

Scenario 1- 'My store is being targeted by a prolific anti-social and shop theft offender'

▼ What intervention could the local agency decide to use to tackle this issue?

A Criminal Behaviour Order (CBO)*

*It is for local areas to decide which interventions to use depending on the specific circumstances. They may decide a CBO is not appropriate in this particular scenario. **A CBO can only be imposed by a court following a criminal conviction. Anti-Social Behaviour needs to be a prerequisite for a CBO to be considered.**

▼ What information do I (a retailer) need to gather to support this intervention?

A non-exhaustive list of evidence could include:

- Diary sheets detailing dates, times, what happened and how it impacted you/your business;
- CCTV recordings;
- Photographic evidence;
- Professional witnesses.

▼ How do I report?

Contact your local council or your local neighbourhood policing team to report anti-social behaviour. Further details on how to report can be found on [GOV.UK](https://www.gov.uk)

▼ Who do I share information with?

You can share relevant information with any local agency involved in tackling anti-social behaviour. This includes your local council, local police force and the local Business Crime Reduction Partnership.

▼ What will happen once I have reported/shared this information?

At the request of the council or police, the prosecution can apply to the court for a CBO. The following test must be met for the court to grant a CBO:

- The court must be satisfied beyond reasonable doubt that the offender has engaged in behaviour that has caused or is likely to cause harassment, alarm or distress to any person; and
- The court considers that making the order will help prevent the offender from engaging in such behaviour.

▼ What to do if I'm not satisfied with the outcome?

If the court makes a CBO but the local authority is not satisfied with the outcome, the prosecution can apply for the order to be varied. If you witness an offender breach a CBO, you should notify the police. The court has the power to impose serious penalties on conviction.

▼ How does a CBO work?

A CBO is available on conviction for any criminal offence in the Crown Court, the Magistrates' Court or the Youth Court.

It can be used to deal with a wide range of anti-social behaviours; 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.

In relation to retail crime, where an offender has committed a criminal offence such as prolific shop-lifting or assault of retail staff, a CBO can be applied for where the behaviour has also caused, or is likely to cause, **harassment, alarm or distress** to any person. However it is for local agencies to decide which intervention is most appropriate depending on the specific circumstances.

The CBO must clearly describe the details of what the offender is not allowed to do (prohibitions) as well as what they must do (requirements). It is a criminal offence if an offender fails to comply, without reasonable excuse, with either the requirements or prohibitions in the CBO.

For adults, the duration of a CBO must be for a minimum of two years and up to an indefinite period. **For under 18s, the order must be between one and three years.**

Scenario 2- 'There is persistent non-criminal ASB in and around my retail store'

▼ What intervention could the local agency decide to use to tackle this issue?

A Civil Injunction*

*It is for local areas to decide which interventions to use depending on the specific circumstances. They may decide a civil injunction is not appropriate in this particular scenario.

▼ What information do I (a retailer) need to gather to support this intervention?

A non-exhaustive list of evidence could include:

- Diary sheets detailing dates, times, what happened and how it impacted you/your business;
- CCTV recordings;
- Photographic evidence;
- Professional witnesses.

▼ How do I report?

Contact your local council or your local neighbourhood policing team to report anti-social behaviour. Further details on how to report can be found on [GOV.UK](https://www.gov.uk).

▼ Who do I share information with?

You can share relevant information with any local agency involved in tackling anti-social behaviour. This includes your local council, local police force and the local Business Crime Reduction Partnership.

▼ What will happen once I have reported/shared this information?

Your local council or local police can apply to the court for a civil injunction. The following test must be met:

- On the balance of probabilities, the respondent has engaged in or threatens to engage in conduct that has or is likely to cause **harassment, alarm or distress**; and
- It is just and convenient to grant the injunction to prevent anti-social behaviour

▼ What to do if I'm not satisfied with the outcome?

Appeals may be lodged by both the applicant and perpetrator following the grant, refusal, variation or discharge of the injunction. A decision by the county court (in the case of proceedings in respect of an adult) may be appealed to the High Court. Appeals against decisions of the youth court in under 18 cases are heard in the Crown Court.

▼ How does a Civil Injunction work?

- A civil injunction is available where an anti-social individual has engaged or threatens to engage in conduct causing harassment, alarm, distress, nuisance or annoyance. It can be issued to anyone above the age of ten.
- In relation to the retail sector, a civil injunction could be sought in cases such as vandalism and public drunkenness. However it is for local agencies to decide which intervention is most appropriate depending on the specific circumstances.
- The injunction will include relevant prohibitions to get individuals to stop behaving anti-socially. It can also include positive requirements to get the individual to deal with the underlying cause of their behaviour.
- Prohibitions or requirements in the injunction can be for a fixed or indefinite period for adult perpetrators. **In the case of under 18s the prohibitions or requirements must have a specified time limit, with a maximum term of 12 months.**
- 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. The imprisonment is for contempt of court, not for the conduct. **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.**

Scenario 3- 'There is persistent non-criminal ASB in and around my retail store'

▼ What intervention could the local agency decide to use to tackle this issue?

Dispersal Power or Public Space Protection Order (PSPO)*

*It is for local areas to decide which interventions to use depending on the specific circumstances. They may decide a dispersal power or PSPO is not appropriate in this particular scenario.

▼ What information do I (a retailer) need to gather to support this intervention?

A non-exhaustive list of evidence could include:

- Diary sheets detailing dates, times, what happened and how it impacted you/your business;
- CCTV recordings;
- Photographic evidence;
- Professional witnesses.

▼ How do I report?

Contact your local council or your local neighbourhood policing team to report anti-social behaviour. Further details on how to report can be found on [GOV.UK](https://www.gov.uk).

▼ Who do I share information with?

Dispersal orders can only be issued by police officers in uniform of the rank inspector or senior, and PSPOs can only be made by your local council. Contact your local council or your local neighbourhood policing team to report anti-social behaviour. Further details on how to report can be found on [GOV.UK](https://www.gov.uk).

▼ What will happen once I have reported/shared this information?

Dispersal order – a police officer of the rank of inspector or senior can issue a dispersal order for up to 48 hours where the following test is met:

- The police officer must be satisfied on reasonable grounds that issuing a dispersal order may be necessary for the purpose of removing or reducing the likelihood of members of the public being harassed, alarmed or distressed or the occurrence of crime or disorder taking place in the locality

PSPO – a council can issue a PSPO after consultation with the police, Police and Crime Commissioner, the owner or occupier of land in the restricted area and other community representatives they see fit. The local authority has to be satisfied on reasonable grounds that:

1. the activities that have taken place, or likely will be carried on in the locality, have had, or will have, a detrimental effect on the quality of life for those in the locality;
2. the effect, or likely effect:

- a. is, or is likely to be, persistent or continuing in nature;
- b. is, or is likely to be, such that the activities are unreasonable;
- c. justifies the restrictions imposed by the notice.

▼ What to do if I'm not satisfied with the outcome?

Dispersal order – Where a dispersal order has not been issued by the police, an individual or business could contact the relevant police force or the IOPC (who in turn would pass information to the relevant police force) to get the decision reviewed.

PSPO – Where a PSPO has not been issued by a local authority there may be internal complaints procedures that can be followed. Businesses should contact their local authority for more information.

Where a dispersal order has been issued but an offender has failed to comply, you should notify the police. Failure to comply is a summary only criminal offence which will be dealt with in the magistrates' court or youth court for people under the age of 18.

▼ How does a PSPO and Dispersal Order work?

In relation to the retail sector, police officers can decide to issue a dispersal order or PSPO where anti-social behaviour is occurring in a public space, such as around a retail store. However it is for local agencies to decide which intervention is most appropriate depending on the specific circumstances.

Dispersal orders

- Dispersal orders can only be issued by a police officer for a maximum of 48 hours. It is designed to provide immediate short term respite to the community.
- A direction can be given to anyone who is, or appears to be, over the age of ten. Failure to comply with the direction is a summary only criminal offence which will be dealt with in the magistrates' court or youth court for people under the age of 18.

PSPO

- A PSPO is designed to stop individuals or groups committing anti-social behaviour in a public space and can only be issued by the council after local consultation.
- The council will set restrictions and requirements for the PSPO which can include restricting access to a public space.
- The maximum duration of a PSPO is three years, however it is possible for a local authority to extend the order if necessary. Breach of a PSPO is a criminal offence with a maximum penalty of a fine on summary conviction not exceeding Level 3 (£1,000)

Scenario 4- 'I have reported persistent anti-social behaviour outside my store on multiple occasions but nothing has been done'

▼ What intervention could the local agency decide to use to tackle this issue?

The Community Trigger (Case Review)

▼ What information do I (a retailer) need to gather to support this intervention?

A non-exhaustive list of evidence could include:

- Diary sheets detailing dates, times, what happened and how it impacted you/your business;
- CCTV recordings;
- Photographic evidence;
- Professional witnesses.

▼ How do I request a community trigger?

- Where there have been a minimum of three complaints of anti-social behaviour in the previous three-month period, you are able to request a community trigger through your local council or police.
- Applications may either come directly from the victims of anti-social behaviour or from a third party (with the victim's consent), such as a family member, friend or local elected representative (a councillor or MP).
- All Local Authorities in England and Wales should publish information on how to activate the Community Trigger. You can access information about your local provision [here](#).
- Further details on how to report can be found on [UK](#).

▼ Who do I share information with?

You can share relevant information with any local agency involved in tackling anti-social behaviour. This includes your local council, local police force and the local Business Crime Reduction Partnership.

▼ What will happen once I have requested a community trigger?

- Agencies, including local authorities, the police, local health teams and registered providers of social housing have a duty to undertake a case review when someone requests one and their case meets a locally defined threshold.
- Each area chooses a lead agency to manage the process, this is usually the council or police.
- When an ASB Case Review is requested, agencies must decide whether the threshold has been met and communicate this to the victim.

- If the threshold is met, a case review will be undertaken by the relevant bodies. If the threshold is not met, although the formal procedures will not be invoked, this does provide an opportunity for the relevant bodies to review the case to determine whether there is more that can be done.
- The agencies will decide together whether further action can be taken and produce an action plan.

▼ **What to do if I'm not satisfied with the outcome?**

If you are dissatisfied with the way in which a community trigger case review has been carried out, or with the decision on whether the threshold was met, you should request the process for appeal from the lead agency.

Further Support

If you have concerns about how your local council has handled your case, you may wish to raise a complaint using the council's formal complaints system. If you have exhausted your council's complaints process or not received a response within a reasonable time, you may wish to contact the Local Government Ombudsman. The Local Government Ombudsman is independent of both central and local government and can investigate complaints about councils and, if they find for the complainant, recommend redress. The service is provided free of charge. More information about the Ombudsman, including details of how to contact them, can be found on their website: www.lgo.org.uk.

Organisations such as *ASB Help* can support you and offer advice. More details about *ASB Help* can be found on their website: www.asbhelp.co.uk

[Crime Stoppers](#) also has an ASB page that offers advice about ASB, and which agencies to report types of ASB too.

Further details on how to report ASB can be found at: [Anti-social Behaviour, Crime and Policing Act: anti-social behaviour - GOV.UK \(www.gov.uk\)](#)

[Neighbourhood Watch](#) offer advice for recognising, recording and reporting ASB that you may find useful.