

Civil Injunctions

ASB prevention advice for businesses

TOP TIPS

- Anti-social behaviour is defined as acting in a manner that caused, or was likely to cause, harassment, alarm or distress to another person.
- Injunctions can be used to stop anti-social behaviour such as graffiti, drugs, public drunkenness, and aggressive begging.
- Injunctions can be issued to anyone aged 10 or over.
- Report all instances of ASB to the Police so the extent of an offender's behaviour is known. You may not be the only business suffering and collectively you will have evidence that will help an application for an injunction.
- Use your business's existing internal reporting mechanisms such as incident logs, health and safety records, or loss prevention reports to record details of the alarm, harassment or distress caused to victims and the impact upon your business.

Civil Injunctions are designed to address anti-social behaviour at the earliest opportunity. They can be applied for by a variety of agencies including Police, Councils, Social Landlords, and some transport authorities.

The application for the Injunction is heard in a County Court or Youth Court rather than a Criminal Court. The County Court must be satisfied that the evidence presented shows it is 'more likely than not' that an individual has engaged in anti-social behaviour. The court must also be satisfied that it is "just and convenient" to grant the injunction to stop the behaviour.

The injunction can contain prohibitions preventing an individual from behaving in a specific way, associating with specific people, or prevent them from entering specific places. Injunctions have no minimum or maximum length.

A breach of a Civil Injunction is not a criminal offence but can be penalised by an unlimited fine or up to two years in prison.



Evidence for an Injunction

The evidence gathered for a Civil Injunction will be used to show the Court the alarm, harassment, and distress caused by an individual and why prohibitions are needed to stop their behaviour.

The evidence will align with the requested prohibitions, so a prohibition preventing an individual entering a certain location will be granted based on evidence showing the person being anti-social in that location.

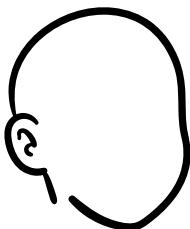
Evidence can be from a variety of sources. It can include witness statements, banning letters, CCTV, diaries logging the incidents of anti-social behaviour, photographs of damage, litter or drugs paraphernalia, incident logs from security staff, or police records.

Statements

Providing a statement can be a daunting prospect for many people but they are an opportunity for business communities and individuals who are victims of anti-social behaviour to explain what they are experiencing and the effect it is having.

Business Impact or Community Harm Statements may be provided by people not directly exposed to the anti-social behaviour but can provide an overview of the effect upon those who are subject to the behaviour. The statement could be prepared by a Town Centre Manager, Head of a Business Crime Reduction Partnership, or Neighbourhood Policing Team.

A Victim Impact Statement provides a personal account of someone's experience of anti-social behaviour. In addition to an overview of the behaviour it asks the crucial question of "*how did this make you feel*" to show the Court the alarm, harassment or distress the victim experienced.



Hearsay Evidence

There will be cases where a witness wants to provide evidence but is too vulnerable or too frightened of reprisals from the person, or group, committing the anti-social behaviour to do so. In this situation evidence can be presented anonymously on their behalf by a professional such as a Police Officer or Manager.

Examples of Prohibitions

Prohibitions are written to stop the specific the anti-social behaviour being committed. Examples of some common themed prohibitions are below.

- Not to approach persons unknown, or sit outside businesses to ask for money or alms in (add location)
- Not to act or incite others to act in a manner that causes, or is likely to cause, harassment alarm or distress to one or more persons not in the same household.
- Not to enter the exclusion zone denoted in red on the attached map at any time, save for the attendance at the police station or solicitors offices by prior appointment

If you are experiencing anti-social behaviour report it to your local police force.

