Dear Brian,

During the debate on the Anti-social Behaviour, Crime and Policing Act 2014 (Amendment) Order 2018 on 12 December, I promised to write to you in answer to your question about the effectiveness of Civil Injunctions.

Local areas and agencies are best placed to identify the anti-social behaviour issues they are facing, and the most appropriate response to tackle those problems effectively. The Anti-social, Behaviour, Crime and Policing Act 2014 confers a range of powers on the police, local authorities and other local agencies, and it is for them to decide when and where to use the powers, and how effective their use may be in combatting anti-social behaviour. This freedom allows the police, local authorities and other local agencies to decide whether an informal approach, such as warnings about the impact and consequences of their behaviour, might be preferable, before resorting to use of the powers in the Act to deal with specific instances of anti-social behaviour. Reflecting this freedom, the Home Office does not collect or hold information regarding the individual use of the powers in the Act.

During the debate, you also asked how Civil Injunctions are used and enforced. The Injunction can be used to deal with a wide range of behaviours including, vandalism, public drunkenness, and noisy or abusive behaviour towards neighbours. Agencies listed in the Act can apply to the courts for an Injunction if the legal tests are met. For instances of anti-social behaviour that are housing-related, the nuisance or annoyance test will apply, that is, where the conduct can cause nuisance or annoyance to a person in relation to that person’s occupation of residential premises or the conduct can cause housing related nuisance or annoyance to any person. For other types of anti-social behaviour, the test is that the conduct concerned has caused, or is likely to cause, harassment, alarm or distress to any person.

A court may grant an Injunction against anyone who is 10 years of age or over. Applications against individuals who are 18 years of age must be made in the county court or High Court, and applications against individuals who are under 18 must be made in the youth court. The Injunctions can include relevant prohibitions to get individuals to stop behaving anti-socially as well as positive requirements to get the individual to deal with the underlying cause of their behaviour.

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Local agencies will be responsible for enforcement action against any breaches, but breach of an Injunction is not a criminal offence. However, due to the potential severity of the penalties which the court can impose, the criminal standard of proof, 'beyond reasonable doubt', is applied in breach proceedings. For adults, breach is dealt with by a civil contempt of court, which is punishable by up to two years in prison and/or an unlimited fine. For under 18s, breach proceedings are dealt with in the youth court and could result in a supervision order with a supervision, curfew or activity requirement. In the most serious cases the court may impose a detention order on a young person.

Appeals may be lodged by both the applicant and perpetrator following the grant, refusal, variation or discharge of the Injunction.

I hope you find this letter helpful. I will also send a copy to Lord Kennedy of Southwark and place a copy in the House library.

With all good wishes,

Zaheeda.

BARONESS MANZOOR CBE

Lord Paddick
House of Lords