

Crime and Policing Bill

House of Commons Committee Stage Briefing

27 March 2025

Introduction

1. JUSTICE is a cross-party law reform and human rights organisation working to strengthen the UK justice system. It is the UK section of the International Commission of Jurists. Our vision is of fair, accessible and efficient legal processes in which the individual's rights are protected and which reflect the country's international reputation for upholding and promoting the rule of law.
2. This briefing addresses provisions within Part 1 of the Crime and Policing Bill ("the Bill") relating to the use of powers to prevent anti-social behaviour. We refer throughout to recommendations and findings from 1) our 2023 working party report which explored the effectiveness of Behavioural Control Orders at preventing harm,¹ 2) an anti-social behaviour roundtable hosted by JUSTICE and Green and Burton ASB Associates in March 2025 which focussed on provisions within the Crime and Policing Bill, and was attended by practitioners (including local authorities, police, housing associations and community safety teams) and, 3) the interim findings of a follow-up survey which gathered further practitioner perspectives.² Delegates to our roundtable and participants to our survey included representatives from local authorities, the police, housing associations, community safety teams, victim's representatives and other anti-social behaviour experts. 21 delegates attended the roundtable and as of the date of this briefing, 33 responses have been received to our survey.

The Effectiveness of Behavioural Control Orders to Prevent Harmful Behaviour

3. Behavioural Control Orders are civil orders that impose conditions on a person with the intention of preventing various forms of harmful conduct, ranging from anti-social behaviour to terrorism. Breach of a prohibition or requirement within an order is a criminal offence. Part 1 of the Bill creates new Respect Orders (Clause 1) as well as increasing the scope of existing orders by extending the duration of Dispersal

¹ JUSTICE, '[Lowering the Standard: a review of Behavioural Control Orders in England and Wales](#)' (2023).

² The deadline for responses to the Practitioner Survey ends on Friday 28th March 2025.

Powers (Clause 3) and increasing the fines payable for Community Protection Notices and Public Spaces Protection Orders (Clause 4).

Overarching concerns

4. We have previously identified serious systemic problems with the way that existing Behavioural Control Orders in the Anti-social Behaviour, Crime and Policing Act (“the 2014 Act”) operate. This includes issues with the investigation, enforcement and monitoring of Community Protection Notices, Public Spaces Protection Orders, Dispersal Powers and Criminal Behaviour Orders. We are concerned that in expanding existing orders further, the Bill will only worsen the following problems:
5. **Inability to determine whether Behavioural Control Orders are the most effective tool to reduce harmful conduct** – A lack of data and insufficient monitoring or evaluation makes it impossible to determine the success rate of Behavioural Control Orders when it comes to preventing anti-social behaviour or their cost-effectiveness when compared to other interventions.³ Only 6 respondents to our Practitioners’ Survey felt that Respect Orders would improve the current toolkit and only 2 respondents answered “yes” to the question: “*will the proposals in the Crime and Policing Bill result in improved outcomes for victims of anti-social behaviour?*”.
6. **Inconsistent use of orders across the country** - There is significant variation in the use of Behavioural Control Orders across the country in terms of the volume of orders imposed, the type of orders used for any given situation and the conditions imposed. This creates postcode lotteries for victims and undermines the rule of law by making enforcement of the law depend on the victims’ location rather than circumstances. Delegates at our roundtable and respondents to our survey frequently referred to inconsistent practice nationally.
7. **A lack of resources, training and infrastructure to monitor and enforce orders** - Police and Local Authorities do not have the capacity or resources to provide the necessary training and to establish robust systems for monitoring the use of existing orders, leading to orders being imposed in unsafe circumstances. The majority of respondents to our Practitioners’ Survey quoted resources constraints as being a major barrier to the effectiveness of existing Behavioural Control Orders and felt that the same issues would apply with Respect Orders.

³ JUSTICE, [Lowering the Standard: a review of Behavioural Control Orders in England and Wales](#), (2023), para. 4.20

8. ***Overlap with other orders and offences cause operational challenges for the Police and Local Authorities*** - Over 82% of respondents to our Practitioners' Survey (felt that Respect Orders duplicate or overlap with existing measures under the 2014 Act; the majority of respondents also referred to this as a reason why Respect Orders would not improve the current toolkit. In practice, conduct covered by existing Behavioural Control Orders fall within the remit of several other orders and offences. This causes confusion in determining when to pursue a criminal offence; when to impose an order and which order to use, leading to delays and orders being used inappropriately.
9. ***High breach rates*** – Lack of resources also makes it difficult for enforcement bodies to monitor and respond to breaches of orders. Breaches of conditions within order are common⁴ and the overwhelming majority of practitioners who we have engaged with do not enforce every breach of a Public Spaces Protection Order or Community Protection Notice. Instead, it is likely that repeated breaches may occur before enforcement action is taken, depending on the circumstances. For example, one contributor explained that orders might be breached up to 15 or more times before enforcement action is taken.⁵
10. ***No resources for positive requirements*** – Despite Behavioural Control Orders such as Community Protection Notices and Criminal Behaviour Orders, providing for positive interventions by requiring individuals to take part in activities, positive requirements are rarely imposed. Only 9% of contributors to our Practitioners' Survey felt that they had adequate resources to request and/or facilitate positive requirements and 77% of contributors experiences challenges imposing/monitoring positive requirements. Years of public funding cuts mean that there are simply not enough services to fulfil them. Moreover, there is no standardised register of appropriate services/activities at either local or national levels, meaning that the process to identify relevant services or activities in an area is ad hoc.
11. ***Drawing vulnerable people into the Criminal Justice System and discriminatory impacts*** – Young people, those with mental ill-health and those with intellectual disabilities are disproportionately impacted by Behavioural Control Orders, meaning they are more likely to end up in the criminal justice system. . They are more likely to breach orders due to difficulties understanding them and for other reasons outside of their control, leading to the sense that they are being set up to fail. In addition, there are insufficient safeguards to prevent discrimination. For example, research and FOI data shows that individuals who are

⁴ Albeit, it is difficult to assess the situation fully due to the lack of data.

⁵ Arose out of discussions at ASB Practitioners Roundtable hosted by JUSTICE and Green and Burton Associates on 06th March 2025.

experiencing homelessness and individuals from travelling communities are more likely to be subject to Behavioural Control Orders due to bias and prejudice.⁶

12. To address these existing problems and/or avoid further exacerbating them, JUSTICE urges the Committee to consider making the following amendments to the Bill.

Ensuring ASB Powers are Fit for Purpose / Requiring an Independent Review of Anti-social Behaviour Powers

13. The overwhelming majority of practitioners that we have engaged with via our research, roundtable and survey are of the view that **Respect Orders are unnecessary, replicate powers already available within the 2014 Act and will not, on their own, reduce anti-social behaviour.**⁷ In particular, practitioners expressed their concern that Respect Orders were being introduced without any formal review of existing powers having taken place and without proper consultation with those responsible for using them. 82% of respondents to our Practitioner’s Survey called for there to be a review of existing powers under the 2014 Act, prior to introducing Respect Orders. Practitioners we engaged with were unanimous in their agreement that the Government should be working to address the problems inherent with the existing anti-social behaviour powers and orders, as set out at paragraph 4, before creating more. They also emphasised the need to improve awareness of existing anti-social behaviour powers amongst relevant authorities, the judiciary and the public, as well as improving mechanisms to share best practice.
14. For this reason, we urge the Committee to amend the Bill as follows:

Clause 1

Clause 1(3), page 10, line 34, at end insert:

“(4) The Secretary of State must not commence Sections 1 and 2 of this Act until an independent review of the powers relating to anti-social behaviour in the Anti-social Behaviour, Crime and Policing Act 2014, including relevant orders and injunctions, has been published and laid before Parliament.

(5) The Secretary of State must appoint an Independent Reviewer of Anti-social Behaviour Legislation, for the purpose of conducting the independent review under subsection 1(4).

⁶ JUSTICE, [‘Lowering the Standard: a review of Behavioural Control Orders in England and Wales’](#) (2023), p53.

⁷ The Explanatory Notes make frequent reference to ROs being used against individuals drinking in public parks or creating noise nuisance despite such conduct already being covered by CPNs and PSPOs.

(6) The review must, in particular, assess –

- (a) the effectiveness of relevant orders and injunctions in preventing anti-social behaviour,**
- (b) the volume of relevant orders and injunctions applied for, imposed and breached,**
- (c) the volume of criminal proceedings or contempt of court proceedings brought in respect of relevant orders and injunctions,**
- (d) the prohibitions and requirements imposed by relevant orders and injunctions,**
- (e) information relating to the individuals subject to relevant orders and injunctions, including information about the protected characteristics of such persons,**
- (f) any operational difficulties experienced by police forces, local authorities or authorised persons using relevant orders and injunctions,**
- (g) the resources available to police forces, local authorities and authorised persons to apply for, impose and monitor relevant orders and injunctions,**
- (h) the availability of appropriate services to facilitate positive requirements and activity requirements,**
- (i) the arrangements of police forces, local authorities and authorised persons to collect data relating to relevant orders and injunctions,**
- (j) the arrangements of police forces, local authorities and authorised persons relating to multi-agency partnerships**
- (k) whether relevant orders and injunctions should be amalgamated;**
- (l) whether there requires to be established a national oversight body to share best practice and improve consistency in the use of powers relating to anti-social behaviour,**
- (m) the impact of the powers introduced by section 1 and 2 of this Act on the powers relating to anti-social behaviour in the Anti-social Behaviour, Crime and Policing Act 2014,**
- (n) Any other factors the Independent Reviewer of Anti-social Behaviour Legislation considers relevant.**

(6) The Independent Reviewer of Anti-social Behaviour Legislation must lay a report and the Government's response to it, before Parliament no later than 18 months after the day on which this Act is passed.

(7) The report must include—

- (a) the findings of the review, and**
- (b) any recommendations for legislative or policy changes the Independent Reviewer of Anti-**

social Behaviour Legislation considers necessary.

(7) In conducting the review, the Independent Reviewer of Anti-social Behaviour Legislation must consult

–

- (a) representatives of police forces,**
- (b) representatives of local authorities,**
- (c) representatives of housing providers,**
- (d) persons representing the interests of victims,**
- (e) persons representing the interests of children and young people,**
- (f) persons representing the interests of homeless persons,**
- (g) legal practitioners and representative bodies, and**
- (h) any other persons or bodies the Independent Reviewer of Anti-social Behaviour Legislation considers appropriate.**

(8) In this section –

“relevant orders and injunctions” include Criminal Behaviour Orders, Dispersal Powers, Community Protection Notices, Public Spaces Protection Orders, Closure Orders and Injunctions introduced by Part 1 of the Anti-social Behaviour Crime and Policing Act 2014.

Explanatory Statement:

This amendment requires the Secretary of State to appoint an Independent Reviewer to conduct a review of anti-social behaviour powers under the Anti-social Behaviour, Crime and Policing Act 2014, prior to

Creation of National Oversight Mechanism for Anti-social Behaviour

15. Delegates at our roundtable and 75% of respondents to our survey, felt that a national oversight board or mechanism could add value in facilitating the sharing of best practice and/or training in respect of the powers under the Anti-social Behaviour, Crime and Policing Act 2014.⁸ Consequently, this would also help to prevent the inconsistent and/or unsafe use of powers referred to above.

⁸ We are aware that certain provision is already available for the Police but not for local authorities and other relevant organisations. Ensuring a cross-sector body would help improve communication between different authorities and agencies who are responsible for using anti-social behaviour powers.

16. Such a body could play a role in collating data or setting the standards for the collection of data by relevant authorities who are responsible for using anti-social behaviour powers under the 2014 Act. Creating a national body or mechanism will help to identify 1) regional trends in anti-social behaviour, 2) particular challenge experienced by relevant authorities and 3) gaps in the powers and / or legislation and potential opportunities for policy development in future.
17. **We urge the Committee to give consideration to / make provision for, the establishment of such a body under the Anti-Social Behaviour, Crime and Policing Act 2014.**

Preventing Discrimination against those Experiencing Homelessness

18. Homelessness is not in and of itself anti-social behaviour. Research shows that those experiencing homelessness are considerably more likely to be victims of anti-social behaviour, than perpetrators of it. Despite this, they are disproportionately criminalised and impacted via the use of Community Protection Notices, Dispersal Powers and Public Spaces Protection Orders which are often imposed unfairly upon them, and can restrict their ability to access safe shelter, support services including foodbanks and mental health provision. JUSTICE are particularly concerned about the removal of safeguards from the statutory guidance in 2024 that prohibited Public Spaces Protection Orders from being used in this way.
19. For this reason, we call for the Committee to amend the Bill to require that guidance be issued to persons and organisations responsible for using powers under the Anti-social Behaviour Crime and Policing Act, to prevent discrimination.

Clause 1

Clause 10, page 18, before line 15, insert –

“9A Use of anti-social behaviour powers in respect of begging and sleeping rough

(1) The Secretary of State must, within two months of Royal Assent to this Act, issue guidance to local authorities and police forces regarding the use of powers relating to anti-social behaviour in the Anti-social Behaviour, Crime and Policing Act 2014.

(2) Guidance issued under subsection (1) must state that—

(a) the following principles are to be applied in the exercise of powers under the Acts referred to in subsection (1)—

i. begging or sleeping rough does not in itself amount to action causing harassment, alarm

or distress (in the absence of other factors);

- ii. begging or sleeping rough does not in itself amount to unreasonable conduct (in the absence of other factors);
- iii. policing and other enforcement action should balance protection of the community with sensitivity to the problems that cause people to engage in begging or sleeping rough; and
- iv. the powers contained in the Acts referred to in subsection (1) should not in general be used in relation to people sleeping rough, and should be used in relation to people begging only where no other approach is reasonably available;

(b) a constable or authorised person exercising functions under the Act referred to in subsection (1), or considering whether to exercise such functions, in connection with a person who has been, or may have been, involved in begging or sleeping rough, must consider whether the person could be referred to public authorities, or charitable or other persons, for help in addressing the problems that cause them to be involved in begging or sleeping rough.

(3) Local authorities, the police and authorised persons must—

- (a) have regard to the guidance issued under subsection (1); and
- (b) take reasonable steps to provide education and training to their employees and officers designed to ensure consistent and effective application of the principles outlined in subsection (2).

(4) Before issuing or revising guidance under subsection (1) the Secretary of State must consult—

- (a) representatives of police forces;
- (b) representatives of local authorities; and
- (c) persons and organisations representing the interests of homeless persons.

Explanatory Statement:

This amendment requires the Secretary of State to issue guidance to local authorities and police forces on the use of powers relating to anti-social behaviour under the Anti-social Behaviour, Crime and Policing Act 2014 to prevent discrimination against persons experiencing homelessness.

Amendments to Current Provisions

20. The following paragraphs of this briefing set out our proposed amendments to the Bill, clause by clause in chronological order.

Clause 1 – Respect Orders

21. Clauses 1(1)-(3) inserts a new Part A1 (Clause A1-N1) into the Anti-social Behaviour Crime and Policing Act 2014, to create Respect Orders – and order which can be imposed by the county court or High Court (Clause A1(7)), upon application by a local authority, police or relevant housing provider (Clause B1). Respect Orders can only be imposed upon an individual who is aged 18 or over (Clause A1(1)).

Statutory Test to impose Respect Orders (Clause A1)

22. Clause A1(1) sets out the test for imposing a Respect Order.⁹ It provides that a court can impose a Respect Order where it is *“satisfied on the balance of probabilities”* that the individual has *“engaged in, or threatens to engage in, anti-social behaviour”* (Clause A1(1)(a)) and where it is *“just and convenient”* to do so in order to prevent further anti-social behaviour (Clause A1(1)(b)). Anti-social behaviour is defined as *“conduct that has caused, or is likely to cause, harassment, alarm or distress to any person”* (Clause A1(9)).
23. Becoming subject to a Respect Order, is a significant, life-altering event:
- (a) Respect Orders provide the State with unfettered discretion to prohibit or require the individual to *“do anything described in the order”* (Clause (Clause A1(2))).
 - (b) This means that Respect Orders can impose conditions/requirements to restrict an individual’s ability to socialise, be present in particular areas, reside in certain properties, own particular possessions and take part in particular activities. There are no limits to the type or number of conditions/requirements that can be imposed, with significant impacts on peoples’ rights and freedoms.
 - (c) Breach of a condition/ requirement can lead to imprisonment for up to 2 years (Clause I1(3)).
24. There is significant evidence that existing Behavioural Control Orders are being misused, and we are

⁹ The statutory test imposed by Clause A1 is the same as the test that was previously used for Anti-social Behaviour Orders which were widely criticised for being ineffective and overly draconian.

concerned that Respect Orders will be too. For example orders being imposed on:

- (a) victims of domestic abuse for “crying too loudly” whilst being assaulted;
- (b) a family whose autistic child was accused of “closing the door too loudly”;
- (c) a woman “for wearing a bikini in her garden”;
- (d) homeless veterans and others for “sleeping rough”;
- (e) a member of the public for “advertising a charity bake sale with a sign”; and
- (f) busker.¹⁰

25. We are also gravely concerned about the use of Public Spaces Protection Orders, Anti-social Behaviour Injunctions and Dispersal Powers being used to restrict freedom of speech and the right to protest – despite neither of these behaviours amounting to anti-social behaviour and despite the existence of Serious Disruption Prevention Orders – an order that was introduced to be used in situations where protestors are causing harm.¹¹
26. For these reasons, JUSTICE considers that the Bill should be amended to require that the criminal standard of proof be satisfied before a Respect Order can be imposed. This is consistent with the approach taken for other types of Behavioural Control Order and is in-keeping with the principles of procedural fairness and natural justice which provide long-standing protections to guarantee the right to a fair trial and protect against arbitrary detention or punishment.¹²
27. We also recommend that the test for imposing a Respect Order should be amended to reflect the Government’s intention for Respect Orders to be used against “*persistent*” or “*serious*” offenders of anti-social behaviour.¹³ By making this explicit in the legislation, whilst also ensuring that the appropriate standard of proof is applied, will ensure that Respect Orders are the go-to tool for perpetrators of serious,

¹⁰ The Manifesto Club, [Victims of arbitrary power: CPN Case Studies](#), (2023); The Manifesto Club, [CPNs and PSPOs: the use of ‘busybody’ powers](#), (2020); The Manifesto Club, [CPNs: The Crime of Crying in Your Own Home](#), (2016); JUSTICE, [‘Lowering the Standard: a review of Behavioural Control Orders in England and Wales’](#) (2023).

¹¹ The Justice Gap, [Anti-Social Behaviour Law: punishing the poor and vulnerable?](#), (2023); Express, [Police issue dispersal order to tackle yobs at pro-Palestine rally](#), (2023); NETPOL, [Protestors silenced by Greenwich Council anti-social behaviour powers](#), (Feb. 2025).

¹² For example, see Criminal Behaviour Orders in Part 2 of the Anti-social Behaviour, Crime and Policing Act 2014; and see, ICE, [Lowering the Standard: a review of Behavioural Control Orders in England and Wales](#), (2023), para. 2.2

¹³ UK Parliament, [Crime and Policing Bill Explanatory Notes](#), (Feb. 2025).

repeat anti-social behaviour, whilst differentiating them from other types of order such as Community Protection Notices.

28. Furthermore, we recommend that the test should be amended to provide that Respect Orders should be imposed where the court is satisfied that it is “*necessary and proportionate*” to impose one, rather than “*just and convenient*”. Our report identified that vague language within statutory tests is a barrier to courts imposing orders and leads to inconsistent approaches across the country. Courts are more familiar with the test of necessity and proportionality, which is in-keeping with the test used in other types of Behavioural Control Order including Serious Disruption Prevention Orders, Knife Crime Prevention Orders, Domestic Abuse Protection Orders and Sexual Harm Prevention Orders, amongst others. Explicitly referring to necessity and proportionality ensures that the conditions/requirements imposed by the Respect Order are appropriate and tailored to the particular facts of the case and makes sense in light of the requirement for a risk assessment to be conducted as per Clause J1.
29. We therefore urge the Bill Committee to amend the Bill as follows:

Clause 1

Clause 1(2), page 2, line 1, replace “on the balance of probabilities” with “beyond reasonable doubt”.

Explanatory Statement:

This amendment requires that the criminal standard of proof applies to the imposition of respect orders.

Clause 1

Clause 1(2), page 2, line 2, after “in” and before “anti-social”, insert “persistently”.

Clause 1(2), page 2, line 2, remove “or threatens to engage in”.

Explanatory Statement:

This amendment amends the test for imposing a respect order to clarify that they are to be imposed where the respondent has engaged in persistent anti-social behaviour.

Clause 1

Clause 1(2), page 2, line 4, replace “just and convenient” with “necessary and proportionate”.

Explanatory Statement:

This amendment amends the test for imposing a respect order to require the court to be satisfied that it is necessary and proportionate to make the order for the purpose of preventing the respondent from engaging in anti-social behaviour.

Clause 1

Clause 1(2), page 2, line 31, after “person.” insert –

“(10) On making a respect order the court must, in ordinary language, explain to the respondent the effects of the order.”

Explanatory Statement:

This amendment imposes a requirement upon the court to explain to the respondent what a respect order is and its effect on the respondent.

Prohibitions and Requirements (Clause A1(2-3))

30. Clause A1(3) provides that any prohibition or requirement that is imposed must, insofar as practicable, avoid interfering with times of work or education and must not conflict with any other court order or injunction.
31. In line with other Behavioural Control Orders such as Knife Crime Prevention Orders,¹⁴ JUSTICE recommends that the Bill be amended to also provide that the prohibitions and conditions must not interfere with the exercise of the individual’s religious beliefs. Furthermore, our research identified that Community Protection Notices and Dispersal Powers often contain prohibitions that interfere with an individual’s ability to access services such as foodbanks, alcohol and drug services and mental health facilities. In these instances, imposing a Behavioural Control Order is counter-productive in that it prevents, rather than facilitates, individuals from accessing vital support services that could help them address the underlying problems which leads to the unwanted behaviour.
32. We therefore urge the Bill Committee to amend the Bill as follows:

¹⁴ See Offensive Weapons Act 2019, s. 21(8).

Clause 1

Clause 1(2), page 2, after line 17, insert “(c) any conflict with the respondent’s religious beliefs, and (d) any interference with the respondent’s attendance at any support service or health service”.

Explanatory Statement

This amendment requires that prohibitions and requirements imposed by respect orders must avoid, as far as practicable, interfering with the respondent’s religious beliefs and access to support services.

Duration (Clause AI(4))

33. As currently drafted, the Bill provides that a Respect Order can be imposed for an indefinite duration e.g., “until further notice”. This leads to an unfair situation whereby an individual who has never been found guilty of an offence, might find themselves subject to a Respect Order and thereby required to comply with serious restrictions on their liberty and personal life indefinitely, whilst someone convicted of an offence via the criminal justice system is at liberty and free of prohibitions/requirements upon their activity, once they have reached the end of their sentence which has a defined term. For the reasons provided at paragraphs 24 and 26, we consider that this is unacceptable and oppressive. Individual’s whose lives are subject to State interference should be entitled to know how long that interference will last.
34. Respect Orders must have a defined term and the Bill Committee should also give consideration to ensuring that there are provisions in place to require an automatic review of the conditions/requirements imposed by them. This is in keeping with the approach taken with other types of Behavioural Control Order. It also aligns with the Government’s intention that the framework for Respect Orders be fair and proportionate, as is demonstrated by the requirement for a Risk Assessment in Clause J1.
35. We therefore urge the Bill Committee to amend the Bill as follows:

Clause 1

Clause 1(2), page 2, line 19, replace “or” with “such period not to exceed 2 years.”

Clause 1(2), page 2, line 20, remove “state that it has effect until further order,”

Explanatory Statement

This amendment requires respect orders to specify the length of time that they will be in force, which cannot be for a period over 2 years.

Exclusion from Home in Cases of Violence or Harm (Clause C1)

36. Clause C1(3) provides that a Respect Order can be used to exclude an individual from their home where there is anti-social behaviour, or threats of anti-social behaviour, involving violence or threats of violence against other persons or where there is a significant risk of harm to other persons.
37. We are gravely concerned about the use of Respect Orders in these circumstances. Threats of violence and risks of significant harm should be dealt with by the Police via the criminal justice process and / or via the use of a Behavioural Control Order that is specifically designed to tackle serious crime and/or violence. This is particularly true where the risk of harm or violence is related to domestic abuse. For example, it is unclear how Respect Orders will interact with other measures including Domestic Violence Protection Orders; Domestic Abuse Protection Orders, Stalking Protection Orders, Restraining Orders, Serious Violence Reduction Orders, Serious Crime Prevention Orders (which are currently being expanded by the Border Security, Asylum and Immigration Bill) and/or Harassment Injunctions – all of which have the potential to overlap with Respect Orders.
38. Furthermore, we are concerned about the ability of applicants to correctly identify when this power should be relied upon. Evidence from the Domestic Abuse Housing Alliance (“DAHA”) identified that victims of domestic abuse are victims of domestic abuse are four times more likely than an average member of the public, to have an anti-social behaviour complaint made against them, as a result of them being wrongly held accountable for anti-social behaviour caused by their perpetrator, and thereby more likely to be evicted.¹⁵ In addition to calling for the current definition of anti-social behaviour to be narrowed, DAHA also call for greater training and resources to ensure that local authorities and housing providers fully investigate anti-social behaviour before exercising their power to evict or exclude individuals from their homes. We echo these concerns and urge the Committee to introduce safeguards to ensure that Respect orders are not inappropriately used – either in instances where more specific

¹⁵ Written Evidence submitted by Domestic Abuse Housing Alliance to the Renters’ Rights Public Bill Committee (RRB81), October 2024.

orders are appropriate or in circumstances which will harm the victim. Unless such steps are taken, we consider that the provision should be removed.

39. We therefore urge the Bill Committee to amend the Bill as follows:

Clause 1

Clause 1(2), page 3, line 34, remove Clause C1

Explanatory Statement

This amendment removes the provision permitting respect orders to exclude the respondent from their home.

Requirements and Supervision (Clause D1)

40. We support the measures contained within Clause D1 to introduce supervisory requirements in relation to Respect Orders. In particular, we are pleased that supervisors will be required to submit evidence to the court about the suitability and enforceability of an activity (Clause D1(2) and that the court will be required to assess the compatibility of requirements (Clause D(3). This will address problems with existing orders or injunctions that impose prohibitions and requirements that contradict one another or otherwise inappropriate, leading to a respondent being “set up to fail”.
41. We consider that the creation of a supervisor will help ensure that a respondent is supported to access services that will be beneficial to them, whilst also providing a contact person for the respondent, whom they can communicate with, should they need help understanding the effect of the Respect Order and/or be experiencing difficulties complying with the requirement, for reasons out with their control. We consider that the provisions in D1 will increase confidence in Respect Orders and lead to courts being less reluctant to impose requirements, where they are appropriate, proportionate and have been considered in the light of the respondent’s particular circumstances.
42. We also fully support the provision of warnings under H1 of the Bill.

Applications without Notice and Interim Respect Orders (Clause E1 – F1)

43. Clause E1 provides that applications for Respect Orders can be made without notice and Clause F1 makes provision for the court to grant an Interim Respect Order following a without notice application. Interim

Respect Orders function in the same way as full Respect Orders except that they cannot impose activity requirements. They can be imposed “*until further notice*” or until the final hearing of the application for a full Respect Order.

44. We do not consider that there is any rational basis to provide for without notice applications or Interim Respect Orders. For reasons provided at paragraphs 24 and 26, the imposition of a Respect Order must be accompanied with robust procedural safeguards. Allowing for applications to be made without notice undermines this. We are particularly concerned about the ability to mis-use Interim Respect Orders. For example, over 70% of respondents to our survey experience difficulties imposing positive requirements and activity requirements, meaning that they are rarely used. In light of this, we are concerned that some applicants might be incentivised to apply for an Interim Order without notice, knowing that it will be easier to obtain than a full Respect Order and knowing that they are unlikely to impose activity requirements anyway.
45. Moreover, should a case of anti-social behaviour be so serious or urgent as to merit either a without notice application or interim order, it is highly likely that a different course of action, including a criminal justice intervention is more appropriate. There also exists a range of Behavioural Control Orders designed to protect specific persons from the targeted attacks of another, as referred to at paragraph 25. Many of these are available on an interim basis. Introducing interim Respect Orders further contradicts the repeated calls from practitioners who to streamline and “fix” existing orders, rather than introducing further tools and layers that risk of overlapping and making enforcement decisions more difficult. Finally, it is also unclear how the requirement to undertake a Risk Assessment will apply to Interim Orders and/or without notice applications.
46. We therefore urge the Bill Committee to amend the Bill as follows:

Clause 1

Clause 1(2), page 5, after line 31, leave out Clause E1.

Explanatory Statement

This amendment removes the provision permitting respect orders to be applied for without notice.

Clause 1

Clause 1(2), page 6, after line 7, leave out Clause F1.

Explanatory Statement

This amendment removes the provision creating interim respect orders.

Requirement to Carry out Risk Assessment (Clause J1)

47. We support the measures introduced by Clause 1(2) at Clause J1 to make it mandatory for relevant authorities to conduct a risk assessment prior to imposing a Respect Order. Doing so will help to mitigate against the improper use of Respect Orders and to ensure that they are only imposed after other less invasive measures have been considered. Practitioners we engaged with explained that best practice dictates that Behavioural Control Orders, including Community Protection Notices, should be viewed as a form of escalation and should only be imposed after other interventions e.g., mediation and anti-social behaviour contracts, have been attempted. However, our research shows that this is not always the case and risk assessments are not universally undertaken, notwithstanding the existence of guidance suggesting that they should be. We are therefore pleased that risk assessments will be placed on a statutory footing.
48. **We encourage the Bill Committee to consider an amendment to ensure that risk assessments of the kind set out at Clause J1 are conducted by relevant authorities prior to the use of *any* anti-social behaviour power under the Anti-Social Behaviour Crime and Policing Act 2014 and at the earliest opportunity.** This includes in respect of Community Protection Notices, Community Behaviour Orders, Dispersal Powers etc. Such an amendment will ensure that the most appropriate and effective power is being used and will help to prevent against the inconsistent and unsafe practices referred to at paragraphs 4 – 11.

Guidance on Respect Orders (Clause M1)

49. We welcome the provision of further guidance setting out how Respect Orders should be used. To ensure that the Guidance is fit for purpose, we recommend that the Bill be amended to require the Secretary of State to consult with specific parties. This is based on findings from our report, roundtable and survey whereby relevant experts and practitioners expressed frustration that their perspectives had not been sought in respect of previous guidance and policy developments. Failure to properly consult has meant that opportunities to resolve problems with the way that orders operate in practice, or increase the

effectiveness of orders, are often missed. It has also led to guidance being drafted in such a way as to cause further problems for those imposing orders.

50. We therefore urge the Committee to amend the Bill as follows:

Clause 1

Clause 1(2), page 9, after line 35, insert –

(4) Before issuing guidance, the Secretary of State must consult –

- (i) representatives of police forces,**
- (j) representatives of local authorities,**
- (k) representatives of housing providers,**
- (l) persons representing the interests of victims,**
- (m) persons representing the interests of homeless persons,**
- (n) legal practitioners,**
- (o) any other persons or bodies the Secretary of State considers appropriate**

Explanatory Statement

This amendment requires the Secretary of State to consult with certain persons and bodies before issuing guidance on respect orders.

Duty of Secretary or State to conduct Review of Behavioural Control Orders under the 2014 Act (proposed Clause 1(4))

Clause 3 – Dispersal Powers

51. Dispersal Powers gives police officers powers to require individuals to leave an area for 48 hours. Failure to comply with a dispersal direction is a criminal offence. Clause 3 of the Bill extends the period that a dispersal direction can be in place from 48 hours to 72 hours. We oppose measures to increase the duration of dispersal directions without additional safeguards being imposed to ensure that they are being used lawfully, proportionately and in circumstances that warrant them. Dispersal Powers can prevent individuals from accessing critical services like foodbanks and medical facilities and are

disproportionately imposed on those experiencing homelessness¹⁶ or even against those who provide support services e.g., a disabled wheelchair-user was targeted by a Dispersal Power for handing out food to persons experiencing homelessness.¹⁷ There is also evidence of Dispersal Powers being inappropriately used to restrict the right of freedom of assembly and protest.¹⁸

52. We therefore urge the Bill Committee to amend the Bill as follows:

Clause 4

Clause 4, Page 11, after line 23, insert:

“(d) in subsection 1, replaced “(2) and (3)” and replaced with “(2), (3) and (3A)”

“(e) after subsection (3) insert –

“(3A) The third condition is that the constable considers that giving a direction will not, so far as practicable, interfere with –

(a) the times, if any, at which the person normally works or attends any educational establishment;

(b) the requirements of any other court order or injunction to which the person is subject; (c) the person’s religious beliefs, and

(d) the person’s attendance at any support service or health service”.

Explanatory Statement

This amendment inserts a new subsection into section 35 of the Anti-social Behaviour, Crime and Policing Act 2014 requiring that the imposition of a dispersal direction will not, as far as practicable, interfere with a person’s ability to attend an educational establishment; the requirements of a court order; the person’s religious practice and the person’s attendance at a support or health service.

¹⁶ Sheffield Hallam University, [*Living within a Public Spaces Protection Order: the impacts of policing anti-social behaviour on people experiencing street homelessness*](#), (2022).

¹⁷ The Manifesto Club, [*Dispersal notices—the crime of being in a public place*](#), (2016).

¹⁸ BBC News, [*Dispersal orders ‘not fair’ on young people who bear the brunt of them*](#), (2024).

Clause 4 – Increasing Fines for Community Protection Notices and Public Spaces Protection Orders

53. Clause 4 will increase the amount payable under a Fixed Penalty Notice for breaching a CPN and PSPO from £100 to £500. This is disproportionate and should be abandoned. **Contributors to our roundtable and survey were clear that increasing fines will not be a deterrent to perpetrators** given that fines often go unpaid. Further, it is already within the relevant authority’s discretion to prosecute a breach of a Community Protection Notice or Public Spaces Protection Order whereby they could recover £2,500 or £1,000 respectively. Moreover, research shows a significant proportion of Community Protection Notices and Public Spaces Protection Orders are being imposed in inappropriate circumstances, either upon individuals who are experiencing homelessness or mental illness or in cases where the behaviour complained of falls far below the threshold for antisocial behaviour.¹⁹ Furthermore, we understand that a number of local authorities outsource the enforcement of orders to private companies, with nearly 200,000 FPNs being issued on this basis in 2021-2022.²⁰ We understand that under these arrangements, private companies can be paid commissions on a target-basis, leading to concerns that orders are being issued for income-generating and commercial purposes rather than being used to tackle antisocial behaviour.²¹
54. It is not necessary to extend the power to impose Public Spaces Protection Orders to partners under the Community Safety Accreditation Scheme given that the 2014 Act already provides local authorities with the ability to delegate authority.
55. We therefore urge the Bill Committee to amend the Bill as follows:

Clause 4

Page 11, line 29, leave out Clause 4.

Explanatory Statement

This amendment removes the provision increasing the penalty for a breach of Community Protection Notice or Public Spaces Protection Order from £100 to £500.

¹⁹ Manifesto Club, '[PSPOs: the use of 'busybody' powers in 2022](#)' (July 2023).

²⁰ [Freedom of Information data](#) collated by Manifesto Club, (January 2023)

²¹ Evidence submitted by delegates at our Practitioner’s Roundtable; see also Manifesto Club, '[Campaign to End Fining for profit](#)' (September, 2022); '[The Corruption of Punishment – Report](#)', (2022)

Clause 7 – Provision of information about anti-social behaviour to Secretary of State

56. Clause 7 inserts a new provision into the 2014 Act to require relevant authorities to make certain information available to the Secretary of State, concerning anti-social behaviour.
57. We welcome this clause, which will help improve transparency and accountability. However, in order to be truly effective in this aim, we recommend that it be amended to also require the regulations to stipulate:
- (a) the manner and form by which relevant authorities must collect data;
 - (b) that data collected must also include information relating to the protected characteristics or vulnerabilities of those subject to anti-social behaviour powers; and
 - (c) to require relevant authorities to publish data relating to the use of anti-social behaviour powers.
58. The lack of data is a critical issue within the framework for Behavioural Control Order regime – one that requires addressing urgently.²² In particular, there are significant gaps and variations in data capture across relevant authorities. Information obtained via interviews, as well as FOI data, shows worrying variation in the types of data collected,²³ the quality of data collected, the means of inputting the data, the location of the data,²⁴ and the ability for the data to be extrapolated and shared internally, as well as with relevant agencies where appropriate to do so. We understand that there is no single, central, and universally accessible database or platform where information about Behavioural Control Orders under the 2014 Act can be found. Without data it is not possible to adequately assess the effectiveness of Orders, nor is it possible to fully understand trends arising out of their imposition, enforcement and breach – including any disproportionate impacts. It limits the availability of an evidence base which can inform future policy decisions regarding Orders.²⁵ Of particular concern is how enforcement bodies are

²² JUSTICE, '[Lowering the Standard: a review of Behavioural Control Orders in England and Wales](#)' (2023), pp. 3.129 – 3.134

²³ For example, although some police forces were able to provide detailed information, many were not able to respond to a FOI request about conditions imposed as part of SPOs, as the forces did not have a central record of information. A similar trend was observed in response to FOI requests concerning SRO conditions. A number could not provide information about which conditions were breached, how often they were breached and whether other Orders were also in place

²⁴ Several Freedom of Information responses obtained by JUSTICE explained that information was spread across databases and records and across different departments.

²⁵ This is particularly relevant given that many Impact Assessments state that it is difficult to quantify costs, volumes, and breach rates for new Orders – presumably inhibited by a lack of data.

monitoring their use of Orders to identify room for improvement and training. Moreover, it is not clear how they are adequately complying with the Public Sector Equality duty during their imposition and enforcement decisions – given that data capture in relation to ethnicity, mental ill-health, neurodiversity and substance use disorder appears to be so poor.

59. We therefore urge the Bill Committee to amend the Bill as follows:

Clause 7

Page 16, line 12, replace “.” with “and,” and insert –

(d) the protected characteristics and vulnerabilities of persons subject to anti-social behaviour powers under this Act.”

Explanatory Statement

This amendment requires the regulations introduced by the Secretary of State under Clause 7 to require that relevant authorities provide information about the protected characteristics and vulnerabilities of persons subject to anti-social behaviour powers.

Clause 7

Page 16, line 17, leave out “or”.

Page 16, line 19, replace “.” with “and,” and insert -

“(e) publish information.”

Explanatory Statement

This amendment provides that the regulations introduced by the Secretary of State under Clause 7 may require relevant authorities to publish information relating to anti-social behaviour.

Clause 7

Page 16, line 24, leave out “.” and insert –

“(c) about the form and manner in which information must be collected.”

Explanatory Statement

This amendment requires the regulations introduced by the Secretary of State under Clause 7 to make provision for the form and manner in which relevant authorities must collect information about anti-social behaviour.

For more information, please contact:

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