

# Anti-Social Behaviour Crime and Policing Act 2014 (Housing Related ASB)

**ASB continues to be one of the main issues that badly affect people's lives and communities. If it is not dealt with, the impact can be devastating and can ultimately cause death to vulnerable people. Agencies need to make difficult decisions all the time about the way to deal with ASB and it is often not straightforward.**

The new Act was given royal assent in March 2014 and rationalises a number of previous powers available to the police, local authorities and social landlords operating in England and Wales. The main impact for social landlords is the Civil Injunction which replaces the ASBI. It puts social landlords on an equal footing with police and local authorities when dealing with housing related ASB

In addition to a number of new powers where social landlords can support other agencies, the Act contains some updates to dangerous dogs legislation and formalised consultation with social landlords and tenants and residents in areas such as case reviews

## Reasons for the Act

Those working in the social housing sector have to balance the needs of the community with those of the household where people who are "anti-social" live. Sometimes ASB is a sign of complex issues in a household such as Domestic Abuse (DA) or drug or alcohol dependency, but the impact on a community and individuals can be catastrophic. Social landlords in some cases do not have the power to deal with issues and that is why it is extremely important to ensure that all agencies work together.

## Putting the Victim First

### Community Trigger (sometimes called an ASB Case Review)

In the new Act there is a clear emphasis on putting the victim first, and there is a new measure called The Community Trigger allows victims of persistent ASB, who have previously reported incidents on three occasions over a six month period to one or more agencies, to request a review for their case where they feel the actions taken have not been adequate. Each Police and Crime Commissioner and local authority

area should have information on their website. Some areas have developed a joint working approach ([www.southwalescommunitytrigger.wales](http://www.southwalescommunitytrigger.wales))

## Community Remedy

This gives the community and victims a say in out of court response for low level crime and ASB. There is a requirement that Police Community Support Officers should consult with members of the public and community reps. The person must admit the incident and there needs to be evidence. A Community Remedy document should be produced which should include a range of responses such as reparation, restorative justice or rehabilitation. An action plan should then be agreed.

## The New Tools and Powers

There are 6 new measures which rationalise a number of previous powers available to the police, local authorities and social landlords. Some focus on out of court action and give perpetrators the opportunity to change their behaviour and address underlying issues.

1. **Civil Injunctions** – The aim is to nip ASB in the bud before it escalates. The injunction can include conditions and requirements for the person to address the underlying causes. RSLs can apply for these
2. **Criminal Behaviour Orders** – These allow a criminal court to issue an order against any person convicted of an offence in order to tackle persistent ASB and those engaged in criminal activity. Orders will include requirement to stop ASB and or criminal behaviour and to address underlying causes. Only Police and Local Authorities can apply for these
3. **Dispersal Powers** – This requires a person committing or likely to commit ASB crime or disorder to leave an area for 48 hours. If the power is used in response to a complaint the victim should be kept informed . This can be used on anyone over the age of ten. Only Police and Police Support officers can use these powers
4. **Community Protection Notice** – This is to stop a person over 16, business or organisation committing ASB (including noise nuisance) which spoils the communities' quality of life. This can be issued by RSLs
5. **Public Space Protection Order** – This is to stop individuals or groups committing ASB in a public space and which has a detrimental effect on the community and is persistent and unreasonable. This can be issued by Local Councils after consultation with Police
6. **Closure Power** – This is to quickly close premises which are being used, or likely to be used to commit nuisance or disorder. It can be issued out of court in the first instance, which can close the premises for up to 48 hours but can not stop the owner accessing the premises. A court order is needed to close the premises for up to 6 months. Councils and Police can apply for these.

The impact of ASB can be devastating for individuals and communities. The new Act is supposed to help social landlords and community members be better at tacking

ASB and the causes of ASB. All social landlords are expected to review their ASB Policy and procedures to take account of the new Act and should involve tenants in reviewing current practice. Tenants should also be able to challenge their landlord if they feel that the Policy and Procedure are not working. However it is important that tenants know what landlords can and cannot do to tackle ASB.

TPAS Cymru has developed a range of services to help tenants and landlords work together to tackle ASB and has delivered work across Wales