



Tackling Anti-Social Behaviour in Lincolnshire

PROCEDURES FOR USE OF THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

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V1	October 2014	Countywide ASB Procedures developed in response to new ASB powers and tools introduced through the ASB Crime and Policing Act 2014.
V2	November 2015	Series of amendments made to reflect post implementation changes to the Lincolnshire process.
V3	November 2016	Annual review.
V4	August 2019	Series of amendments and updates added to reflect changes in process in line with Home Office guidance.
V5	August 2020	Revised Community Trigger process added.

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INTRODUCTION

1.1 The Anti-Social Behaviour, Crime and Policing Act 2014 introduced seven new powers and tools to tackle a wide range of anti-social behaviour issues (replacing the existing nineteen powers and tools that were in place at the time). The purpose of the Act is to allow for more swift and effective action to complaints of anti-social behaviour; with the needs of victims at the forefront of the response.

1.2 The table below shows the changes that the Act brought in:

Previous Tools	New Tools
PEOPLE Anti-Social Behaviour Order (ASBO) ASBO on conviction Drink Banning Order Drink Banning Order on conviction Anti-Social Behaviour Injunction (ASBI) Individual Support Order Intervention Order	Injunction Criminal Behaviour Order (CBO)
PLACES Litter Clearing Notice Street Litter Clearing Notice Graffiti Defacement/Removal Notice Designated Public Place Order (DPPO) Gating Order Dog Control Order Premises Closure Order Noisy Premises Closure Order Crack House Closure Order S161 Closure Order	Community Protection Notice Public Space Protection Order Closure Powers
POLICE POWERS S30 Dispersal Powers S27 Direction to leave	Dispersal Power
	Community Trigger Community Remedy

- 1.3** The legal tests that govern the use of these powers (as outlined in the Home Office Statutory guidance for frontline professionals) focuses on the impact that the behaviour is having, or is likely to have, on victims and communities. When considering the response to a report of anti-social behaviour, agencies are encouraged to consider the effect that the behaviour is having on the lives of those subjected to it, recognising the debilitating impact that anti-social behaviour can have on its victims, and the cumulative impact if that behaviour persists over a period of time.
- 1.4** Furthermore, the legislation requires the applicant to be satisfied that the specific legal tests and safeguards set out in the legislation are met before the anti-social behaviour powers are used. These tests are intended to help to ensure the appropriate and proportionate use of the powers and that they are being used to target specific problems or specific circumstances.
- 1.5** It is important to remember that, whilst this document deals with the tools and powers in relation to the ASB, Crime and Policing Act 2014 there are a range of interventions available to agencies outside of this Act. Before using these tools and powers (and, in fact, any tools and powers available) practitioners are advised to consider the outcome they are seeking to achieve as this will help to determine the most appropriate tool to be used.
- 1.6** This guide seeks to provide a partnership approach across Lincolnshire with a view to delivering a level of consistency across the county. However, it is recognised that individual agencies and geographic areas will vary in their implementation. This guide should be used alongside your own policies and procedures.
- 1.7** Reference is made throughout the guide to an ASB case management system. This is a multi-agency system purchased by the police and local authorities to aid information sharing. **It is best practice to record enforcement action relation to the ASB powers and tools on the ASB case management system so it is available to partners. If a record is not made on the ASB case management system, the agency takes responsibility for sharing the information with partners as necessary.**

2 CIVIL INJUNCTION

- Early intervention to prevent individuals from engaging in anti-social behaviour quickly
- Civil order for anyone over 10 years of age
- Civil burden of proof – on the balance of probabilities

A civil injunction will be granted if the following tests have been met:

- The person has 'caused, or was likely to cause, harassment, alarm or distress to any person'
- The court considers it is just and convenient to grant the injunction to prevent the person engaging in ASB

However, a civil injunction will also be granted if:

The Nuisance test is met

- The person 'engaged in or threatened to engage in' 'conduct capable of causing nuisance and annoyance to any person' and
- The applicant is the local authority, housing provider or police and the ASB relates to the victim's occupation of residential premises

The injunction can:

- Prohibit the respondent from doing anything prescribed in the order (see Appendix 3 for examples)
- Require the respondent to engage in positive activities

When can an injunction be used?

The injunction can be used to deal with a wide range of behaviours, many of which can cause serious harm to victims and communities, including vandalism, public drunkenness, aggressive begging, irresponsible dog ownership, noisy or abusive behaviour towards neighbours, or bullying.

Home Office guidance stipulates injunctions should not be used to stop reasonable, trivial or benign behaviour that has not caused, or is not likely to cause, anti-social behaviour to victims or communities, and potential applicants are encouraged to make

reasonable and proportionate judgements about the appropriateness of the proposed response before making an application for an injunction.

Incremental approach

Lincolnshire adopts an incremental approach to tackling anti-social behaviour (outlined in the county Anti-Social Behaviour Strategy). Whilst this will vary from case to case, in principle the injunction will sit at stage 4. It will particularly enhance this approach as it will provide a sanction if a stage 3 acceptable behaviour contract/agreement is breached. It is recognised that the incremental approach is used flexibly and that stages of the process can be bypassed if, in a particular case, it is felt appropriate or necessary.

Applying for an Injunction

The following organisations/officers can apply for injunctions:

- Local Authorities
- Registered Providers
- Police (led by the ASB Co-ordinators)
- British Transport Police
- NHS Protect
- Transport for London

In cases where more than one organisation has an interest in a case, statutory agencies will decide which agency will take the lead in the application.

Consultation

The injunction does not require a formal certificate of consultation. The only statutory consultation requirement relates to applications that involve young people under the age of 18 (further details below). Despite this, most cases are likely to involve other agencies e.g. housing provider, local authority and police, and would therefore benefit from information sharing.

What do we mean by consultation?

Consultation is a meaningful process to help inform decision making. It may not necessarily result in an agreement amongst those agencies involved but ensures due regard and consideration is given to the views of others. If an agreement is not reached the reasons for continuing with civil injunction will be shared with partners.

Applicants should consider informing all necessary bodies of the proposed application for the injunction; utilising multi-agency forums such as the ASBRAC or JDP, if deemed necessary.

Not only will this avoid any unnecessary duplication but it allows for a 'complete' understanding of the circumstances and ensures all other possible action has been considered prior to the application being made. Should an injunction be required it will also allow applicants to consider any current interventions or conditions imposed by other agencies to ensure they do not conflict with those associated with the injunction. For example police/court bail conditions or any support mechanisms.

It is important to remember that the individual may also be the subject of other multi-agency meetings such as Child Protection, Child in Need or Domestic Abuse Multi Agency Risk Assessment Conference (MARAC) and that the injunction may impact upon work that is being undertaken by them.

Consulting with Future4Me (encompasses the Youth Offending Service)

It is a requirement that before an injunction application is made to court, that the views of Future4Me are sought, if the subject of the application will be under 18 when the application is made. This consultation requirement does not give a veto power to Future4Me, nor do they have a legal right to make any representation to the Court. However, Home Office guidance emphasises the need for applicants to fully consider their views as part of developing good partnership working.

To ensure that all appropriate checks and issues have been fully explored and are fully considered before the application is made to the youth court, it has been agreed (in Lincolnshire) that consultation will take place at the JDP.

The applicants Legal Services will consult formally with Future4Me before the injunction goes to court.

In order to formally instigate consultation with Future4Me the applicant must contact (preferably by e-mail) the Future4Me management team with the following request; asking for it to be directed to the Practice Supervisor for the respective area, for allocation.

"XXXX (Insert the name of applicant) would like to notify Future4Me of our intention to enter formal consultation in respect of an application/breach of a civil injunction for XXXX (insert name of young person). Please could you provide a response with the views of Future4Me around this matter and potential outcomes in respect of this by XXXX (insert date)"

Future4Me will follow a consultation checklist produced by the Youth Justice Board: Youth Offending Team Practitioner's Guide to Civil Injunctions and Criminal Behaviour Orders (see appendix 2).

If an application for an injunction is made Future4Me will work with applicants as part of a multi-agency approach to ensure that the prohibitions and positive requirements in the injunction are tailored to the needs of the young person. They will also play a key role in getting the young person to adhere to the conditions in the injunction and that they are fully understood.

Mental Health Service

The local mental health Trust's Safeguarding and Mental Capacity Team are members of the ASBRAC. They are informed of referrals in advance of the meeting by the ASBRAC Co-ordinator and will ensure that mental health workers involved in a case are contacted to liaise directly with the ASBRAC Co-ordinator to ensure any relevant information is shared in respect of their involvement with the individual; as well as their thoughts/views on any proposed enforcement action.

The Trust's safeguarding team can also be contacted as a point of escalation or advice by police, district councils and other partner agencies outside of the ASBRAC to support the response to anti-social behaviour incidents which aren't considered high risk (or require immediate enforcement) but have a mental health concern.

Positive requirements

The order allows applicants to require the person to engage in positive activities as a means to address the underlying causes of their behaviour. Activities could include; engaging in drug and/or alcohol treatment, attending mediation sessions, undertaking voluntary work, participating in arranged sporting activities (e.g. Positive Futures), completing a fire intervention programme etc.

Applying positive requirements are not straight forward and should be considered carefully when taking a case to court.

The applicant will need to ensure that:

- the positive requirement is available in the area where the person lives;
- funding is available to cover any additional costs involved in accessing the positive requirement; and
- someone is in place to supervise compliance with the positive requirement (including clear guidance on what will constitute as a breach).

It is important, when applying for a positive requirement, that you are able to demonstrate how this will assist in addressing the anti-social behaviour that is being evidenced in the application. Whilst there is no necessity to include positive requirements in the application, it is important that you are able to demonstrate why you have not included something that might be obvious, as the magistrates and district judges are able to impose positive requirements, which will then be the responsibility of the applicant to arrange and fund.

In relation to young people, if Future4Me already provide the requirements, they will need to prepare evidence on how they will supervise and promote compliance and make the necessary arrangements for notification of non-compliance.

Drug Testing

Careful thought must be given before asking the court to order that a person must have regular drug tests. This is because providers will normally only drug test on a clinical needs basis. The value of this measure is not proven.

Exclusion from home

An application to exclude an individual from their home can only be made for those aged 18 years and over. When applying to the court to have an individual excluded from their home, it is also important to check out:

- that they are not subject to bail conditions that require them to live at this address;
- where they might move to – if they move, for example, to live with an elderly parent we might be placing them at risk of harm; and
- the implications for others in the household left behind – for example, the person might be the carer for another member of the family.

Enforcement of the Injunction

The use of this power will only be effective if breaches are dealt with robustly.

To ensure that all agencies, particularly the police, are aware of the injunctions in place the following will take place:

- If there is a power of arrest to any part of the injunction this will be recorded by the police on the Police National Computer (PNC).
- Consideration should be given to recording injunctions on the ASB case management system by creating a record for a perpetrator.
- The Police ASB Co-ordinators will be responsible for ensuring that their colleagues are aware of any injunctions in their area by submitting an intelligence report and creating a link to Niche, detailing the information on the perpetrator, their conditions and contact details for the lead officer.

Breach of Injunction

Breach of a civil injunction dealt with by a civil contempt of court and is not a criminal offence.

1 Without power of arrest

Where there is no power of arrest the applicant authority will need to either:

- apply to the court for a summons for the person to attend court to answer the breach (which will be tried as contempt of court); or
- seek a power of arrest to have them brought to court to answer the breach.

2 With power of arrest

Where there is a power of arrest the police, having arrested the person, will:

- take the person to the next available sitting of the appropriate court; and
- contact the applicant authority to advise them that the person is to be presented in court.

The applicant authority will be responsible for presenting the case in court.

Each local authority/registered provider will have its own on-call process for officers to attend court on behalf of the applicant authority.

Breach involving a young person

On receipt of a breach of injunction by a young person the applicant must consult Future4Me by contacting the relevant Practice Supervisor, and inform any other body or individual the applicant thinks appropriate; before making a formal application to the court.

Note: At this stage the court must consider any representations made by Future4Me.

Review Process for young people

Whilst there is no formal requirement to review injunctions against young people, it is recommended (in Lincolnshire) setting a 3, 6 and 9 month review period for recipients under 18 to note any positive progress and to give consideration to vary or discharge the conditions. It will be the responsibility of the applicant to conduct the review. Consideration should be given to having a multi-agency input; utilising the most appropriate forum.

3 CRIMINAL BEHAVIOUR ORDER (CBO)

- Applies where a person (the offender) has been convicted of a criminal offence
- Only the prosecution can apply for the order

There are two tests:

- The person has engaged in behaviour that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household
- The court considers that making the order will help in preventing the offender in engaging in such behaviour

The order can:

- Prohibit the respondent from doing anything prescribed in the order (see Appendix 3 for examples).
- Require the respondent to engage in positive activities

When can a CBO be used?

The CBO can be used to deal with a wide range of anti-social behaviours following an individual's conviction for a criminal offence; for example, threatening others in the community, persistently being drunk and aggressive in public, or to deal with anti-social behaviour associated with a more serious conviction, such as for burglary or street robbery.

An application for a CBO does not require a link between the criminal behaviour which led to the conviction and the anti-social behaviour for it to be issued by the court.

Home Office guidance states that agencies must make proportionate and reasonable judgements before applying for a CBO, and conditions of an order should not be designed to stop reasonable, trivial or benign behaviour that has not caused, or is unlikely to cause, harassment, alarm or distress to victims or communities.

Incremental approach

Lincolnshire adopts an incremental approach to tackling ASB. Whilst this will vary from case to case, in principle the Criminal Behaviour Order (CBO) will sit at Stage 4.

Applying for a CBO

The CBO will be applied for by the prosecution:

- Crown Prosecution Service (Police)
- Local Authority

The local authority may apply for a CBO when they are prosecuting an offence that comes under their jurisdiction e.g.

- Fly tipping
- Noise Abatement Notice
- Public Space Protection Order (PSPO)
- Community Protection Notice (CPN)
- Non-payment of Council tax
- Non-attendance of children in school

Recording CBO's

CBO's will be recorded on:

- Police National Computer (PNC)
- Niche (police only)
- ASB Case Management System

Consultation

The CBO does not require a formal certificate of consultation. The only statutory consultation requirement relates to applications that involve young people under the age of 18 (further details below). Despite this, most cases are likely to involve other agencies e.g. housing provider, local authority and police, and would therefore benefit from information sharing. (For further information on consultation refer to page 5.).

Consulting with Future4Me

It is a requirement that before a CBO application is made to court, the prosecution must sought the views of Future4Me (if the subject of the application will be under 18 when the application is made) and ensure they are included in the file of evidence forwarded to the prosecution.

The applicants Legal Services will consult formally with Future4Me before the CBO is presented to the court.

In order to formally instigate consultation with Future4Me the applicant must contact (preferably by e-mail) the Future4Me management team with the following request; asking for it to be directed to the Practice Supervisor for the respective area, for allocation.

"XXXX (Insert the name of applicant) would like to notify Future4Me of our intention to enter formal consultation in respect of an application/breach of a criminal behaviour order on for XXXX (insert name of young person). Please could you provide a response with the views of Future4Me around this matter and potential outcomes in respect of this by XXXX (insert date)"

Future4Me will follow a consultation checklist produced by the Youth Justice Board: Youth Offending Team Practitioner's Guide to Civil Injunctions and Criminal Behaviour Orders (see appendix 2).

If an application for a CBO is made Future4Me will work with applicants as part of a multi-agency approach to ensure that the prohibitions and positive requirements in the CBO are tailored to the needs of the young person. They will also play a key role in getting the young person to adhere to the conditions in the CBO and that they are fully understood.

Mental Health

Please refer to page 7 for details.

Positive requirements

Please refer to page 8 for details.

Application Guidance

The Crown Prosecution Service has developed national guidance for local authorities and the police on how to prepare CBO applications; including general principles to consider in respect of prohibitions and positive requirements.

Police and Local authority guidance documents can be found on the Crown Prosecution Service website at <https://www.cps.gov.uk/legal-guidance/criminal-behaviour-orders>

Breach

Breach of either a prohibition or positive requirement is a criminal offence and would need to be proved to the criminal standard of proof, beyond reasonable doubt.

Breach involving a young person

On receipt of a breach of CBO by a young person the applicant will consult Future4Me by contacting the relevant Practice Supervisor to establish their views before making a formal application to the court.

Annual Review for young people

There is a formal requirement to conduct an annual review of CBO applications made against someone under 18 years of age. It is also recommended in Lincolnshire that a 6 month informal review is also undertaken by the applicant to note positive progress and provide an opportunity to vary or discharge the conditions, prior to the annual review.

Section 29 of the Act states that the **annual review** is to be carried out by the chief officer of police in the area in which the young person lives or appears to be living. Although this requirement falls on the chief constable, in practice Home Office guidance stipulates that it will be delegated locally to the most appropriate person/post within the police.

In Lincolnshire the Police ASB Co-ordinator's will be responsible for facilitating the review. They will ensure all successful CBO applications are flagged on Niche and that a formal review is scheduled for 12 months from the issue date. The necessary data will be gathered and taken for review at the next available JDP, who will consider:

- The extent to which the young person has complied with the order;
- The adequacy of any support available to help them to comply with the order; and
- Anything else relevant to the question of whether an application should be made to vary or discharge the order.

As a result of the review an application to vary or discharge the CBO may be made to the court.

4 COMMUNITY PROTECTION NOTICE (CPN)

An authorised person can issue a CPN to an individual aged over 16 if they are satisfied that:

- The conduct of the individual or body is having a detrimental effect on the quality of life of those in the locality
- The conduct is of a persistent nature *and*
- The conduct is unreasonable

The notice imposes the requirement to:

- Stop doing specified things
- Do specified things
- Take reasonable steps to achieve specified results

The only requirements that can be imposed are those that are reasonable to:

- Prevent the detrimental effect from continuing or recurring
- Reduce the detrimental effect or reduce the risk of its continuance or recurrence

The notice can only be issued when:

- A written warning has been given that the notice will be issued unless the conduct ceases to be detrimental
- The officer is satisfied that despite having had enough time to deal with the matter the conduct is still having an effect

TYPES OF BEHAVIOUR THAT A CPN MIGHT BE USED TO TACKLE

The following list is intended to be indicative and not exhaustive:

Feeding birds in town centre	Smokers' litter not being cleared	Running a business from home
Escaping dogs	Pubs not clearing bottles from street when they have closed	Car repairs
Unruly gardens	Unlicensed scrapyards	Taxi firms washing numbers of cars in residential areas
Rave organisers		
Boy racer organisers		

Issuing a CPN

CPN's can only be issued by:

- the relevant local authority;
- the police; and
- registered providers (if designated by the relevant local authority).

Local Authority

Each local authority can choose which officers to delegate these powers to in line with their operational structures for tackling ASB and Environmental Protection matters. This may include:

- Community Safety/ASB Officers
- Housing Officers
- Environmental Protection Officers
- Planning Enforcement Officers
- Licensing Officers

Police

Lincolnshire Police have delegated power to Neighbourhood Policing Sergeants and ASB Co-ordinators. This is to ensure appropriate use and delivery of CPN's in force.

Registered Providers

Registered providers can be delegated by the relevant local authority the power to issue CPN's for estates that are their responsibility – for both their tenants and those who are not their tenants. Delegation will be agreed locally between individual local authorities and registered providers.

Test

Before issuing a CPN Home Office guidance stipulates that agencies should have sufficient evidence to satisfy themselves that the behaviour in question is genuinely having a detrimental effect on others' quality of life, in terms of the nuisance and harm that is being caused to others, rather than being a behaviour that others may just find annoying.

Consultation

There is a requirement for the issuing agency to inform any appropriate individuals or bodies about the intention to issue a CPN. The individuals or bodies to be informed will need to be considered on a case by case basis but could include:

- the person's landlord;
- the local authority; and internal departments.
- police;
- the person's parents (in the case of young person still living with their parents);
- social worker; or
- the YOS.

CPN Warning Letter

A CPN can only be used after a written warning has been given to the perpetrator (any person aged 16 or over or a body, including a business) stating that a CPN will be issued unless the conduct ceases to have a detrimental effect on the life of those in the locality. The issuing agency must also be satisfied that the perpetrator has had sufficient time to deal with the problem.

At this stage, there is no need to prove a persistent and continuing element; therefore it does not need to be included in the warning. Nor is it necessary to include requirements; as breach of a requirement is not a trigger for a Notice, it is the continuation of the nuisance.

It is recommended that the letter states the length of time the CPN Warning will be in place, as well as a review period (if appropriate).

CPN (Notice)

Where a warning letter has not been complied with and sufficient evidence has been gathered by the issuing agency to substantiate this, a CPN may be issued. The wording of the Notice must demonstrate the detrimental impact on quality of life as a means to quantify the requirements. Organisations should consider a **SMART** approach to the requirements e.g. 'Specific, Measurable, Achievable, Realistic, and Timed' as part of good practice in delivering measures to tackle anti-social behaviour.

Local Authorities should also consider the following:

1. The duration of the notice, whether it should be opened ended, or whether a specific end date should be applied to that specific case.
2. For each CPN issued, a note outlining all the law in relation to the CPN should be attached to the notice. As the CPN has no statutory provision in relation to discharge of variation, each Local Authority needs to adopt a procedure to undertake a review of a CPN on a request by an individual or corporate body. On receipt of such requests, the application to vary or discharge the CPN should be considered carefully, taking into account the circumstance of the case and the wishes of the victim.

Note: a refusal to consider a reasonable application to vary or discharge can be challenged by way of a Judicial Review, in the High Court. Local Authorities should therefore, consider draft a policy to cover the applications for variation or discharge.

Enforcing a breach

The agency issuing the CPN is responsible for enforcing a breach either by way of a Fixed Penalty Notice or, if necessary prosecution at a magistrates court or youth court, unless otherwise agreed locally. However, if necessary a non-issuing agency can take enforcement for a breach under Section 48 of the Act. This may apply with the issuing of Fixed Penalty Notices (further details below). It is therefore important to ensure close working with Local Authorities from the onset.

Fixed Penalty Notices

The Act allows the offence of breaching the CPN to be discharged with a Fixed Penalty Notice.

Section 52 (2) of the Act makes it clear that in every case, the Fixed Penalty Notice for a Breach will be payable to the local authority, irrespective of which agency issued the CPN or which agency issued the Fixed Penalty Notice. Lincolnshire Police do not have a Fixed Penalty Notice for CPN's, therefore if the Police are the issuing agency and they

believe it is suitable to discharge the offence with a Fixed Penalty Notice they will need to liaise with their local authority.

It is for each local authority to decide the Fixed Penalty charge.

Appeal

The Act makes provision for a CPN to be appealed to the magistrate's court. An appeal must be made within 21 days beginning on the day on which a person is issued with a CPN. While an appeal is in progress, any requirement imposed in a CPN to stop doing specified things remains in effect unless the court states otherwise. Any other requirements imposed by the CPN are of no effect. On appeal the magistrates' court has the power to quash the notice, modify the notice or dismiss the appeal.

Recording CPN's

Warning Letters and CPN's will be recorded on the:

- ASB Case Management System
- Niche (police only)

5 PUBLIC SPACE PROTECTION ORDER (PSPO)

This allows the local authority to stop individuals or groups committing ASB in public places. The local authority will identify the area that is to be covered by the order – known as the ‘restricted area’.

The PSPO can:

- Prohibit specified things being done in the area
- Require specified things to be done in the area

The prohibitions or requirements can be framed so that they:

- Apply to all persons, or only persons in specified categories, or to all persons except those in specified categories
- Apply at all times, or only at specified times, or at all times except those specified
- Apply in all circumstances, or only in specified circumstances, or in all circumstances except those specified

The following conditions must be met before making the order:

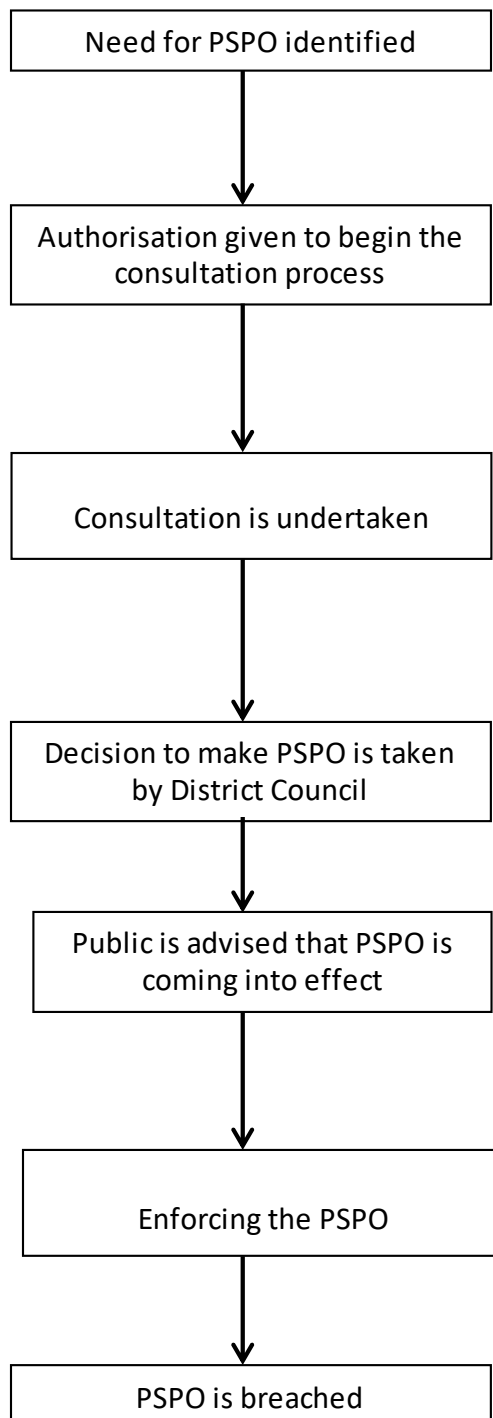
- Activities carried out in a public place within the local authority’s area have a detrimental effect on the quality of life of those living in the locality *or*
- It is likely that activities will be carried out in a public place within the area that will have such an effect

The effect, or likely effect of the activities:

- Is, or is likely to be, of a persistent or continuing nature
- Is, or is likely to be, such as to make the activities unreasonable *and*
- Justifies the restrictions imposed by the order

PUBLIC SPACE PROTECTION ORDER
PROCESS MAP

This should be used with the accompanying notes



The need for a PSPO to be identified

This will come from a variety of routes – including, but not exclusively:

- partnership problem solving;
- complaints from the public;
- public consultation;
- parish councils;
- residents groups; and
- neighbourhood meetings.

The process to be followed is below.

TYPES OF BEHAVIOUR THAT A PSPO MIGHT BE USED TO TACKLE

The following list is intended to be indicative and not exhaustive:

Vagrancy	Legal highs – sale of/taking of	Verge parking
Rough sleeping	Boy racers	Parking outside schools
Street drinking	Skateboards	Swimming in dangerous areas
Urinating and defecating	Mini motos	Ball games
Prostitution	Congregating in car parks	Grazing of horses
Kerb crawling	Cars for sale	Litter
Cottaging	Vehicle nuisance	Disposable BBQs
Dogging	Buskers	Fly tipping
Begging	Dog fouling	Cycling in pedestrian areas
Placing yourself to beg	Unruly dogs	Illegal encampments
		Aggressive Charity Collectors (Chuggers)

It is important that the PSPO is used proportionately and that it is not seen to be targeting behaviour of certain members of the community where there is a lack of tolerance and understanding by local people.

Consideration must also be given to the Equality Act when setting out restrictions or requirements. Given that these orders can restrict what people can do and how they behave in public spaces, it is important that the restrictions imposed are focused on specific behaviours and are proportionate to the detrimental effect that the behaviour is causing or can cause, and are necessary to prevent it from continuing, occurring or recurring.

When making a PSPO, councils should also bear in mind the impact on other areas and the level to which displacement is likely to occur.

Overseeing the process

The officers who will oversee the process will vary depending upon the type of behaviour to be addressed but would include:

- Community Safety Officers
- ASB Officers
- Environmental Health Officers
- Licensing Officers
- Housing Officers

Authorisation is given to begin the consultation

A summary of the problems and proposed PSPO will be presented to the nominated Portfolio Holder or elected member who will agree to the consultation process being undertaken.

Consultation

The local authority must undertake consultation before making a PSPO. They must consult with the police, which has been agreed to be done locally through the Neighbourhood Policing Team Inspector. This is an opportunity for the police and local authority to share information about the area and the problems being caused as well as discussing the practicalities of enforcement.

In addition, the owner or occupier of the land should be consulted (this could be the county council if owned by Highways), as well as whatever community representatives you think appropriate. Home Office guidance strongly recommends that the local authority engages in an open and public consultation to give the users of the public space the opportunity to comment on whether the proposed restriction or restrictions are appropriate, proportionate or needed at all. The local authority should also ensure that specific groups likely to have a particular interest are consulted.

Groups to be consulted may include:

Elected members Community Groups	Parish Councils Town Councils	Shopwatch Pubwatch Chamber of Commerce
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The consultation will be proportionate but not excessive and local authorities should allow a month for it to be undertaken.

Consultation can be done via:

- the local authority website;
- a press release;
- a notice in the affected area;
- article in residents' newsletters;
- distributing leaflets; and
- social media.

Each local authority will ensure that the consultation is in line with their consultation policy.

Consideration also needs to be given to the land, by which the PSPO falls, the impact on homeless people and rough sleepers, access for dog walkers (in accordance with the Animal Welfare Act 2006), restrictions on alcohol and whether they can be applied, and that groups of people are not inadvertently restricted from every day social activities. For further details please refer to the *Home Office Anti-Social Behaviour – Statutory guidance for frontline professionals (December 2017)*.

Decision is taken to make a PSPO

The decision will be taken by elected members in the most expedient manner depending upon the democratic structure of each local authority. For example:

- The Executive (Cabinet Members)
- Committee
- Cabinet Member Decision Notice

Whichever route is selected by a local authority, the process will allow the opportunity for elected members outside of the majority group the opportunity to scrutinise the decision.

How the public are advised that a PSPO is coming into effect

The processes used will vary from case to case but will ensure the following principles are followed:

- the publicity is proportionate and cost effective; and
- it takes account of the different languages spoken in the area

General publicity may include:

- a press release;
- updating the local authority website;
- article in residents' newsletters;
- distribution of leaflets;
- use of social media;
- informing parish councils and community groups; and
- signage in the area affected (using images when necessary).

Changing the terms of a Public Spaces Protection Order

A PSPO can cover a number of different restrictions and requirements so there should be little need to have overlapping orders in a single public space. If a new issue arises in an area where a PSPO is already in force, the council can vary the terms of the order at any time to address the emerging issue. However, any changes the local authority wish to make requires them to undertake the necessary consultation.

Enforcing the PSPO

The power to enforce the PSPO will be given to:

- council officers.

Police Officers and PCSO's will enforce PSPO's by confiscating alcohol from people and reporting them to the local authority. The local authority will then decide on the most appropriate action to take.

Breach the PSPO

Those who are found to be breaching the PSPO will be given the opportunity to discharge the offence by way of a Fixed Penalty Notice.

Local authorities will need to bear in mind that if someone is taken to court and they are on benefits they can agree with the court to pay a weekly sum to clear a fine. This option is not available with a Fixed Penalty Notice – unless they are taken to court for non-payment.

6 CLOSURE POWERS

This power allows the police or local authority to act quickly to close premises (prohibit access) that are being used, or are likely to be used to commit nuisance and disorder. There are two stages to this process:

- Closure notice – closes the premises for 24/48 hours
- Closure order – this is used if you wish to close the premises for longer

Closure Notice

The premises can be closed if the police or local authority are satisfied on reasonable grounds that the following has occurred, or will occur if the premises are not closed:

- Nuisance to the public *or*
- Disorder near the premises

The closure can prohibit access:

- By all persons, or by all persons except those specified or of a specified description
- At all times, or at all times except those specified
- In all circumstances, or in all circumstances except those specified

It cannot prevent access to those who own or live in the premises

Closure Order

This is made, on application, to the Magistrates Court. The application for an order must be made within 48 hours of the Closure Notice being issued. The court will make the order if it is satisfied that:

- A person has engaged, or if the order is not made, is likely to engage in disorderly, offensive or criminal behaviour in the premises *or*
- The use of the premises has resulted in, or if the order is not made, is likely to result in serious nuisance to members of the public *or*
- There has been, or if the order is not made, there is likely to be disorder near the premises associated with the use of the premises

The closure can prohibit access:

- By all persons, or by all persons except those specified or of a specified description
- At all times, or at all times except those specified
- In all circumstances, or in all circumstances except those specified

It can prevent access to those who own or live in the premises

The order will last for 3 months and can be extended by the court if there is a need to prevent recurrence, occurrence or continuance of the behaviour. The order may not last longer than 6 months in total

The closure may:

- Be made in respect of the whole or part of the building
- May include provision about access to a part of the building or structure of which the premises form part

A person who, without reasonable excuse, remains or enters a premises in contravention of a closure order commits an offence

Lead Organisation

It will be decided on a case by case basis which organisation (local authority or police) should take the lead on a closure. As part of the decision making process consideration will be given to the type of ASB being caused e.g. environmental, criminal etc. to ensure the most appropriate agency is sought.

As only the police and local authority can use the closure power it is important that both agencies support registered providers in using this power; where identified by them as an effective solution to a problem they are experiencing. It is acknowledged that there may be times when this power is useful in cases that the police/local authority have not been previously involved with.

With every issue of a closure notice, an application to the magistrates' court for a closure order must be made. If you are not intending to proceed to closure order due to it not deemed necessary, you should communicate this to the court on application for the closure order.

The courts are required to hear closure order applications within 48 hours of serving the closure notice. This 48 hour period for the courts excludes Christmas day. To avoid undue pressure on the courts to hear applications for closure orders within the required time, careful consideration should be given as to exactly when to serve the closure notice. Where possible, it is advisable to liaise with the court's listing office before serving the closure notice so that victims can be effectively protected at the earliest opportunity.

If a closure order is required, the application must be made by the agency who has issued the notice. Section 80(2) of the Act makes clear that it is not possible to switch from the notice being served by the police and the order being sought by the local authority (or vice versa).

The ASB threshold is different for a closure notice and closure order. Therefore if you are going to follow a notice with an order it is important to ensure the higher threshold is reached.

Consultation

Before issuing a closure notice the applicant must ensure that it consults any body or individual they think is appropriate. This could include:

- the housing provider/landlord;
- the local authority;
- the police;
- social services; and
- the community mental health team.

It is important to ensure that the closure does not conflict with any other orders or requirements to reside at a particular address.

In addition to the requirement to consult, the applicant must also make reasonable efforts to inform the people who live in the premises and any person who has control or responsibility for the premises.

It is also important, when closing the premises to consider the support needs of those who are left in the premises and advise them what they should do if people are trying to gain access to the property. Those who are prohibited from accessing the premises should also be directed to support services available.

Other organisations involved

Whilst one organisation will take the lead, it is very likely that the actual serving of the notice/order and sealing of premises will be undertaken by the police and local authority working together. Also, dependant on the circumstances of the each closure, those organisations that will also be involved will vary but could include:

- Children's Services - if there are children resident in the property to be closed;
- Adult Social Care - if there are vulnerable adults in the property to be closed;
- Addaction (drug and alcohol outreach services) - if the premises being closed due to drug or alcohol use, it is good practice to have outreach workers present as this event provides a window of opportunity to engage those in the premises in services; and/or
- Framework - in order to help people to engage in homelessness services.

Recording Closures

Closure notices and orders will be recorded on the:

- ASB Case Management System
- Niche (police only)

Informing the public of the Closure of premises

It is important, after a premises has been closed, that local people are made aware of the action that has been taken. This will both allay any fears they may have and show that organisations have acted upon their concerns/complaints. This will be undertaken on a case by case basis but will include:

- advising the local elected members;
- distributing leaflets in the neighbourhood;
- door knocking in the neighbourhood;
- use of social media – for example, if a premises has been closed to prevent a rave you may use this to advise people that it is cancelled.

Costs of the Closure

Any costs incurred in closing, securing or cleaning the premises can be reimbursed on order from the court following an application from the applicant. In some circumstances, the costs incurred may be charged to the owner of the property.

7 DISPERSAL POWERS

This allows the police to designate an area for up to 48 hours without consulting with other agencies. Once an area is designated, a constable in uniform can direct a person who is in a public place in the locality to:

- Leave the locality (or part of it)
- Not return for the period specified in the direction (not more than 48 hours)

A person can be removed if their behaviour in the locality has contributed to, or is likely to contribute to:

- Members of the public in the locality being harassed, alarmed or distressed *or*
- The occurrence in the locality of crime and disorder *or*
- The direction is necessary to reduce the likelihood of anti-social behaviour, crime and disorder

A person given direction to leave can also be required to surrender any item in his possession or control that the constable believe has been used in or is likely to be used in behaviour that harasses, alarms or distresses members of the public.

It is an offence to fail to comply with a direction to leave or a request to surrender an item.

Partnership Problem Solving

Whilst the law allows the police to act alone in the use of the dispersal power, it is acknowledged that there will be occasions when it forms part of a partnership problem solving approach. This may be through:

- the ASBRAC;
- local authority multi-agency meetings or
- the Lincolnshire Safer Partnership.

There will also be occasions when a registered provider may request that the police designate an area to deal with ASB in a location.

Consultation with the local authority

As has already been stated, there is no legal duty for the police to consult with the local authority. However, the police will seek to ensure that the use of the dispersal power is not used in such a way that will impact upon events being held by the local authority. This will be done via the relevant local authority Community Safety/Public Protection Team. They will ensure that any internal consultation within their local authority is undertaken.

Dispersing young people

There will be times when the dispersal power is required to deal with young people gathering in local communities. In such circumstances, the power will only be used after consultation with:

- local authority;
- local schools;
- the young people themselves, and
- the local community who are complaining

to ensure the action is both appropriate and proportionate.

Sharing information

It is acknowledged that the fact someone has been given a direction to leave from an authorised dispersal area is information that might be very useful to other partners, especially if they are already compiling evidence on a particular person e.g. with a view to applying for an injunction or CBO.

Lincolnshire Police will share information about those directed to leave an area as and when requested.

8 COMMUNITY TRIGGER (ASB Case Review)

The Community Trigger allows victims of ASB to request a review of their case. The review is carried out when:

- The victim, or someone acting on their behalf, asks for a review *and*
- The threshold is met

The statutory (legal) responsibility for this process are the 'relevant' authorities who are:

- Local authority
- Police
- Clinical Commissioning Group
- Registered providers if they are co-opted

What is the Community Trigger/ASB Case Review?

The Anti-Social Behaviour (ASB) Case Review, often referred to as the Community Trigger, is an important statutory safety net for victims of ASB who believe they have not had a satisfactory response to their complaints about ASB, and they meet the locally defined threshold.

The Community Trigger is not intended to act as a complaints procedure. It is a process that enables victims to hold their local agencies to account, and is a mechanism to bring agencies together to take a joined up, problem-solving approach to find a solution to the problem, to ensure that all the drivers and causes of the behaviour are identified, and resolve the ASB, whilst ensuring that the victim receives appropriate support.

Agencies are required to share information related to the case, review what action has previously been taken and determine whether additional actions are possible. Agencies should also consider whether any new relevant information needs to be obtained. The victim should be informed of the outcome, and, if necessary, agencies will work with the victim to devise and implement an action plan.

Co-ordinating the Community Trigger process

The local authority has responsibility for co-ordinating and administering the Community Trigger process within the appointed timescales. They must also ensure

when publishing information on the Community Trigger that it includes a point of contact for making an application.

Every request for Community Trigger must have a unique identifier and all activity e.g. notes of meetings and recommendations will be recorded on the Case File form (see Appendix 2) and attached to the relevant case on E-CINS (i.e. shared ASB multi-agency case management system).

What is meant by Anti-Social Behaviour?

For the purpose of Community Trigger anti-social behaviour means 'behaviour causing harassment, alarm or distress to any person'.

Setting the Community Trigger threshold

The relevant bodies are responsible for agreeing an appropriate Community Trigger threshold and in doing so must give regard to the nature of the anti-social behaviour experienced by victims in their area and the working practices of the agencies involved.

The threshold must be no higher than three qualifying complaints of anti-social behaviour in a six month period.

The requirement for the anti-social behaviour to be recent (i.e. within 6 months) is to prevent historical incidents being used to invoke the procedures. However, when undertaking the review, particularly for long standing cases, incidents that have occurred beyond 6 months can be considered.

To meet requirements for a Community Trigger in Lincolnshire the following criteria needs to be met:

An individual or community has reported the same problem **3 or more times in the past 6 months** to the Council, Police or Registered Social Landlord and that those reports were made within one month of the alleged incident(s).

Or where there is...

- Persistent anti-social behaviour
- Serious harm or potential for harm caused by the anti-social behaviour
- Concern about the adequacy of the response to anti-social behaviour.

Quantifying the Request

The local authority in receipt of the Community Trigger request will establish whether the threshold has been met.

When deciding whether the threshold has been met the local authority must consider:

- The cumulative effect of the incidents, rather than rigidly deciding whether each incident reached the level of harassment, alarm or distress.
- The harm, or the potential for harm to be caused to the victim - the more vulnerable will be less resilient to anti-social behaviour.
- Use the E-CINS ASB case assessment as part of the decision on whether the threshold is met.
- Whilst behaviour which falls below the level of harassment alarm or distress may not meet the threshold, when assessed on the grounds of potential harm to the victim, the impact of the behaviour may be such that the threshold is considered to be met.
- Where the victim is considered to be particularly vulnerable, consider whether additional practical and emotional support can be offered.

If the threshold is deemed not to be met the local authority will respond to the applicant by letter within the appointed timescale.

If the threshold is met the local authority will make a referral into ASBRAC and gather the necessary information from all agencies involved in the request.

Information sharing

Information shared between partner agencies during the Community Trigger process will be in accordance with existing information sharing agreements and protocols. Victims also need to give consent for information about them to be collected and shared between agencies. Any organisation that has been in contact with the victim or the perpetrator will be expected to share information requested by the local authority for the purpose of the review. This may include details of previous complaints made by the victim, information about the effect the issue has had on others and details of what action has previously been taken.

Home Office guidance states relevant bodies may request any person to disclose information for the purpose of the case review. If the request is made to a person who exercises public functions and they possess the information, they must disclose it. The only exception to that is where to share the information would be either:

- in contravention of any of the provisions of the General Data Protection Regulations (GDPR) 2018; or
- prohibited by Part 1 of the Regulation of Investigatory Powers Act 2000.

Other than these two exceptions, disclosing information for the Community Trigger does not breach any obligation of confidence or any other restriction on the disclosure of information.

Involvement in the review

Whilst there are a limited number of agencies that make up the 'relevant authorities' any other organisation that has had contact with the victim or perpetrator may be involved in the review.

Carrying out the review

The district ASBRAC will carry out an initial assessment to establish who is best placed to undertake the Community Trigger review in order to ensure an independent view. A neighbouring local authority and/or police representative should also be invited to attend to strengthen the level of independence during this stage of the decision making process. The representatives must be selected accordingly, thus if the case is led by the local authority with heavy police involvement a housing association should be invited to attend, along with member of another local authority.

The review must be undertaken by at least two independent agencies (i.e. had no involvement in the request) and who have a clear understanding of ASB policies and processes. If all of the agencies at the ASBRAC are involved in the request, thus there is no independent agency present, the review will not proceed. Instead it will be passed to another district ASBRAC to undertake the review on their behalf. This will be facilitated through the Community Safety Strategy Co-ordinator for ASB to ensure that resources are shared equally.

The lead/case worker must also form part of the ASBRAC, as well as other key professionals who have been involved in the request, in order to provide further details and clarification during the review.

Consideration should be given to providing applicants the opportunity to share their experience of ASB and the effects it has had on them via a written account which will be read on their behalf at the meeting and in doing so, though should be given to the applicant's individual specific learning or communication needs.

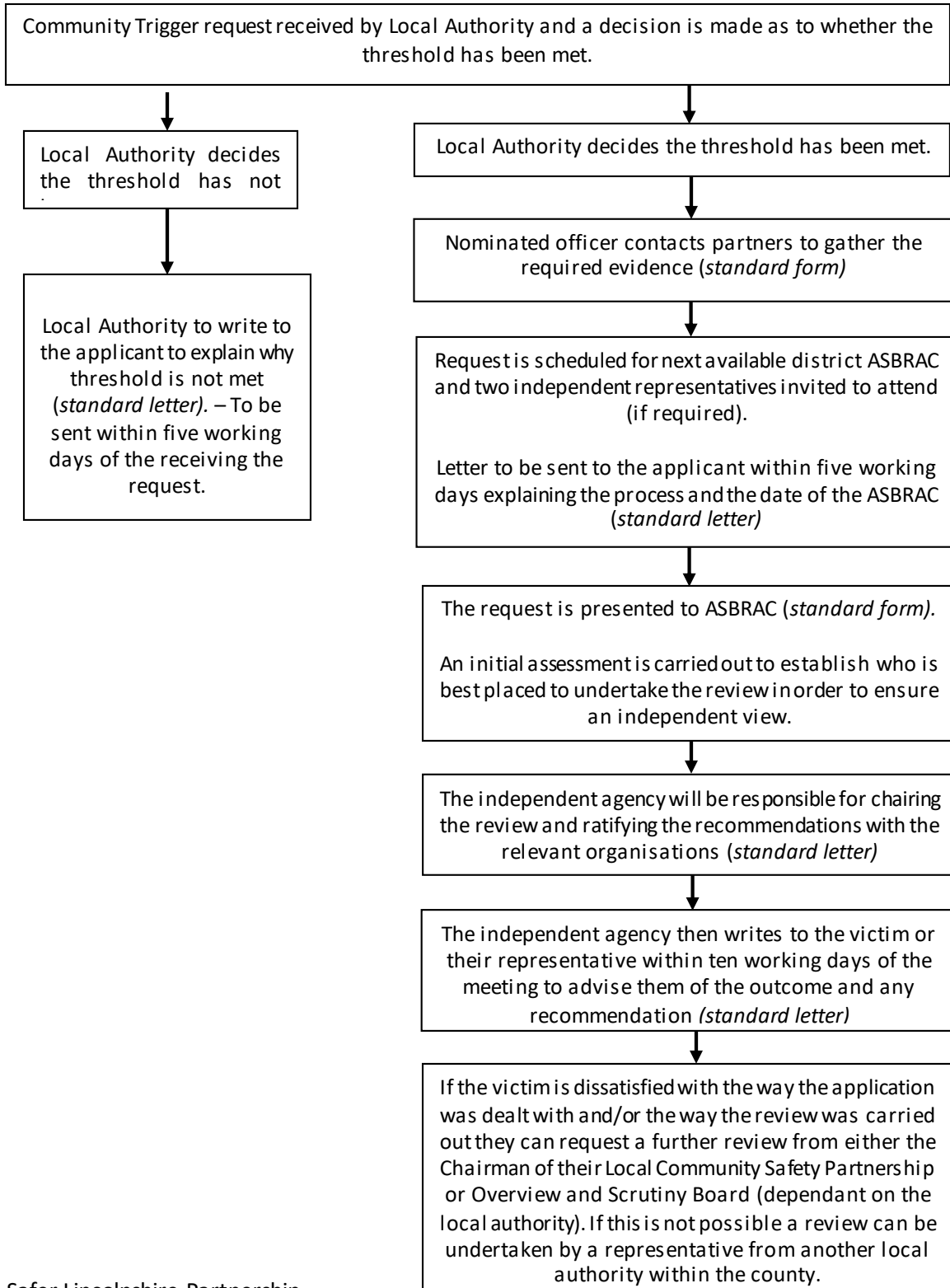
When carrying out the review the ASBRAC is responsible for jointly deciding whether all action has been taken to solve the problem and that the needs of the victim(s) have been fully considered. In doing so they must assess:

- What actions have been taken by agencies to-date? *For example, mediation and/or the signing of a good neighbour agreement, Community Protection Warning Notice issued, physical alterations made by Housing Association etc.*
- Is the response to the incidents deemed adequate? Yes/No
- If the actions have not been successful in stopping the anti-social behaviour why is it considered so? *For example the complaints stem from a falling out that occurred two years ago and has become so entrenched that neither party can see past it.*
- Are any other options available to try and tackle the problem? *For example shared learning/problem solving.*
- Are there any learning points for practitioners that have been identified as part of the review? Yes/No. If yes provide details (these will be shared with ASB practitioners).
- Is there any additional support that can be offered to the victim(s)? For example referral to Victim Support or the Wellbeing Service.

The ASBRAC Chair will produce a written response for the complainant and the agencies involved in the matter, which may include recommendations for other organisations. The legislation places a duty on a person who carries out a public functions to have regard to these recommendations. This means that they are not obliged to carry them out but that they must acknowledge them and may be challenged if they choose not to carry them out without good reason.

Should the review identify non-compliance with agreed policies or standard operating procedures the organisation(s) involved will be informed and expected to address them.

THE PROCESS



Escalation

Whilst there is no legal requirement to implement an escalation process for the Community Trigger (should the applicant not be satisfied with the outcome of a review) measures have been introduced in Lincolnshire to allow victims the means to ensure their review has been carried out appropriately.

The process is as follows:

Where an applicant is dissatisfied with the outcome of a Community Trigger review they may escalate their concerns (via their local authority ASB Team) to the Chairman of their Local Community Safety Partnership or Overview and Scrutiny Board (dependant on the local authority). If this is not possible it can be undertaken by a representative from another local authority within the county. They will have 21 days from receipt of the request to carry out a review of the process and advise the applicant of the outcome.

A Community Trigger may only be escalated where it is felt one of the following measures is satisfied:

1. The Community Trigger case review has failed to consider a relevant process, policy or protocol;
2. The Community Trigger case review has failed to consider relevant factual information.

The role of the Chairman will be to consider due process and ensure that the review was undertaken properly. In considering a Community Trigger escalation they can either:

1. Refer the case back to the ASBRAC asking them to consider a particular process, policy or protocol not previously considered;
2. Determine that the ASBRAC have reviewed the case, considering all relevant policies, process and protocols.

A Community Trigger review cannot be escalated where a complainant is dissatisfied that an agency has not utilised a particular enforcement tool where it has been established through the review that appropriate consideration has been given to the use

of that tool but having considered the facts and relevant protocols, it has been determined unsuitable.

The Chairman does also not have any statutory powers in respect of the Community Trigger review process and can only make recommendations. However, agencies involved in the escalation review must have regard to any recommendations made.

Vexatious Complainants

Requests considered to be vexatious will be dealt with under the local authority's own Vexatious Complaints Policy.

How will local people know about the Community Trigger?

Information on the Community Trigger is available on local authority and police websites. It explains:

- What the Community Trigger is?
- How it can be used?
- What people can hope to achieve from a review.
- How to make an application (inc. a point of contact).
- The process that will be undertaken once they have made a request for a review.

To ensure the Community Trigger is accessible to all victims of ASB local authorities should provide several ways to make an application e.g. online, post and by phone, as well as a contact name.

Publishing Results

Each quarter the Community Safety Strategy Co-ordinator for anti-social behaviour will gather the following anonymised data on the Community Trigger from across the county:

- Number of reviews requested
- Number of reviews not meeting the threshold
- Number of reviews meeting the threshold
- Any recommendations made

This information will be used to produce a public report which will be published on the website of the Police and Crime Commissioner, Lincolnshire Police and individual agencies such as local authorities and registered housing providers.

Clinical Commissioning Group (CCG)

The Lincolnshire CCG has discharged their statutory responsibility under the Act for the ASB Case Review.

APPENDIX 1 –

COURT OPENING/SESSION TIMES

Magistrates Court	
Lincoln Magistrates	Open: 9am – 5pm Monday to Friday (Courts in session everyday) Youth Court held every other Monday Tel: 01522 528218
Boston Magistrates	Open: 9.30am – 4.30pm – Monday to Friday Tel: 01522 528218 Days for listing applications are limited. Non-police court is held each alternate Monday. There may also be space each Wednesday. However, if an alternative court date is required phone the listing office at Lincoln Magistrates Court who will be able to offer a date in Lincoln.
County Court	
Lincoln County Court	Open: 9am – 5pm Monday to Friday (operate an appointment service for enquiries) Courts in session every day from 10am-5pm Tel: 01522 551500

ADDITIONAL GUIDANCE

ASB Injunction

When applying for an ASB Injunction (with or without consent) against a young person applicants are advised to contact the Listings Department at Lincoln Magistrates Court who will provide a suitable court space somewhere in Lincolnshire. The venue for the hearing will be at the discretion of the court, dependant on capacity across the county.

Closure Order

To ensure an application for a Closure Order is heard within 48 hours of the Closure Notice being issued applicants are advised to contact the Magistrates Court to inform them of their intended action in order for court time to be made available. The venue for the hearing will be at the discretion of the courts, dependant on capacity across the county.

Community Protection Notice

The Magistrates Court will notify the applicant if they receive an appeal within 21 days of a Community Protection Notice being issued.

COURT FEES

The fee for any application made to the Court (Magistrates and County Court) is **£226**. If the application is contested in a Magistrates Court the cost will rise to **£567**. There is no increase in fee for contested cases in the County Court.

APPENDIX 2

YOT Consultation checklist

(Taken from the Youth Justice Board YOT Practitioner's Guide: Civil Injunctions and the Criminal Behaviour Order)

- Has all relevant background information regarding YP been made available prior to consultation meeting (consider social care involvement, current assessments, YOS records etc)
- Will an application be in the best interests of the child/YP? (has other support/voluntary input been exhausted?, what would be the likely impact of an order on the child/community?)
- Consider whether the evidence presented supports the application: Are these the right powers to address the presenting behaviour
- Consider prohibitions and requirements suggested- do they seek to address and support the identified problematic behaviour (provided in evidence?) are these available in the local area?
- Consider and agree which agency is responsible for administering and resourcing each suggested requirement and prohibition?
- Has the meeting considered the threshold criteria for breach of prohibitions and requirements? Has this been agreed? Have communication pathways been established/agreed?
- Has an equality impact assessment been completed by applicant? What are the specific diversity factors that may impact on suggested conditions (consider age, sex, religion, ethnicity, learning needs, mental health, resilience etc. Think about the young person and the local community)
- Has the meeting considered wider issues regarding risk and safety/wellbeing? E.g. consider impact on exclusion zones, removal of protective factors through prohibitions

- Has the meeting considered how the young person will be supported through the application process? For example access to civil legal aid/litigation friend/alternative advice? (YOTs should be aware of the potential conflict of interest as they will be viewed as the applicant)
- Have reporting restrictions been considered, what would be impact of this? In most cases we would recommend restrictions be requested due to age and impact of labelling, however you should weigh this up with the benefits of disclosure.

Appendix 3 – Sample Prohibitions

The following sample prohibitions have been taken from *Cornerstone Barristers on Anti-Social Behaviour: The New Law (2015)*

The examples listed below are intended to provide a starting point for the types of terms that might be included within a civil injunction or criminal behaviour order. They should not be treated as applicable in all cases where there is a similar pattern of behaviour. Practitioners will need to give careful thought to whether the terms are necessary and proportionate in view of the particular facts of their case.

Introductory Sentences

The Defendant is prohibited from:

OR

The Defendant is prohibited, whether by himself or by instructing or encouraging other from:

Anti-social behaviour – General Prohibitions

Acting or inciting others to act in an anti-social manner, that is to say, a manner that causes or is likely to cause harassment, alarm, or distress to one or more persons not of the same household anywhere in ()

Assault and Intimidation

Threatening any person with violence and/or being verbally abusive towards any person, anywhere in ()

Using abusive, offensive, threatening or intimidating language or behaviour anywhere in ()

Causing noise nuisance by shouting or by slamming doors anywhere in ()

Persistently knocking on neighbours' doors and/or ringing neighbours' doorbells or intercom systems, without reasonable excuse anywhere in ()

Spitting, using verbal, physical or racial abuse, swearing, throwing eggs, stones or any other items or missiles towards any person, motor vehicle or other property anywhere in ()

Being in possession of a ball-bearing gun, soft air pellet gun, or any other imitation weapon in a public place anywhere in ()

Owning or having in your care or control a laser pointer pen or any instrument which emits a laser light beam anywhere in ()

Using foul or abusive language towards or gestures towards any employee of the emergency services (that is to say, Fire Brigade, Ambulance, hospital staff including security staff on NHS property) whilst they are acting in the course of their employment.

Causing harassment, alarm or distress to your tenants and/or (a) entering their rooms without consent and/or (b) cutting off their gas and electricity supply.

Begging

Approaching persons unknown to ask for money or alms in ()

Begging or seeking charitable donations in ()

Approaching any members of the public, anywhere and asking for money

Sitting on the floor outside the shops in () Road

Attending residential properties anywhere in () uninvited and asking for money

Washing any vehicle or part of a vehicle that is not registered to you in any public place in ()

Clothing

Wearing body armour in a public place anywhere in ()

Wearing any article of clothing with an attached hood in any public place in the () whether the hood is up or down.

Communication

Entering any telephone box anywhere in (), except to make a 999 call.

Calling the 999 emergency telephone system for any reason other than a genuine emergency

Making threats verbally, in writing or electronically.

Contact

Not to contact the complainant (who was his wife) or going within 200 metres of the house where she lives.

Curfew

Being in any place other than () between the hours of (insert appropriate hours).

Leaving any premises in which you are placed by social services, unless accompanied by a member of staff or a parent, or as agreed or directed by social services, or the carers of your placement anywhere in ()

The Defendant must:

- Remain indoors between 22:00 and 6:00 each night at a probation hostel specified by the National Offender Management Service or such other address as the court shall approve.
- Observe a curfew between the hours of () and () unless accompanied by (insert name(s) of parent or legal guardian).

Drink

Consuming alcohol in any public place other than licensed premises anywhere in ()

Being in possession of any opened vessel containing or purporting to contain alcohol liquor in any public place in ()

Entering any on or off licensed premises within the area shown on the attached map

Urinating in any public place anywhere in ()

Exclusion Zones

Entering Birmingham City Centre

Entering the Forest Heath District Council area, save for the purpose of attending court.

Entering the exclusion zone denoted in red on the attached map at any time, comprising of the Graveney Ward and Furzedown Ward and including the boundary roads, save for attendance at a police station or solicitors' offices by prior appointment.

Entering the buildings or grounds of any National Health Service (NHS) or private hospital property at any time save for treatment for a medical emergency or by prior appointment.

Entering any car park which is owned, opened or leased by Network Rail, any train operating company or London Underground Ltd whether on payment or otherwise within the countries of Hertfordshire, Bedfordshire or Buckinghamshire.

Fly Tipping

Carrying any form of waste material at any time without a valid waste carriers license registered with the environmental agency anywhere in ()

Leaving objects in a road or on a footway that could cause obstruction to vehicles or pedestrians and or an accident anywhere in ()

Graffiti and Criminal Damage

Marking or defacing any wall, fence, window or other surface of any building, structure or vehicle.

Carrying any bladed or sharply pointed instrument, including but not limited to, knives, screwdrivers, drills or drill bits, power tools or similar instruments anywhere in ()

Touching or entering any unattended vehicle without the express permission of the owner.

Carrying marker pens or aerosols in public places in ()

Purchasing or requesting to be purchased on their behalf any aerosol spray paint within ()

Carrying the following articles, in any public place, namely any form of liquid paint in any form of container, any form of permanent marker pen, any form of shoe dye or permanent ink in any form of container, any form of grinding stone, glass cutting equipment, glass etching solution or paste anywhere in ()

Travelling on the top deck of any public transport bus, anywhere in ()

Lighting fires in any public area or open space anywhere in ()

Groups

Joining or remaining in any group of (insert number) or more people (including himself) in a public place, which is acting in a manner likely to (harass, alarm or distress/cause nuisance and annoyance to) any person, anywhere in ()

Congregating in a public place in a group of (insert number) or more persons which is behaving in a manner causing or likely to cause any person to fear for their safety anywhere in ()

Local Authority and Housing

Abusing, insulting or using threatening behaviour towards employees, agents of contractors of the council.

Entering (insert name and address) Housing Office without a prior written appointment.

Motor Vehicles

Sitting on, standing on, pushing, pulling or riding any mechanically-propelled 'Go-ped' (micro scooter), moped, quad bike, tricycle, or motorcycle anywhere in ()

Being a passenger in or on any mechanically propelled vehicle other than public transport without the consent of the owner or registered keeper anywhere ()

Sitting in the front seat of any motor vehicle, in (), whilst serving a period of disqualification from driving, imposed by a court.

Driving any mechanically propelled vehicle in a public place

Washing any vehicle or part of a vehicle that is not registered to you in any public place in ()

Noise

Making any noise or vibration or disturbance at (insert address), so as to cause nuisance to those living at (insert address)

Playing any music, shouting, or banging, so as to cause (harassment, alarm or distress/nuisance or annoyance) to those living in nearby dwellings anywhere within ()

Making noise, shouting, or using swearwords within sight or hearing of any person or allowing anyone else within the boundaries of your property to do so.

Banging or striking any walls, doors, floors or ceilings such as to cause nuisance or annoyance to any occupants or visitors of any neighbouring properties.

Non Association

Associate with (a named individual) in any public place.

Associating with any female under the age of 16.

Associating with (insert names) or be present on (insert names of roads) where these individuals live.

Visiting (insert name) unless accompanied by a (insert name(s) of parents or legal guardian.

Prostitution

Engaging in any activity which amounts to the provision of, or offer to provide, any services for gain, either financial or otherwise, except for legitimate employment or business.

Transport

Entering any car park, which is provided for the use of persons travelling on London Underground, as per the attached list.

Entering any depot, siding or other part of London Underground property or railway property which is not expressly open to public whether on payment or otherwise anywhere in ()

Travelling on a London Underground train which is on or travelling within the LUL circle line, or being on any of the LUL stations which are on or within the LUL circle line. This includes all of the stations highlighted in yellow on the attached map.

Entering or alighting at () London Underground station.

Travelling on the top deck of any public transport bus, anywhere in ()

Entering any tube station except to purchase valid tickets and to travel to your destination.

Causing harassment, nuisance, or annoyance by seeking to transfer or receive or sell or offer for sale any partly used travel ticket.

Boarding any form of public transport between the hours of 08:00-09:00 and 15:00-16:30 unless with a letter of appointment for medical, court, probation or solicitor appointments.

Theft and Deception

Calling at any residential premises (by way of doorbell, knocking or telephone call) without the prior permission of an occupier anywhere in ()

Riding a pedal cycle belonging to any person other than the defendant in ()

Engaging in any activity which amounts to the provision of, or offer to provide, any services for gain, either financial or otherwise, except for legitimate employment or business anywhere in ()

Being in possession of a bank card, credit card or other identification belonging to another person, and acting in an anti-social manner in ()

Trespass

Remaining on any land or premises in England and Wales, after being asked to leave by a person or persons with authority or responsibility for those premises.

Entering any car park which is owned, opened or leased by Network Rail, any train operating company or London Underground Ltd whether on payment or otherwise within the counties of Hertfordshire, Bedfordshire and Buckinghamshire.

Climbing on roofs of property anywhere ()

Entering the buildings or grounds of any National Health Service (NHS) or private hospital property at any time save for treatment for a medical emergency or by prior written appointment.

Entering the Bradford Royal Infirmary and its grounds, unless arriving in an ambulance or a police vehicle.

Entering any sheltered housing complex or supported living accommodation in (insert address)

Vehicle Repair

Repairing or dismantling any mechanically propelled vehicle, or any electrical or mechanical machine or appliance in a public place, anywhere in ()

Having in your care or control, more than one mechanically propelled vehicle not lawfully registered to you, anywhere in ()

Victim and Witness Intimidation

Doing an act, including making a statement, whether by yourself or encouraging others to do so, which is likely to intimidate any named person who has provided information which might be used as evidence in these or other proceedings involving the Defendant, whether that person is a witness in the proceedings or not.

In any way, directly or through another, contacting, or interfering with property belonging to any person whose evidence is used at court during these (injunction/CBO) proceedings.

Weapons

Carrying any knife or bladed article in any public place in England and Wales.

Being in possession of a ball-bearing gun, soft air pellet gun, or any other imitation weapon in a public place anywhere in ()

Miscellaneous

Inciting or encouraging others to commit any act prohibited by this Order.

Purchasing, carrying, setting off or throwing fireworks anywhere in ()

Owning, or having in his care and control any dog anywhere in ()

Being in possession of any mobile phone other than a single phone registered to your name and address.

APPENDIX 4

COMMUNITY TRIGGER FORMS

1. Review Request Form
2. Information Request Form
3. Case File Form

FORM FOR REQUESTING AN ANTI-SOCIAL BEHAVIOUR REVIEW

How did you hear about the Community Trigger?

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- ☐ I am the victim and have made 3 complaints regarding the same issue of anti-social behaviour in the previous 6 months, which was reported within one month of it occurring to the police, council or registered social landlord.

Name of applicant	
Address	
Date of Birth	
Telephone number	
Email address	

If you are making this request on behalf of another person please complete the section below:

Name of person on whose behalf this application is made	
Their address	
Their telephone number	
Their email address	
Relationship to applicant e.g. relative, carer, local councillor	
Does this person know that you have made the request for an ASB review?	

- ☐ I am representing a group of individuals (or a community) who have made 3 complaints regarding the same issue of anti-social behaviour in the previous 6 months, which was reported within one month of it occurring to the police, council or registered social landlord. *The local authority will correspond directly with this person in relation to the community trigger request and outcome.*

Name of applicant (group representative)	
Address	
Date of Birth	
Telephone number	
Email address	

In order for us to decide if you meet the threshold for an ASB review we need to have details of the incidents that you or as a group/community have reported (there must be at least 3). Please complete the form below:

Name, address and date of birth of the person who made the report	Date of incident	Description of ASB	How did this cause you harassment, alarm or distress?	Who did you report this to? <i>If you reported to more than one organisation please tell us about them all and provide any reference numbers or incident numbers provided to you</i>	The date on which it was reported (this must be within 1 month of the incident)

Consent: In order to proceed with the Community Trigger, all individuals detailed above must be willing for us to share information with partner agencies in order to resolve the problems. If all individuals do not give consent to share information, we cannot progress the Community Trigger.

Consent Given by all individuals listed above – Yes

Consent NOT Given

Where consent is not given, information provided will be recorded and no action taken.

Would you be willing to provide a written account of the effect the anti-social behaviour has had on you (or the community), to be read on your behalf at the review?

.....

What are you hoping for from this review?

.....

Have you made a formal complaint through the Complaints Procedure of the organisation? Yes/No

If so, to which agency have you made the complaint?

ASBRAC

REQUEST FOR INFORMATION

We have received a request for a review under the Community Trigger process and this will be considered at the next ASBRAC meeting. The applicant has indicated that your organisation has some involvement with the case.

Please complete the details below and return by (date to be added)

Please note that your organisation must be represented at the meeting on (date to be added) when the request will be considered

DATE OF REQUEST	To be added			
REFERENCE NUMBER	To be added			
NAME OF PERSON MAKING THE REQUEST	To be added			
Is the applicant? (Delete as applicable)	Victim		Representative	
Tenure of person	Owner occupier	Private tenant	Housing association	Other

Please provide details of every report you have received from the applicant in the last six months with details of how you have responded

DATE OF REPORT	DETAILS OF REPORT	ACTION TAKEN	ACTION OUTSTANDING

ASBRAC

Community Trigger Case File

PART ONE

The tables below are completed by Community Safety Officer prior to ASBRAC

DATE OF REQUEST	To be added			
REFERENCE NUMBER	To be added			
NAME OF PERSON MAKING THE REQUEST	To be added			
Is the applicant? (Delete as applicable)	Victim		Representative	
Tenure of person	Owner occupier	Private tenant	Housing association	Other
Organisations that incidents have been reported to	List organisations here			
Is the request for a review within 6 months of the last report of ASB?	Yes		No	
Are there at least 3 reports in the last 6 months that were made within 1 month of the incident?	Yes		No	
Is there evidence of:	Yes		No	
- Persistent anti-social behaviour				
- Serious harm or potential for harm caused by the anti-social behaviour	Yes		No	
- Concern about the adequacy of the response to anti-social behaviour.	Yes		No	
Below provide details of the incidents reported and action taken				
Date of incident	Who reported to	Details of incident	Action taken	Action outstanding

PART TWO

Details of discussions at ASBRAC

Were all relevant partners present?	Yes	No	List organisations not present
Does ASBRAC consider that the request for the review was made within 6 months of the last report of ASB?	Yes	No	
Does ASBRAC consider there are 3 reports of ASB in the last 6 months that were made within one month of the incident?	Yes	No	
Does ASBRAC consider that a review is needed?	Yes	No If no, please specify why not	

Delete this table if no action plan or recommendations agreed

Action plan and recommendations		
Action recommended	By whom	By when

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ACTIONS TO BE COMPLETED BY CHAIR OF ASBRAC		
Action	By whom	By when
Contact to be made with organisations subject of recommendations before advising applicant		
Letter to be sent to applicant advising of decision of ASBRAC	Chair	Within 5 working days

APPENDIX 5 – Equality Impact Assessment

Impact Analysis to Enable Informed Decisions						
Background Information						
Directorate	Assistant Director Area	Service Area	Lead Officer	Person / people completing analysis	Date of workshop / meeting	Version
Safer Communities		Lincolnshire Community Safety Partnership (LCSP)		Lisa Duckworth – County Anti-Social Behaviour Co-ordinator	Initial meeting: 24.04.14 Further partnership workshops held on: 14.05.14 20.05.14 22.05.14 28.05.14 29.05.14	V1
Title of the policy / project / service being considered		Tackling Anti-Social Behaviour in Lincolnshire – Procedures for use of the Anti-Social Behaviour Crime and Policing Act 2014				
General overview and description		<p>The Anti-Social Behaviour Crime and Policing Act 2014 was given Royal Assent in March 2014 and is due to be implemented in October 2014. The Act contains provisions around anti-social behaviour and a range of other issues.</p> <p>It takes forward measures to:</p> <ul style="list-style-type: none"> • Focus the response to anti-social behaviour on the needs of victims • Empower communities to get involved in tackling anti-social behaviour through the Community Trigger and Community Remedy • Ensure professionals can protect the public quickly through faster, more effective powers 				

	<ul style="list-style-type: none">• Reduce the bureaucracy associated with the exercise of existing powers <p>The aim of the countywide procedure document is to:</p> <ol style="list-style-type: none">1) Provide a level of consistency in response to anti-social behaviour across Lincolnshire (in relation to the Anti-Social Behaviour, Crime and Policing Act 2014).2) Improve partnership working and information sharing.3) Ensure the effective use of the new powers and tools.	
Current status	New	Commissioned Service
Timescales for implementation	Deadline October 2014	
Analysis		
1. What is the current situation?	<p>There are currently no countywide procedures in place overseeing the enforcement of anti-social behaviour.</p> <p>Agencies responsible for tackling anti-social behaviour operate differently.</p> <p>Partnership engagement during the enforcement process is inconsistent across the county.</p> <p>The Police are reliant on Local Authorities and Registered Social Landlords to take action.</p>	
2. What are the drivers for change?	<p>Tackling anti-social behaviour is both a government and local priority. More than 3 million incidents of anti-social behaviour are recorded nationally every year. In Lincolnshire over 21,000 reports were made to the police alone in the year ending March 2014.</p> <p>A report published by the Home Office in 2012 (Putting Victims First: More Effective Responses to Anti-Social Behaviour) highlighted the failure of systems to adequately deal with complaints of anti-social behaviour and emphasised the need to offer better protection to victims, particularly those most vulnerable in society. A review of</p>	

	<p>anti-social behaviour powers also found that the current system is too centralist, does not engage the community sufficiently in tackling problems and the tools available are too complex and bureaucratic.</p> <p>In response the government has proposed a series of reforms to improve how agencies deal with anti-social behaviour; moving away from a one-size-fits-all model to a more locally driven flexible approach that focuses on the needs of victims and allows professionals to take swift, effective action against perpetrators.</p>
3. What difference will we make?	<p>Establish a standardised approach to the application of each of the new powers and tools to tackle anti-social behaviour.</p> <p>Improve awareness on anti-social behaviour enforcement opportunities.</p> <p>Provide a clear and structured enforcement process for agencies to follow.</p> <p>Ensure agencies understand their role and responsibilities within the enforcement process.</p> <p>Provide a quicker more efficient response to victims of anti-social behaviour.</p> <p>Take more effective action against perpetrators of anti-social behaviour.</p>
4. What are the assumptions about the benefits?	<p>Improved co-ordination across agencies to support and protect victims of anti-social behaviour, particularly the most vulnerable and those that are repeat victims.</p> <p>Ensure the most effective intervention is used against perpetrators of anti-social behaviour.</p> <p>Increase and improve the sharing of good practice, skills, and experience across the county.</p>

	<p>Improve capacity and value for money by sharing the workload.</p> <p>Utilise all the powers and tools available across different agencies.</p>
<p>5. How are you testing your assumptions about the benefits?</p>	<p>Improved customer satisfaction.</p> <p>A reduction in the number of vulnerable and repeat victims of anti-social behaviour.</p> <p>A reduction in the number of repeat offenders of anti-social behaviour.</p> <p>The legislation is written and intended to focus on those most vulnerable in our communities.</p>
<p>6. The assumptions about any adverse impacts. Could it have a negative impact on anyone?</p> <p>If Yes, go to 6.1 and 6.2</p> <p>If No, please explain how you know this is the case</p>	<p>YES</p>

<p>6.1 Which groups / individuals could it have a negative impact on?</p>	<p>The legislation is not intended to have a negative impact on any of the protected characteristic groups but is aimed at strengthening support for them. However, we acknowledge, if not used as intended, the powers and tools could negatively impact some groups, in particularly young people, individuals suffering with a mental illness and black and minority ethnic communities.</p>
<p>6.2 Please state how it could have a negative impact on these groups / individuals? Please refer to the list of protected characteristics to assist your answer.</p>	<p>AGE – Anyone aged 10 years old or above may be subject to a Civil Injunction or Criminal Behaviour Order. Both tools can be used to deal with a wide range of behaviours such as vandalism, public drunkenness, noisy or abusive behaviour or bullying. Although agencies are required to consult Future4Me on applications involving a young person they cannot veto the application therefore enforcement action can still be taken without their guidance or support. This presents a risk to the young person in terms of tackling their behaviour effectively and ensuring the appropriate measures are in place to their individual needs and circumstances. There is also a risk that the new dispersal powers given to the police will be used to inappropriately target young people for gathering in groups.</p> <p>DISABILITY - When using enforcement powers, it is important that any disability (particularly mental health issues) are properly considered and that staff are aware of any discretion on the basis of disability.</p> <p>GENDER REASSIGNMENT - No potential negative impact identified.</p> <p>MARRIAGE/CIVIL PARTNERSHIP - No potential negative impact identified.</p> <p>PREGNANCY/MATERNITY - No potential negative impact identified.</p> <p>SEX - No potential negative impact identified.</p> <p>SEXUAL ORIENTATION - No potential negative impact identified.</p>

	<p>RACE - There is a potential impact on black and minority ethnic (BME) communities, particularly for first generation immigrants who have come from countries with very different rules and legislation around environmental and anti-social behaviour matters and for any people from BME and other communities who do not speak English as a first language. Legislation and legislative practice often involves complex legal language by necessity, and some enforcement practice assumes a knowledge of the law of the land. This inherently disadvantages anyone who does not have a basic knowledge of what is acceptable behaviour and what the basic anti-social behaviour and environmental laws are.</p> <p>RELIGIOUS BELIEF - No potential negative impact identified.</p>
7. How are you testing your assumptions about adverse impacts?	<p>Measure have been introduced to address any equalities and ensure a fair, balanced approach in line with statutory requirements and guidance. For example, the decision to take enforcement action will be made by members of the Anti-Social Behaviour Risk Assessment Conference (ASBRAC). This allows all relevant agencies to be involved in the decision making process and ensure the most appropriate action is taken to protect victims and effectively tackle the perpetrators behaviour, especially those displaying any protected characteristic. Specific protocol has also been introduced to mitigate the use of inappropriate sanctions against young people and guidance has been put in place to ensure any literature associated with the legislation is provided in the necessary languages.</p> <p>The Anti-Social Behaviour Strategic Management Board also have a responsibility for Hate matters in Lincolnshire and will therefore monitor the use of the new powers and tools to ensure they reflect the countywide Hate Strategy.</p>
7.1 What further evidence do you need to gather?	Ongoing monitoring of case management.

8. Who are the stakeholders and how will they be affected?	Primary (those directly affected, either positively or negatively by the organisation's actions)
	<p>Local Authorities Communities in Lincolnshire</p> <p>Current policies and procedures will need to be amended to reflect the new protocol.</p> <p>Staff will require training on the Anti-Social Behaviour, Crime and Policing Act 2014 and the specific procedures for Lincolnshire.</p> <p>The tools are designed to enable agencies to take swift, effective and robust action to tackle anti-social behaviour thereby providing more protection to individuals and communities that are affected by it. Therefore benefiting all citizens, including those with protected characteristics.</p>
	Secondary (intermediaries, people or organisations who are indirectly affected by the organisation's actions)
	<p>Lincolnshire Police Registered Provider Future4Me Fire and Rescue Families Working Together Lincolnshire Primary Foundation Trust Humberside, Lincolnshire and North Yorkshire Community Rehabilitation Company</p> <p>Staff will need to have an understanding of the new legislation and the potential impact on service users.</p> <p>A representative from each agency will be required to attend each districts ASBRAC.</p>

9. How are you assessing the risks and minimising the impacts?	<p>To mitigate any risks associated with a lack of knowledge and understating, on both the Anti-Social Behaviour Crime and Policing Act and procedures for Lincolnshire, partners will receive face to face training, which will be delivered by a private consultant.</p> <p>New Guidance and Operating Procedures will be introduced for the Anti-Social Behaviour Risk Assessment Conference (ASBRAC); incorporating the new measures introduced by the procedure document.</p> <p>Each organisation delivers equality training to ensure full compliance.</p>
10. What changes will the Council need to make as a result of introducing the policy / project / service etc?	None
11. How will you undertake evaluation once the changes have been implemented?	The Anti-Social Behaviour Strategic Management Board will evaluate the new procedures 6 months after implementation based on their effectiveness to tackle anti-social behaviour, as the legislation intends.
Further Details	
Are you handling personal data? If so, please give details.	NO
How was this analysis undertaken? Facilitated workshop? Who attended?	<p>A series of workshops have taken place with representatives from Lincolnshire Police, Lincolnshire County Council Children's Services, Children's Safeguarding, Adult Safeguarding, Troubled Families and Future4Me.</p> <p>The Domestic Abuse Strategic Management Board, Lincolnshire Primary Foundation Trust, Clinical Commissioning Groups, Humberside, Lincolnshire and North Yorkshire Community Rehabilitation Company,</p>

	Prison Service, North Kesteven District Council, South Kesteven District Council, City of Lincoln Council, West Lindsey District Council, East Lindsey District Council, Boston Borough Council and South Holland District Council.		
Are you confident that everyone who should have been involved in producing this version of the Impact Analysis has been? If No, who needs to be involved?	YES The Anti-Social Behaviour, Crime and Policing Act has also been subject to scrutiny through the Home Office, who have a duty to conduct their own impact assessment on each of the new powers and tools.		
If this is new, or requires a decision by Councillors to revise, has this impact analysis been included with the committee report?	NO The countywide procedures for Lincolnshire will be approved by local authorities through their own committee process.		
Actions required Including any actions identified in this analysis for monitoring in the relevant service area work plan?	Action	Lead officer	Timescale
	N/A		
Signed off by		Date	