

1. Anti-social behaviour orders: the basics

What are anti-social behaviour orders?

Anti-social behaviour orders (ASBOs) were introduced by section 1 of the Crime and Disorder Act 1998 in England and Wales and have been available since April 1999. The powers to deal with anti-social behaviour were strengthened and extended by the Police Reform Act 2002, which introduced the power to make similar orders on conviction in criminal proceedings, and in county court proceedings, and the power to make interim orders. Orders can now also extend across any defined part of England and Wales. The provisions relating to orders on conviction under section 1C and interim orders under section 1D in the magistrates' courts were inserted in the 1998 Act by the Police Reform Act 2002 and came into force on 2 December 2002.

The provisions relating to orders in county court proceedings (section 1B) were also inserted in the 1998 Act by the Police Reform Act 2002 and came into force on 1 April 2003.

ASBOs are civil orders to protect the public from behaviour that causes or is likely to cause harassment, alarm or distress. An order contains conditions prohibiting the offender from carrying out specific anti-social acts or from entering defined areas and is effective for a minimum of two years. The orders are not criminal sanctions and are not intended to punish the offender.

Applications for ASBOs are made to the magistrates' court by 'relevant authorities' which include local authorities, chief officers of police, registered social landlords, housing action trusts or any other person or body specified by the order of the Secretary of State (as previously mentioned, it is intended that the Environment Agency and Transport for London be specified for this purpose). A similar order can be applied for during

related proceedings in the county court, and can be requested on conviction of certain offences in the criminal courts. It remains a civil order irrespective of the issuing court.

ASBOs are community-based orders that involve local people not only in the collection of evidence to support an application but also for the purpose of helping to enforce breaches. By their nature they encourage local communities to become actively involved in reporting crime and disorder and to contribute actively to building and protecting the community. The civil status of ASBOs has implications for the nature of the proceedings at which applications are heard. For example, hearsay and professional witness evidence can be heard. This is an extremely important feature of ASBOs that can help protect victims and witnesses of anti-social behaviour.

What sort of behaviour can be tackled by ASBOs?

Anti-social behaviour that can be tackled by ASBOs includes:

- harassment of residents or passers-by;
- verbal abuse;
- criminal damage;
- vandalism;
- noise nuisance;
- writing graffiti;
- engaging in threatening behaviour in large groups;
- racial abuse;
- smoking or drinking alcohol while under age;
- substance misuse;
- joyriding;
- begging;
- prostitution;
- kerb-crawling;
- throwing missiles;
- assault; and
- vehicle vandalism.