situations and settings.

COMMUNITY AGREEMENTS

WHAT ARE THEY?

- Community agreements are settlements reached between the residents of a community to resolve disputes or to outline what those involved wish life in their neighbourhood to be like. They are put in writing and each household or individual has a copy.
- Where appropriate, copies may also be displayed in public spaces, such as community centres, or in local newsletters.
- It is facilitated by independent and impartial mediators who make private and confidential visits to each person.
- The agreement contains only what individuals have asked for; the referring agency has no input.
- The agreement can build or renew community spirit and pride in the community, as individuals no longer feel they are alone in their worries or concerns.
- It gets to the root cause of the problems within the community.

WHEN SHOULD THEY BE USED?

- When there is conflict or unrest within a neighbourhood; this may be a block of flats, a street, a small community or a sheltered housing complex – or indeed it may be applied to any small group of people, such as colleagues within a workplace.

CRACK HOUSE CLOSURE ORDERS

WHAT ARE THEY?

- A senior police officer can issue a closure notice on premises that they have reason to believe are being used for the production, supply or use of Class A drugs, and are causing serious nuisance or disorder.
- The police must then apply to the court within 48 hours for a closure order.
- Once issued by the court, the order can last for up to three months and can be extended for a further three months. During this time, entering or remaining in the property is an offence and the property will be sealed.

WHEN SHOULD THEY BE USED?

- When a property has been taken over by drug users or dealers of Class A drugs. The arrival of a crack house on an estate or in a community is a serious threat to the safety and well-being of its residents; this power means that swift action can be taken to close it down.

DEMOTION ORDERS

WHAT ARE THEY?

- Demotion orders allow social landlords to apply to the courts to reduce the security of tenure for tenants, and can be a precursor to possession.
- Demotion orders remove a number of tenancy rights, including the right to buy and the right to exchange.
- Upon granting of the order, the tenancy is replaced with a less secure form of tenancy.
- Demoted tenancies last for a year, and may be extended if the landlord serves notice to seek possession of the property during this period.
- Demotion orders give a serious warning to the tenant, since if they continue to misbehave swift action can be taken to seek possession of their home.

WHEN SHOULD THEY BE USED?

- When a tenant, another resident or visitor to the tenant's home has behaved or threatened to behave in a way that is capable of causing nuisance or annoyance.
- When a tenant, another resident or visitor to the tenant's home has behaved or threatened to behave in a way that affects the housing management of an area and/or includes using the premises for unlawful purposes.
- As an alternative to seeking a possession order.

DISPERSAL POWERS

WHAT ARE THEY?

- A senior police officer can designate an area where there is persistent anti-social behaviour and a problem with groups causing intimidation.
- The local authority must also agree to the designation of the area.
- Within the designated area, police and police community support officers have the power to disperse intimidating groups and exclude people for up to 24 hours. They also have the power in that designated area to take a child home after 9pm if they are not under the control of an adult.
- The designated area can be as small as around a cash point or a shopping arcade where intimidating groups gather, or as large as a local authority area, as long as there is evidence of anti-social behaviour.

- The decision to designate an area must be published in a local newspaper or by notices in the local area. The designation can then last for up to six months and can be renewed if necessary. The designated area must be clearly defined, usually by a description of the streets or roads bordering the area.

WHEN SHOULD THEY BE USED?

- Dispersal powers should be used where there has been a persistent anti-social behaviour problem in a public space and where groups gather and intimidate and harass the public.
- Dispersals are not targeted at any age group but are there to protect the well-being of the community. If, however, there is a problem with young people gathering and intimidating other young people and others, then it is good practice to ensure that they can be moved off the streets into purposeful activities.

FAMILY INTERVENTION PROJECTS

WHAT ARE THEY?

- Family intervention projects work with persistently anti-social families to change their behaviour.
- According to need, the projects provide either residential accommodation or outreach support for the family for the duration of the intervention.
- They take a 'whole family' approach which considers the needs of the whole household and assesses the underlying problems driving the family's behaviour, in order to identify which services need to be involved.
- Projects involve persistent and assertive key workers who make sure the family do not disengage. They will also make sure that the statutory services involved with the family do not disengage and provide necessary services.
- Projects use a twin-track approach which includes help for families to address the causes of their behaviour, alongside

supervision and enforcement tools to provide them with the incentives to change.

- The threat or use of sanctions provides a way of curbing bad behaviour and also helps persuade people to accept and co-operate fully with the offers of help.
- A contract between the family and the project sets out the changes in behaviour that are expected, support that will be provided and sanctions that will be imposed if behaviour does not improve.

WHEN SHOULD THEY BE USED?

- Agencies should think about referring when there are numerous complaints about the behaviour of a family and the impact they are having on their local community.

FIXED PENALTY NOTICES

WHAT ARE THEY?

- Fixed penalty notices (FPNs) are one-off fines issued for anti-social behaviour designed to help police tackle low-level nuisance.
- They can be issued by local authority officers and, in a limited capacity, by police community support officers and other accredited persons.
- FPNs can be issued to anyone over 10 years old. Many are set at £75 but local authorities can set some fine levels locally. More serious offences such as truancy and noise nuisance attract larger fines.

WHEN SHOULD THEY BE USED?

- FPNs are mostly given for low-level anti-social behaviour of an environmental nature, for example litter, waste, fly-tipping and noise.

GATING ORDERS

WHAT ARE THEY?

- Councils can order gating of a highway in order to prevent crime or anti-social behaviour from occurring.
- The council can continue with a gating order even if objections are made if it is considered in the best interests of the community to do so, as long as they have complied with the formal consultation procedure.
- An underlying principle of this provision is to communicate with the residents and wider public the intentions to make a gating order.
- Alley gating will not be appropriate in all cases, and other alternatives should be considered.

WHEN SHOULD THEY BE USED?

- Gating can take place if a highway suffers from crime and/or anti-social behaviour.
- If the alley is a public right of way, it can still be closed or diverted if suitable alternative routes exist and the council deem that gating is necessary for the purposes of preventing or reducing crime and/or anti-social behaviour.

INDIVIDUAL SUPPORT ORDERS

WHAT ARE THEY?

- Individual support orders (ISOs) can be attached to a stand alone ASBO on a young person and contain positive obligations which are designed to tackle the underlying causes of a young person's anti-social behaviour.
- The order is overseen by a responsible officer, usually a member of the youth offending team or from the social services department.
- ISOs can last for up to six months and can require a young person to attend up to two sessions a week of, for example, counselling to tackle substance misuse. The order specifies the times and places where attendance is required.
- Failure to comply with the conditions is a criminal offence and can result in enforcement proceedings.

WHEN SHOULD THEY BE USED?

- Where a magistrates' court is making an ASBO on a young person aged between 10 and 17 years, it is obliged to make an ISO if:
 - the ISO would be desirable in the interests of preventing further anti-social behaviour; and
 - the individual is not already subject to an ISO.
- If the court is not satisfied that the conditions have been met, it must state why.
- Where other support interventions are being provided by the youth offending team, an ISO may then not be necessary and so will not be used in every young person's ASBO case.

INJUNCTIONS

WHAT ARE THEY?

- Injunctions are a quick and effective way to put an end to a range of anti-social behaviour relating to housing and the wider neighbourhood, such as using a property for drug dealing, playing loud music at night, barking dogs, verbal abuse and vandalism.
- They are civil orders which can be obtained from the county court and prohibit the person concerned from engaging in the behaviour detailed in the injunction.
- Some injunctions can exclude the person from specified places or areas. The court may grant an injunction for a specified period as it sees fit, or may decide that the injunction will apply until it is varied or discharged. This can mean that an injunction can be in force for the lifetime of the person it is obtained against.
- Breach of the conditions of an injunction can result in up to two years' imprisonment and/or an unlimited fine for contempt of court.

Anti-social behaviour injunctions

- Social landlords are able to apply for injunctions to prohibit anti-social behaviour that affects their management of their housing stock.
- These powers enable social landlords to take a much more proactive role in tackling anti-social behaviour in their neighbourhoods, and provide effective protection to a wider range of people whose lives may be adversely affected by anti-social behaviour.

Local government injunctions

- Using their powers under the Local Government Act 1972, local authorities can apply to the civil courts for injunctions to restrain anti-social behaviour that constitutes a public nuisance.
- Injunctions can prohibit the individual from entering the area where the nuisance has been committed, and may also contain other prohibitions designed to restrain the type of anti-social behaviour which has caused the public nuisance.

WHEN SHOULD THEY BE USED?

- Injunctions can be used when someone is committing anti-social behaviour, such as noise nuisance; verbal abuse of staff, agents and/or tenants and neighbours; visitors causing nuisance to neighbours; untidy gardens; and threats of violence or actual violence.
- When immediate protection is necessary, injunctions can provide a swift resolution before a problem escalates.
- Injunctions have been used successfully by councils to prohibit prostitution, begging and drug dealing.

INTERVENTION ORDERS

WHAT ARE THEY?

- Intervention orders (IOs) can be attached to ASBOs in the same way as ISOs.
- IOs are designed to tackle anti-social behaviour as a result of drug misuse.
- IOs require individuals who act anti-socially as a result of drug misuse to comply with positive conditions that tackle their anti-social behaviour.

WHEN SHOULD THEY BE USED?

- IOs 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 only be given to individuals aged 18 or over and can last six months or less.
- For a court to make an IO, it must be satisfied that drug misuse is responsible for the perpetrator's anti-social behaviour. This decision is based upon a report from an appropriately qualified individual.

NOISE ABATEMENT NOTICES

WHAT ARE THEY?

- A noise abatement notice requires the abatement of noise nuisance or prohibits or restricts its occurrence or recurrence.
- Abatement notices can also require a person to carry out works and/or take other steps to stop the noise nuisance, such as seizing the noise-making equipment.

WHEN SHOULD THEY BE USED?

- If a formal investigation finds evidence of statutory noise nuisance, officers can defer serving a noise abatement notice for seven days if they think persuasion and mediation will result in greater co-operation or if they think serving an immediate notice will aggravate the situation and cause one of the parties to withdraw from negotiations.
- A noise abatement notice must be served following a seven-day deferment if:
 - the noise-maker cannot be persuaded to stop or restrict occurrences of the nuisance; and/or
 - the local authority is satisfied that a statutory nuisance continues to exist, or is likely to occur or recur, after the seven-day deferral period.

PARENTING PROGRAMMES

WHAT ARE THEY?

- A parenting programme teaches parents techniques to improve their child's behaviour.
- Good programmes follow a manual, have well documented stages, last 8–13 weeks and are delivered by workers who have been appropriately trained.
- These programmes focus on teaching parents skills to remedy the causes of problem behaviour through building a relationship with the child, use of praise and incentives, and establishing consistent boundaries with 'time out' for infringements.
- Parenting programmes are delivered by a range of organisations, including the NHS, schools, children's centres and youth offending teams.
- Many parents will take up help voluntarily, but where they do not want to take up help a parenting order should be used to secure their engagement.

WHEN SHOULD THEY BE USED?

- A parenting programme could be offered at the first sign of problems – perhaps when a warning about a child's behaviour is first given.
- Attendance at a parenting programme will often form part of a parenting contract or parenting order.

PARENTING CONTRACTS

WHAT ARE THEY?

- Parenting contracts are voluntary agreements made between local agencies, such as the local authority, youth offending team, schools, local education authority and the individual parent(s).
- They can be used alongside acceptable behaviour contracts or other interventions and set out what parents will do to address the anti-social behaviour of a child or children for whom they are responsible.
- Parenting contracts may contain an agreement to attend a parenting programme and/or to ensure that a child attends school regularly.

WHEN SHOULD THEY BE USED?

- Where parents need to take steps to reduce problem behaviour by their child or children.
- Schools and local education authorities should enter into a parenting contract with the parent(s) of a child who has truanted or been excluded from school.
- Youth offending teams should enter into parenting contracts with the parent(s) of a child who has engaged in or is likely to engage in anti-social behaviour and criminal conduct.

PARENTING ORDERS

WHAT ARE THEY?

- Parenting orders can be made by a criminal court, family court or magistrates' court acting under civil jurisdiction when there has been a problem with a young person's behaviour.
- Parenting orders impose requirements on the parent(s) or guardian(s), which will usually include their attendance on a parenting programme or guidance or counselling programme. Other requirements, such as ensuring that their child attends school, can also be included.
- Non-compliance can lead to a level three fine (maximum £1,000) or any sentence available for a non-imprisonable offence.

WHEN SHOULD THEY BE USED?

- The court must make a parenting order, or state why they have not, where an ASBO has been made in respect of a child or young person and/or a child or young person has been convicted of an offence.
- A parenting order can also be made on application when:
 - a youth offending team applies to court where a child or young person has engaged in criminal conduct or anti-social behaviour; or
 - a local education authority applies to court in respect of the parents of a child excluded (permanently or for two fixed periods) from school for serious misbehaviour.
- Parenting orders can also be made when a referral order is made or when a youth offender panel refers a parent back to court for failing to attend panel meetings.

PENALTY **NOTICES FOR** **DISORDER**

WHAT ARE THEY?

- Penalty notices for disorder (PNDs) are one-off fines which can be issued on the spot for a range of low-level disorder offences. They are designed to tackle low-level nuisance and anti-social behaviour.
- They can be issued to anyone over 16 years old and attract penalties of £50 or £80, depending on the offence.
- PNDs can be issued by the police and by police community support officers and other accredited persons for a limited range of offences.

WHEN SHOULD THEY BE USED?

- PNDs are issued for a specified range of offences, including throwing fireworks, being drunk and disorderly, causing harassment, alarm or distress (Section 5, Public Order Act 1986), criminal damage under £500 and giving a false alarm to a fire or rescue service.

This guide was published in March 2007. For the most up-to-date information about anti-social behaviour legislation, go to **www.respect.gov.uk**.

For further information on the use of tools and powers to tackle anti-social behaviour, please contact the Respect ActionLine on **0870 220 2000** or at **RespectActionLine@bss.org**.

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