



EAST RIDING
OF YORKSHIRE COUNCIL

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TACKLING ANTI SOCIAL BEHAVIOUR IN OUR COMMUNITY

Please find attached issue 13 of our six-monthly updates.

The updates inform you of the interventions used in your area and this one sets out those used between 1 October 2014 and 31 March 2015. I also attach details of the number of calls received by your Anti Social Behaviour team.

My last update provided you with information on crime, disorder and anti social behaviour community resilience work in the East Riding and gave you a Christmas crime prevention message. I hope you found these useful.

Since my last update, the new tools and powers to tackle anti social behaviour, as set out in the Anti Social Behaviour, Crime and Policing Act 2014, have taken effect. Key changes include the abolition of Anti Social Behaviour Orders and Drink Banning Orders and replacing them with Criminal Behaviour Orders and Civil Injunctions. I have included further information on these changes in this update

We are here to help those who suffer from anti social behaviour and our website provides helpful information on anti social behaviour and what can be done to tackle it:
<http://www2.eastriding.gov.uk/living/crime-and-community-safety/anti-social-behaviour/>

We rely on information that residents pass on and I encourage you to use our website and report anti social behaviour to Humberside Police on 101 or your Anti Social Behaviour team on 01482 396380.

Thank you

A handwritten signature in black ink, appearing to read 'Nigel Brignall'.

Nigel Brignall
Manager of the Anti Social Behaviour Team

CRIMINAL BEHAVIOUR ORDERS

Criminal Behaviour Orders (CBOs) replace on-conviction Anti Social Behaviour Orders (ASBO) and Drinking Banning Orders. They can be served by a criminal court, following an application by the Crown Prosecution Service either at its own initiative or on request from the Police or Council. An application can be made following conviction for any criminal offence and should be granted if the court is satisfied, beyond reasonable doubt, that the offender has engaged in behaviour that has caused or is likely to cause harassment alarm or distress AND that the court considers that making the order will help prevent the offending from engaging in such behaviour in the future. Like ASBOs, a CBO can be made against anyone aged 10 or above, however a CBO can include positive requirements on the offender requiring them to address the underlying causes of their behaviour. For example this may include attendance at a drug or alcohol clinic or attendance at a job readiness course.

ASBO had to be both proportionate and necessary, whereas CBOs do not have to meet the necessity test.

Breach of a CBO is a criminal offence. For over 18's, the maximum penalty is five years imprisonment and for a person aged under 18, the sentencing powers in the youth court apply. The maximum sentence is a two year Detention and Training Order. ASBOs had a minimum period of two years, with no maximum length of time. The same applies to CBOs for people aged over 18, however for those aged under 18, they can only last for a period of one to three years.

CIVIL INJUNCTIONS

Civil Injunctions also replace ASBOs and Drink Banning Orders, however this is the other way in which an application could be made – on application by the Police, Council or a Registered Social Landlord. They are served by the County or High Court for over 18s and the Youth Court for under 18s following an application by the Police, Council, Registered Social Landlord, Environment Agency or NHS Protect. Whilst Civil Injunctions are similar to CBOs in that they can include prohibitions and positive requirements, applications can be made without any criminal conviction. The Civil Injunction is aimed to stop individuals aged 10 or above from engaging in anti social behaviour quickly, nipping problems in the bud before they escalate. The Council and Police already use early intervention tools such as fairway letters and Acceptable Behaviour Contracts successfully once we have evidence to prove that a person is behaving anti socially, however Civil Injunctions will be considered if these do not address the behaviour. With regard to evidence, I emphasise that one word against another is rarely sufficient.

The evidential test for a Civil Injunction is lower than that for a CBO in that the court can grant them on the balance of probability, however, whilst not a criminal offence, breach must be proved to the criminal standard. The maximum penalty for breach of a Civil Injunction for a person aged over 18 is two years in prison as this would be treated as civil contempt of court. For under 18s, the penalty for breach will be a Supervision Order or, as a very last resort, a Civil Detention Order of up to three months for a person aged between 14 and 17.

For further, detailed, information on the CBO, Civil Injunction and other tools and powers contained in the Anti Social Behaviour, Crime and Policing Act 2014, please visit https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/352562/ASB_Guidance_v8_July2014_final_2_.pdf