

Derbyshire Community Protection Notice (CPN) Guidance Document

Version 2.1 May 2024



Derby & Derbyshire
Safer Communities

Change History

Date	Version	Reason
23/9/20 – 15/4/21	Versions 0.0 – 0.7	Development drafts
30/4/21	Version 1.0	Approved by Derbyshire ASB Sub-Group
20/5/21	Version 1.0	Approved by Derbyshire Safer Communities Core Group
24/6/21	Version 1.0	Approved by Derbyshire Safer Communities Board
19/1/24	Version 2.0	Multi-agency Task and Finish Group Review to update guidance to incorporate the Home Office 'Statutory guidance for frontline professionals' (updated March 2023) and the Manifesto Club 'Guidance for local authorities on issuing CPNs' (July 2023). Approved by Derbyshire ASB Sub-Group
24/4/24	Version 2.1	Document reformatted on new community safety branding and support services available from Remedi updated following funding changes.
17/5/24	Version 2.1	Approved by Derbyshire Neighbourhood Crime and ASB Board, with a minor post-meeting amendment to the CPNW template, approved by the Chair on 17/5/24
29/5/24	Version 2.1	Approved by Safer Derby Board
21/6/24	Version 2.1	Approved by Derbyshire Safer Communities Board

The information contained within this document was correct as at January 2024.

Practitioners should be aware that case law and legislation is constantly changing.

The provisions of the legislation must be read and interpreted in conjunction with the latest statutory guidance issued, pursuant to Section 56 of the ASB Crime and Policing Act 2014.

Legal advice, should be sought, as appropriate / required.

Contents

INTRODUCTION 5

BACKGROUND 5

 What is a Community Protection Notice (CPN)? 5

 Who can issue a CPNW/CPN? 5

 What is the legal test for a CPNW/CPN? 6

 Related Documents 6

PRINCIPLES 6

 Incremental approach to enforcement 6

 Complement not replace existing powers 7

 Local authority powers 7

 Police powers 7

 Reasonableness and Proportionality 7

 Neighbour disputes 7

 Third parties 8

 Assessing proportionality 8

 Effective information sharing 8

 Multi-agency involvement 9

 Lead Agency 9

 Young people 10

 Referrals 10

 Communication 11

 Victims 11

 Perpetrators 11

 Serving the CPNW/CPN 11

 Quality not quantity 12

 Term 13

 Approval 13

 Compliance monitoring and breach enforcement 13

 Compliance Monitoring 13

 Breach 13

 Case management and recording 14

 Recording 14

 Review 14

 Support for victims and witnesses 15

RESOURCES 15

APPENDIX A 16

 Flowchart 16

APPENDIX B 17

 CPNW Template 17

APPENDIX C 20

 CPNW Approval Checklist 20

APPENDIX D 23

 CPN Template 23

APPENDIX E	29
CPN Approval Checklist	29
APPENDIX F	32
ASB Perpetrator Proportionality Assessment	32

INTRODUCTION

In Derbyshire, there are well established structures and processes, which ensure strong partnership working in relation to the management of anti-social behaviour (ASB).

The aim of this guidance is to encourage a consistent approach towards the incremental enforcement of ASB in Derbyshire, by setting out the key principles and elements of good practice, which partners should follow when using CPNs, which are just one of the tools available to tackle ASB.

This guidance has been produced by Safer Derbyshire, in consultation with, and on behalf of partners in Derbyshire and is intended to complement, not replace, individual agency ASB policy and procedures.

BACKGROUND

Community Protection Notices (CPNs) were introduced by the Anti-Social Behaviour, Crime and Policing Act 2014 and the Home Office issued the '[Anti-Social Behaviour, Crime and Policing Act 2014: Anti-social behaviour powers - Statutory guidance for frontline professionals](#)', in July 2014 (updated March 2023). The statutory guidance sets out how CPNs can be used to deal with persistent, unreasonable behaviour that is having a detrimental effect on the quality of life of the local community.

What is a Community Protection Notice (CPN)?

A CPN is a notice, issued to an individual over the age of 16, or an organisation, which can include any, or all, of the following:-

- a requirement to stop the behaviour that is causing the problem
- a requirement to do specified things
- a requirement to take reasonable steps to avoid further ASB.

A CPN must always be preceded by a written Community Protection Notice Warning (CPNW) and reasonable time allowed for compliance.

Who can issue a CPNW/CPN?

A CPN can be issued by an authorised person:-

- Council officers, delegated by the relevant local authority
- Police officers
- Police Community Support Officers (PCSOs)
- Social landlords (if designated by the local authority).

What is the legal test for a CPNW/CPN?

A CPNW/CPN can be issued by an authorised person if they are satisfied, on reasonable grounds, that the conduct of an individual, or organisation, is:-

- having a detrimental effect on the quality of life of those in the locality;
- persistent, or continuing, in nature; and
- unreasonable.

Related Documents

This guidance should be read in conjunction with the following documents:-

- [Anti-Social Behaviour, Crime and Policing Act 2014: Anti-social behaviour powers - Statutory guidance for frontline professionals](#)
- Derbyshire Safer Communities Board ASB Protocol
- Derbyshire ASB Information Sharing Agreement
- Local ASB Protocols produced by each Community Safety Partnership
- ASB policies or procedures produced by each organisation
- Local authority enforcement policy.

The Derbyshire policy documents are available on the [Safer Derbyshire website](#).

PRINCIPLES

CPNs can be an effective tool to manage ASB in Derbyshire, providing they are used appropriately. To maintain their effectiveness, the following principles should be followed:-

- Incremental approach to enforcement
- Complement, not replace, existing powers
- Reasonableness and proportionality
- Effective information sharing
- Multi-agency involvement
- Communication
- Quality not quantity
- Effective compliance monitoring and breach enforcement
- Effective case management and recording
- Support for victims and witnesses

Incremental approach to enforcement

CPNs are part of the incremental approach to ASB enforcement used by partners in Derbyshire. CPNs may be used when it is appropriate, proportionate and necessary, in order to prevent escalation of the ASB and achieve long-term behavioural change.

CPNs must always be preceded by a written warning (CPNW), which, in many cases, will be effective in stopping the ASB. If the ASB, and the unreasonable behaviour outlined in the CPNW continues, a CPN can be issued. The breach of a CPN could result in further enforcement action.

If there are changes in the type of ASB that was addressed in the original CPNW, a new CPNW with different conditions to address the new behaviour will be required, rather than progression to a CPN.

Complement not replace existing powers

CPNs should be used to complement and not replace existing powers. It is a principle of law that a specific power should be used in preference to a general one, so it is important to consider which power, or approach, is most appropriate in each case.

Local authority powers

Examples of existing local authority powers include the Environmental Protection Act 1990, in relation to statutory nuisance, and the Clean Neighbourhoods and Environment Act 2015 for dog fouling, litter, fly tipping etc. Local authorities have a duty to investigate issues that could be a 'statutory nuisance', so partners must ensure Environmental Health are involved in responding to noise related ASB. These local authority powers should also be considered, meaning a CPN may not be the most appropriate tool to use.

Police powers

A CPN should not be pursued as an alternative to a prosecution, where the ASB is criminal in nature. However, depending on the length of time for the criminal case to get to court, a CPN may sometimes be considered 'necessary' to protect the public from harm, from the defendant, in the short-term.

Reasonableness and Proportionality

Before issuing a CPNW/CPN, you must be satisfied that the [legal test](#) for a CPN is met. CPNWs and CPNs should only be issued to the person perpetrating the ASB or, in certain cases, the person who can control or affect the behaviour. (See *Third Parties, below*)

Neighbour disputes

It should be established that the ASB is having a genuine detrimental effect on the quality of life of the local community. You should, therefore, establish the views of other residents in community as part of the evidence gathering process, whilst avoiding increasing any risks to the parties concerned in the original complaint - for example, conducting a general resident survey about ASB in the locality. A common-sense approach to the definition of term 'locality' is required – for example, the number and range of affected people will differ between a rural area and an urban area.

CPNWs could be used where there are just two parties in a neighbour dispute, to prevent escalation of the ASB that could affect the wider community, providing it is assessed as reasonable and proportionate to do so. If the CPNW is breached, the impact of the ASB on the wider community should be established before issuing a CPN.

Agencies should consider the possibility of victimisation being experienced by the intended recipient of a CPNW / CPN, i.e. as part of a neighbour dispute. These situations may need to include an assessment of who is the main victim and who is the main perpetrator.

It is strongly recommended that advice is sought from your organisation's legal department when considering a CPN for ASB relating to a neighbour dispute.

Third parties

In some cases, a CPNW/CPN could be issued to a third party who can reasonably control, or affect, the behaviour, taking into account all the available information about the circumstances of the case. Due to case law, it is strongly recommended that advice is sought from your organisation's legal department in these circumstances.

Assessing proportionality

To help assess whether the decision to pursue a CPNW/CPN is reasonable and proportionate, you should undertake an impact assessment, such as your organisation's Equality Impact Assessment or an ASB Perpetrator Assessment, which is included at [APPENDIX F](#).

The assessment is essential to consider all vulnerabilities and potential implications of issuing a CPNW/CPN. Examples of vulnerabilities include homelessness, mental health, autism, learning disabilities and the [protected characteristics](#) under the Equality Act 2010.

Effective information sharing

Sharing information amongst agencies is essential to establish a full understanding of the ASB, the perpetrator(s) and the victim(s), before making a multi-agency decision, at the local ASB Meeting, about appropriate interventions.

To reduce duplication, information about ASB incidents and perpetrators should be shared to facilitate the multi-agency approach to enforcement. The final decision, as to whether a CPNW/CPN is appropriate, rests with the organisation issuing the CPNW/CPN, but it is good practice for all partners to share evidence of the 'unreasonable conduct' for inclusion on the CPNW/CPN.

A copy of the CPNW/CPN should be shared with partner agencies who can support victims and perpetrators and assist with monitoring compliance with the terms imposed, where appropriate. (See [Compliance monitoring and breach enforcement](#)).

The documentation should be uploaded to the perpetrator's Profile on ECINS (See [Case management and recording](#)).

Under Section 115 of the Crime and Disorder Act 1998, information should be shared with the relevant authority (police, local authority, fire service, probation service or health authority) for the purposes of reducing ASB. The 'legal gateway' to sharing information in Derbyshire is provided by the Derbyshire ASB Information Sharing Agreement.

Multi-agency involvement

Best practice shows that the multi-agency approach is essential to effectively tackle ASB and should include:-

- all partner agencies that are currently working, or could work, with the perpetrator to stop the ASB and address the underlying causes; and
- all partner agencies that are currently providing, or could provide, support for the victim.

CPNs should be part of a 'considered', longer term multi-agency approach to tackling the ASB, rather than a single agency 'immediate' response to an ASB complaint. Exceptions to this might be:-

- Housing taking enforcement action against environmental issues, such as untidy gardens.
- On the spot CPNWs issued as part of a targeted enforcement campaign to address ASB in a hotspot area.

Lead Agency

Where the ASB involves several partner agencies, the discussion about whether it is appropriate to pursue a CPN should be through local multi-agency ASB Meetings, in accordance with local partnership arrangements. This discussion will ensure that agencies do not take conflicting action regarding the individual(s), however, the final decision rests with the appropriate manager and/or legal representative of the Lead Agency.

The decision about which partner agency should issue the CPNW/CPN should be based on which partner has the statutory responsibility for dealing with the main type of ASB to be addressed.

For example:-

- If the ASB is criminal in nature and the ASB has only been reported to the police, then the CPNW should be issued by the police.
- If the ASB has only been reported to the local authority, then the local authority should issue the CPNW.
- If incidents of ASB have been reported to both partners, then there should be a discussion about the most appropriate agency to issue the CPNW, based on the main issues but, in most circumstances, it would be issued by the local authority.

In the event of a further ASB, the agency which issued the CPNW should issue the CPN, unless there are any specific protocols in place, such as between a housing provider and the relevant local authority. If the CPN is breached, the issuing agency should take the breach enforcement action (See [Compliance monitoring and breach enforcement](#)).

To demonstrate to the perpetrator that agencies are sharing information and working in together to tackle the ASB, CPNWs and CPNs can include the logos of all partner agencies but, within the text of the warning/notice:-

- it must be very clear who is the issuing officer and what organisation they represent.
- it should state which partner agencies they are working with.

Young people

Due to the number of agencies that should be involved where there is ASB relating to a young person, a single-agency CPN should not be considered for a 16–18-year-old, or a parent.

Where the ASB perpetrator is aged 16-18, the Youth Justice Service should always be informed. This does not mean that the YJS must agree to the CPN, rather that they are aware and given the opportunity to comment. It also means that they can address the ASB issues, if the perpetrator is under their supervision, or is eligible for the Turnaround Programme.

Referrals

Neighbour disputes can be referred to Remedi for mediation, which may avoid the need to consider a CPNW/CPN.

The Lead Officer should work with partner agencies to identify a range of options that can be offered to the individual, to help change their behaviour, and be included within the CPNW/CPN. The support should be tailored to the individual, but examples include:-

	Young People	Adults
Restorative approaches (Remedi)	✓	✓
Immediate Justice (includes ASB Workshop) (Remedi)	✓ ¹	✓
Turnaround Programme (Derby Youth Justice Service / Derbyshire Youth Justice Service)	✓	
Mediation (Housing provider)		✓
Intervention Workshop (Derbyshire Constabulary Youth Engagement)	✓	
Diversions activities (Local providers)	✓	
Counselling (Local providers)	✓	✓

¹ Age 12 and above

In developing a support package, you should consider what you already know about the individual and the positive activities they have been involved in, or could become involved in.

Communication

Victims

Agencies should maintain regular communications with the victim, until the ASB is resolved.

Effective communication with victims means that victims:-

- feel they are being taken seriously and their complaint isn't being ignored, particularly if they do not see immediate changes to the perpetrator's behaviour.
- are kept informed while consideration is being given to deciding the most appropriate response.
- are aware of agencies' intended course of action.
- know what they need to do to assist any enforcement action.
- feel more reassured.

For partner agencies, it means that practitioners:-

- better understand the harm being caused by the ASB.
- understand what the victim sees as a resolution, which might be remedial action, rather than 'punishment'.
- have better evidence to support enforcement action.
- receive fewer calls for service.

Perpetrators

Agencies should communicate with the alleged perpetrator before the CPNW is issued to verify the basis of the allegations against them and understand the ASB issues from all perspectives.

It is important to ensure that perpetrators are aware of their unacceptable behaviour and have chance to amend it before the CPNW /CPN process commences. They must fully understand:-

- that their behaviour is unacceptable.
- the impact of their behaviour on others.
- what standards of behaviour are expected.
- what behaviour will not be tolerated and what needs to change.
- action that will be taken if the ASB does not stop.

Some ASB perpetrators are not able to fully understand the CPNW/CPN conditions and the potential consequences due to their personal vulnerabilities. The Equality Impact Assessment, or ASB Perpetrator Assessment, must be completed to assess their understanding and determine whether a CPNW /CPN is appropriate (See [Reasonableness and Proportionality](#)). Advice should be sought from your organisation's legal department in these circumstances, to ensure enforcement of the CPNW/CPN would be valid.

Serving the CPNW/CPN

When issuing the CPNW or CPN, it should be accompanied by a covering letter, which should detail who the recipient should contact if:-

- they do not understand the Warning or Notice.
- they cannot comply with the requirements.

- they wish to complain or appeal against the CPN.

Good practice is for CPNW/CPNs to be hand delivered to the individual, by the most appropriate agency, and recorded on body worn video, if possible.

Quality not quantity

By prioritising resources and targeting the most serious perpetrators of ASB, CPNs should also be an effective deterrent to others.

A CPNW template is included at [APPENDIX B](#).

A CPN template is included at [APPENDIX D](#).

Wording

The wording of the CPNW or CPN is crucial to its effectiveness and enforceability. It must:-

- Outline the specific behaviour that is considered anti-social and causing the 'detrimental effect on the quality of life of those in the locality'.
- Clearly, state the time by which the behaviour is expected to have changed.
- Include requirements that are no more than is 'necessary' to address the specified ASB.
- Set realistic timescales for recipients to undertake remedial action, which should be proportionate to the risk of harm.
- Set out the potential consequences of non-compliance and the sanctions, if breached.

It can include any, or all, of the following:-

- a requirement to stop doing specific things
- a requirement to do specific things
- a requirement to take reasonable steps to achieve specific results.

The wording should be:-

- Clear and easy to understand so that the individual knows exactly what they are prohibited from doing.
- Reasonable and proportionate, realistic and practical.
- Worded in such a way to make it easy to determine, and prosecute, a breach.

The wording should not:-

- Mirror a criminal offence, if the sentence for the offence should be sufficient deterrent.
- Criminalise ordinary activities that are not, in themselves, harmful (e.g. walking down a particular street, looking at a neighbour).
- Be a general requirement (e.g. not to cause nuisance to any person in the locality).

Multi-agency involvement, consultation and information sharing will improve the quality of the CPNs by ensuring that different types of ASB, reported to different agencies and departments, are addressed within one CPN.

Many CPNWs or CPNs will be straightforward and similar wording could be applied, however, for more complex cases and those involving young people, advice should be sought from your organisation's legal department.

Term

In accordance with good practice, CPNW and CPNs should not be issued for an indefinite time period. The appropriate term of a CPNW or a CPN is six to twelve months for adults, however, a shorter term of three to six months is usually more appropriate when issued to young people or parents.

Approval

It is important that officers follow local, and internal, procedures that have been put in place to 'quality check' CPNW and CPN documentation before it is issued. Approval Checklists for Managers and Legal Representatives are included at [APPENDIX C](#) and [APPENDIX E](#), to support this quality check process. The completed checklist should be uploaded to the ECINS Profile by the Lead Officer.

Compliance monitoring and breach enforcement

Compliance Monitoring

To maintain public confidence and the integrity of the enforcement action, the terms of the CPNW, or CPN, must be effectively monitored and further enforcement action taken, if necessary.

Depending on the nature of the ASB, partner agencies, who have a role to play in monitoring compliance, need to be aware of the restrictions and requirements imposed.

Where it is necessary and proportionate, victims may also need to be made aware of relevant restrictions and requirements imposed by a CPNW or CPN, to assist in determining whether behaviour constitutes a breach.

Breach

The continuance of the behaviour that is having 'the detrimental effect on those in the locality' constitutes a breach of the CPNW or CPN. **It is important to respond to every breach and not to let further ASB pass by, seemingly unnoticed.**

The agency which issued the CPNW should issue the CPN, unless there any specific protocols are in place, such as between a housing provider and the relevant local authority.

The agency that issued the original CPN should be the lead prosecuting agency for any breach action, but information from other partner agencies can be used as evidence of the behaviour that constitutes the breach.

Failure to comply with a CPN, without reasonable excuse, is a criminal offence which can result in:-

- A fine
- A Fixed Penalty Notice (FPN)
- Remedial action (local authority only)
- Remedial Orders

- Forfeiture Orders
- Seizure

NB – In 2023, Derbyshire Constabulary removed the ability for Police officers or staff to issue FPNs (also known as Penalty Notices for Disorder (PNDs)). Despite this the police still have a range of investigative and disposal options to deal with the breach of a police-issued CPN, including prosecution where proportionate to do so. Breach of a CPN is a criminal offence (although not ‘notifiable’ under Home Office Crime Recording rules). Police officers, or staff, dealing with a breach of CPN should record it on Niche and attach any investigative paperwork to the case file. The necessity test should always be considered prior to any arrest and the most appropriate disposal option considered by the supervising Sergeant or Charge Manager.

If Police officers or staff acting, as an authorised person, believe that a FPN is the most appropriate option to deal with a breach of local authority issued CPN, they should follow the local protocol agreed with the local authority, if one exists, prior to proceeding with this outcome.

The number of FPNs issued for breach of the CPN should be considered on a case-by-case basis, taking into account any aggravating factors. It should be noted that payment of a FPN discharges any liability for the breach offence.

If an FPN is not paid, the issuing organisation may decide it is appropriate to prosecute for the original breach of CPN.

As part of a prosecution for breach of the CPN, it may be appropriate to also apply for a Criminal Behaviour Order.

Case management and recording

Recording

ECINS is the multi-agency ASB case management system in Derbyshire and should be used to record the interventions and actions that lead up to, and include, the CPN.

ECINS also facilitates secure information sharing. A copy of the CPNW/CPN should be uploaded to the perpetrator’s ECINS Profile to facilitate compliance monitoring. An Action should also be added to record the issuing of the CPNW/CPN and any subsequent breaches.

The perpetrator will be managed on ECINS, until the CPN has expired or been discharged.

Review

Compliance with each CPNW and CPN should be reviewed every 6 months, or sooner if considered appropriate.

The subject of the CPN should be informed of the outcome of the CPN review – either it is to be extended for a further period or, where there has been substantial compliance, it should be

discharged. It is recommended that the letter, advising that the CPN has lapsed, or discharged, should be marked 'without prejudice'.

Support for victims and witnesses

Research shows that, where victims feel supported and protected, they are more likely to be prepared to take a stand and act as witnesses to help reduce ASB. People need to have confidence that their ASB complaints will be taken seriously by statutory agencies. The support needs to follow through from the first report of the ASB, to any enforcement action, or court case, and beyond.

In Derbyshire, this service is provided by the ASB Support Workers at [Derbyshire Victim Services](#), who:-

- provide tailored emotional and practical support for all victims of ASB, regardless of whether they have reported it.
- help people access the right information and services.
- identify choices and options to help victims cope and recover from the ASB they have been experiencing and be involved in decisions that affect them.
- offer a restorative approach to resolving ASB incidents/conflicts, where all parties agree to be involved.

For more information, contact Derbyshire Victim Services on 0800 6126505.

RESOURCES

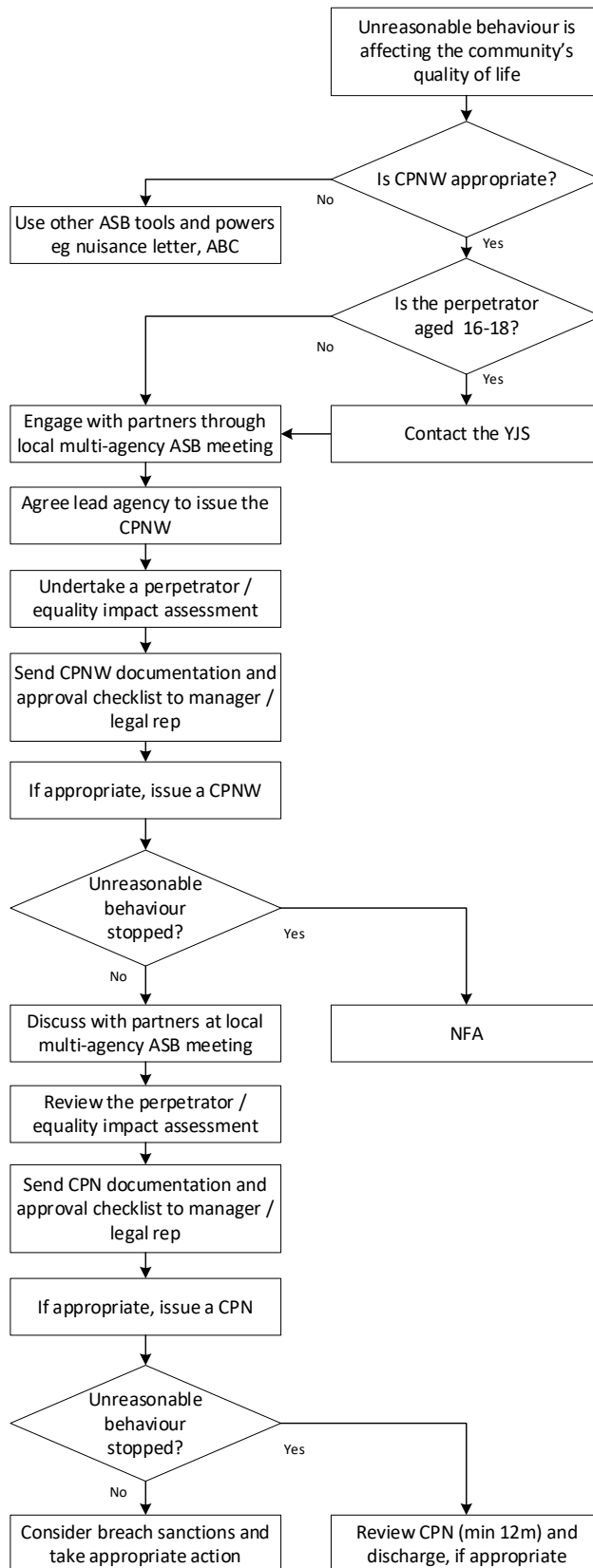
A flowchart detailing the process for CPNW/CPNs is included at [APPENDIX A](#).

The CPNW/CPN templates are included at [APPENDIX B](#) and [APPENDIX D](#).

The CPNW/CPN Approval Checklists are included at [APPENDIX C](#) and [APPENDIX E](#).

The ASB Perpetrator Assessment is included at [APPENDIX F](#).

APPENDIX A
Flowchart



APPENDIX B

CPNW Template

Insert issuing organisation's logo

COMMUNITY PROTECTION NOTICE – WARNING
Sections 43-58 Anti-Social Behaviour, Crime and Policing Act 2014

Name:	
Address:	

This letter is formal notification that, as an 'Authorised Officer' of [insert name of issuing organisation](#), I am satisfied that your persistent and/or continuing conduct is unreasonable and is having a detrimental effect on the quality of life of those living in the locality.

I am, therefore, issuing you with this Community Protection Notice Warning.

Your unreasonable conduct, which is having a detrimental effect includes:-

- [Insert details of the behaviour including dates and locations and the detrimental effect it is having on the life of those in the locality](#)
-

This Warning hereby requires you to **immediately** stop the behaviour described above.

[\(This section may not be required in all cases – so either complete or delete, as appropriate\)](#)
This Warning hereby requires you to take the following action, within the specified timescales.

Action You Must Take	Deadline for when you must do this by

EXPIRY
This Community Protection Notice Warning will be effective for a period of [insert number of months](#) from the date of issue.

FAILURE TO COMPLY
Your compliance with this Community Protection Notice Warning will be monitored.

If you do not comply with any of the requirements of this Warning, you may be issued with a Community Protection Notice, or other enforcement action, without further warning.

If you are issued with a Community Protection Notice, and you fail to comply, you will commit an offence.

We will undertake a formal review of your compliance with this Community Protection Notice Warning every six months and prior to the scheduled expiry date.

Signed: Authorised Officer	
Name:	
Position:	
Date:	
Time:	

FAILURE TO COMPLY

If you do not comply with any of the requirements of this Warning, you may be issued with a Community Protection Notice, without further warning.

If you fail, without reasonable excuse, to comply with the requirements of a Community Protection Notice, you will commit an offence and liable upon summary conviction to:-

- i. A fixed penalty notice of £100 (payable within 14 days) or
- ii. A fine not exceeding level 4 on the standard scale (currently £2,500 for an individual and unlimited for a business or organisation)

To ensure that the Notice is complied with, the court may make:-

- i. A court order requiring you to:-
 - carry out specified work; or
 - allow specified work to be carried out by, or on behalf of, the local authority.
- ii. The court order requiring:-
 - you to surrender possession of any item used in your failure to comply with the Notice, to a constable or to a person representing the local authority; and/or
 - the seizure and/or forfeiture and destruction of any item that was used in the commission of the offence.

If you are convicted of breach of a Community Protection Notice, the court may also be asked to make a Criminal Behaviour Order. If such an order is made and you are convicted of breaching it, the court has the power to send you to prison for up to 5 years and/or impose a fine.

OTHER ACTION WE MAY TAKE

As part of [insert area](#) Community Safety Partnership, [insert name](#) Council works with Derbyshire Constabulary, housing providers and other organisations to tackle anti-social behaviour. The partner agencies will continue investigating complaints about your conduct.

We will consider, and use, a variety of tools available to us to collate evidence, which may include surveillance, use of CCTV, taking photos, use of noise recording equipment, patrols, joint visits, interrogation of social media and completion of diary sheets.

Other enforcement action may be taken by us and/or partner agencies, which may include further formal notices being served, an application for an injunction (with power of arrest), possession proceedings.

APPENDIX C

CPNW Approval Checklist

The **Lead Officer** must complete **Section 1**, then send this checklist, with the required documentation, to the appropriate Manager / Legal Representative.

The **Manager / Legal Representative** must complete **Sections 2 and 3** then return the CPNW Checklist to the Lead Officer for action.

<input checked="" type="checkbox"/>	Indicates CPNW should not be approved
<input checked="" type="checkbox"/>	Indicates CPNW should only be approved if specific action taken, or changes made
<input checked="" type="checkbox"/>	Indicates CPNW complies with the Derbyshire CPN Guidance

SECTION 1: TO BE COMPLETED BY LEAD OFFICER	
Documents / information provided:-	
Copy of draft CPNW	<input type="checkbox"/>
Summary of, or link to, the evidence of the ASB	<input type="checkbox"/>
Evidence of consultation with partner agencies	<input type="checkbox"/>

Name of Perpetrator:	
Address:	
DOB:	
ECINS ID:	

SECTION 2: TO BE COMPLETED BY MANAGER / LEGAL REPRESENTATIVE		
	YES	NO
Evidence of need for CPNW		
1. Does the conduct meet the legal test? <i>i.e. It is:-</i> <ul style="list-style-type: none"> • <i>having a detrimental effect on the quality of life of those in the locality;</i> • <i>persistent or continuing in nature; <u>and</u></i> • <i>unreasonable.</i> 	<input type="checkbox"/>	<input type="checkbox"/>
2. Is there evidence that the ASB is having a detrimental effect on the local 'community'? <i>(For two parties in a neighbour dispute, is there a risk of escalation that would impact the wider community?)</i>	<input type="checkbox"/>	<input type="checkbox"/>
3. Is a CPNW appropriate and proportionate to prevent escalation of the ASB and achieve long-term behavioural change?	<input type="checkbox"/>	<input type="checkbox"/>
4. Is the ASB a criminal offence? <i>(i.e. A CPNW is not an alternative to a prosecution)</i>	<input type="checkbox"/>	<input type="checkbox"/>
5. Is there other legislation that is more appropriate?	<input type="checkbox"/>	<input type="checkbox"/>
6. Has there been reasonable time for compliance with previous warnings?	<input type="checkbox"/>	<input type="checkbox"/>

Multi-agency approach		
7. Have all appropriate partners been consulted?	<input type="checkbox"/>	<input type="checkbox"/>
8. Has a multi-agency decision to issue a CPNW been made through the local ASB Meeting?	<input type="checkbox"/>	<input type="checkbox"/>
9. Is your organisation the most appropriate agency to issue the CPNW?	<input type="checkbox"/>	<input type="checkbox"/>
10. Has the Lead Officer considered all appropriate referrals to partner agencies? (e.g. <i>Intervention Workshop, Turnaround Programme, Immediate Justice</i>)	<input type="checkbox"/>	<input type="checkbox"/>
11. Has the ECINS Profile and related Case been updated?	<input type="checkbox"/>	<input type="checkbox"/>
Perpetrator		
12. Has the perpetrator previously been made aware of their unacceptable behaviour?	<input type="checkbox"/>	<input type="checkbox"/>
13. Does the perpetrator fully understand that their behaviour is unacceptable and what action will be taken if the ASB does not stop?	<input type="checkbox"/>	<input type="checkbox"/>
14. Is the perpetrator aged 16-18?	<input type="checkbox"/>	<input type="checkbox"/>
14a. If so, have the Youth Justice Service been informed?	<input type="checkbox"/>	<input type="checkbox"/>
15. Has an Equality Impact Assessment or ASB Perpetrator Assessment been completed?	<input type="checkbox"/>	<input type="checkbox"/>
16. Does the Assessment support the issuing of a CPNW?	<input type="checkbox"/>	<input type="checkbox"/>
17. Is this a neighbour dispute?	<input type="checkbox"/>	<input type="checkbox"/>
17a. If so, is there clear evidence that this individual is the main perpetrator?	<input type="checkbox"/>	<input type="checkbox"/>
18. Is the CPNW being issued to a third party?	<input type="checkbox"/>	<input type="checkbox"/>
18a. If so, can they reasonably control or affect the behaviour?	<input type="checkbox"/>	<input type="checkbox"/>
Documentation		
19. Is the CPNW on the correct template? (including the additional information about failure to comply and localised information about other action we may take)	<input type="checkbox"/>	<input type="checkbox"/>
20. Are the appropriate partner logos on the CPNW?	<input type="checkbox"/>	<input type="checkbox"/>
21. Does the CPNW outline the specific behaviour that is considered anti-social and causing the 'detrimental effect on the quality of life of those in the locality'?	<input type="checkbox"/>	<input type="checkbox"/>
22. Does the CPNW clearly state the time/date by which the behaviour is expected to have changed?	<input type="checkbox"/>	<input type="checkbox"/>
23. Is the expiry of the CPNW appropriate?	<input type="checkbox"/>	<input type="checkbox"/>
23a. If the expiry is greater than 6m, is a review date stated?	<input type="checkbox"/>	<input type="checkbox"/>
24. Does the CPNW <u>only</u> include requirements that are no more than 'necessary' to address the specified ASB?	<input type="checkbox"/>	<input type="checkbox"/>
25. Does the CPNW include requirements that would be criminal offences?	<input type="checkbox"/>	<input type="checkbox"/>
26. Does the CPNW include any general requirements that are inappropriate?	<input type="checkbox"/>	<input type="checkbox"/>

<i>(i.e. does not include requirements such as 'not to cause nuisance to any person in the locality')</i>		
27. Are all appropriate positive requirements included? <i>(e.g. Intervention Workshop, Turnaround Programme, Immediate Justice)</i>	<input type="checkbox"/>	<input type="checkbox"/>
28. Does the covering letter contain information about who to contact to query or complain about the CPNW?	<input type="checkbox"/>	<input type="checkbox"/>

SECTION 3: TO BE COMPLETED BY MANAGER / LEGAL REPRESENTATIVE		
	YES	NO
Approval?		
CPNW, as presented, approved	<input type="checkbox"/>	<input type="checkbox"/>

OR

CPNW approved, subject to additional actions	<input type="checkbox"/>	
List of actions required prior to issue of CPNW:- •		

OR

CPNW approved, subject to changes	<input type="checkbox"/>	
List of changes required prior to issue of CPNW:- •		

Other comments:- •		
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APPENDIX D

CPN Template

Insert issuing organisation's logo

COMMUNITY PROTECTION NOTICE
Sections 43-58 Anti-Social Behaviour, Crime and Policing Act 2014

Name:	
Address:	

You were issued with a Community Protection Notice Warning on **insert date**, requiring you to stop your unreasonable conduct but **you have failed to comply**.

THIS IS A FORMAL NOTICE that, as an 'Authorised Officer' of **insert name of issuing organisation**, I am satisfied, on reasonable grounds, that your conduct is having a detrimental effect, which is of a persistent or continuing nature, on the quality of life of those living in the locality and it is unreasonable.

I am, therefore, issuing you with this Community Protection Notice.

Your unreasonable conduct, which is having a detrimental effect includes:-

- **Insert details of the behaviour including dates and locations and the detrimental effect it is having on the life of those in the locality**
-
-
-

You are hereby required you to **IMMEDIATELY** stop the behaviour described above.

This Notice hereby requires you to take the following action, within the specified timescales.

Action You Must Take	Deadline for when you must do this by

EXPIRY

This Community Protection Notice will be effective for a period of **insert number of months** from the date of issue.

FAILURE TO COMPLY

Your compliance with this Community Protection Notice will be monitored.

If you do not comply with any of the requirements of this Notice, you are committing a criminal offence and may be prosecuted (see attached notes).

We will undertake a formal review of your compliance with this Community Protection Notice every six months and prior to the scheduled expiry date.

Signed: Authorised Officer	
Name:	
Position:	
Date:	
Time:	

FAILURE TO COMPLY

If you fail, without reasonable excuse, to comply with any of the requirements of this Community Protection Notice, you will commit an offence and liable, upon summary conviction, to:-

- iii. A fixed penalty notice of £100 (payable within 14 days) **or**
- iv. A fine not exceeding level 4 on the standard scale (currently £2,500 for an individual and unlimited for a business or organisation).

To ensure that the Notice is complied with, the court may make:-

- iii. A court order requiring you to:-
 - carry out specified work; or
 - allow specified work to be carried out by, or on behalf of, the local authority.
- iv. The court order requiring:-
 - you to surrender possession of any item used in your failure to comply with the Notice, to a constable or to a person representing the local authority; and/or
 - the seizure and/or forfeiture and destruction of any item that was used in the commission of the offence.

If you are convicted of breach of a Community Protection Notice, the court may also be asked to make a Criminal Behaviour Order. If such an order is made and you are convicted of breaching it, the court has the power to send you to prison for up to 5 years and/or impose a fine.

OTHER ACTION WE MAY TAKE

As part of [insert area](#) Community Safety Partnership, [insert name](#) Council works with Derbyshire Constabulary, housing providers and other organisations to tackle anti-social behaviour. The partner agencies will continue investigating complaints about your conduct.

We will consider, and use, a variety of tools available to us to collate evidence, which may include surveillance, use of CCTV, taking photos, use of noise recording equipment, patrols, joint visits, interrogation of social media and completion of diary sheets.

Other enforcement action may be taken by us and/or partner agencies, which may include further formal notices being served, an application for an injunction (with power of arrest), possession proceedings.

APPEALS

An appeal against this Notice may be made to a magistrates' court within 21 days from the date on which it is served, on the grounds that:-

- i. The conduct specified in the Community Protection Notice:-
 - did not take place,
 - has not had a detrimental effect on the quality of life of those in the locality,
 - has not been of a persistent or continuing nature,
 - is not unreasonable, **or**
 - is conduct that the person cannot reasonably be expected to control or affect;
- ii. Any of the requirements in the notice, or any of the periods within which, or times by which they are to be complied with, are unreasonable;
- iii. There is a material defect or error in, or in connection with, the notice; or
- iv. The notice was issued to the wrong person.

The address to appeal is:-

[Insert local Magistrates Court details.](#)

IMPORTANT NOTE

In the event of an appeal, any requirement imposed by this Notice to stop doing any specified thing(s) shall remain in force, pending the appeal hearing and action may still be taken for non-compliance.

EXTRACTS FROM THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

Appeals against notices

(1) A person issued with a community protection notice may appeal to a magistrates' court against the notice on any of the following grounds.

1. That the conduct specified in the community protection notice—
 - (a) did not take place,
 - (b) has not had a detrimental effect on the quality of life of those in the locality,
 - (c) has not been of a persistent or continuing nature,
 - (d) is not unreasonable, or
 - (e) is conduct that the person cannot reasonably be expected to control or affect.
2. That any of the requirements in the notice, or any of the periods within which or times by which they are to be complied with, are unreasonable.
3. That there is a material defect or error in, or in connection with, the notice.
4. That the notice was issued to the wrong person.

(2) An appeal must be made within the period of 21 days beginning with the day on which the person is issued with the notice.

- (3) While an appeal against a community protection notice is in progress—
- (a) a requirement imposed by the notice to stop doing specified things remains in effect, unless the court orders otherwise, but
 - (b) any other requirement imposed by the notice is of no effect.

For this purpose, an appeal is “in progress” until it is finally determined or is withdrawn.

- (4) A magistrates' court hearing an appeal against a community protection notice must—
- (a) quash the notice,
 - (b) modify the notice (for example by extending a period specified in it), or
 - (c) dismiss the appeal.

47 Remedial action by local authority

(1) Where a person issued with a community protection notice (“the defaulter”) fails to comply with a requirement of the notice, the relevant local authority may take action under subsection (2) or subsection (3) (or both).

(2) The relevant local authority may have work carried out to ensure that the failure is remedied, but only on land that is open to the air.

- (3) As regards premises other than land open to the air, if the relevant local authority issues the defaulter with a notice—
- (a) specifying work it intends to have carried out to ensure that the failure is remedied,
 - (b) specifying the estimated cost of the work, and
 - (c) inviting the defaulter to consent to the work being carried out, the authority may have the work carried out if the necessary consent is given.

- (4) In subsection (3) “the necessary consent” means the consent of—
- (a) the defaulter, and
 - (b) the owner of the premises on which the work is to be carried out (if that is not the defaulter).

Paragraph (b) does not apply where the relevant authority has made reasonable efforts to contact the owner of the premises but without success.

(5) A person authorised by a local authority to carry out work under this section may enter any premises to the extent reasonably necessary for that purpose, except that a person who is only authorised to carry out work under subsection (2) may only enter land that is open to the air.

(6) If work is carried out under subsection (2) or (3) and the relevant local authority issues a notice to the defaulter—

- (a) giving details of the work that was carried out, and
- (b) specifying an amount that is no more than the cost to the authority of having the work carried out, the defaulter is liable to the authority for that amount (subject to the outcome of any appeal under subsection (7)).

(7) A person issued with a notice under subsection (6) may appeal to a magistrates' court, within the period of 21 days beginning with the day on which the notice was issued, on the ground that the amount specified under subsection (6)(b) is excessive.

(8) A magistrates' court hearing an appeal under subsection (7) must—

- (a) confirm the amount, or
- (b) substitute a lower amount.

(9) In this section "the relevant local authority" means—

- (a) the local authority that issued the community protection notice;
- (b) if the community protection notice was not issued by a local authority, the local authority (or, as the case may be, one of the local authorities) that could have issued it.

48 Offence of failing to comply with notice

(1) A person issued with a community protection notice who fails to comply with it commits an offence.

(2) A person guilty of an offence under this section is liable on summary conviction—

- (a) to a fine not exceeding level 4 on the standard scale, in the case of an individual;
- (b) to a fine not exceeding £20,000, in the case of a body.

(3) A person does not commit an offence under this section if—

- (a) the person took all reasonable steps to comply with the notice, or
- (b) there is some other reasonable excuse for the failure to comply with it.

49 Remedial orders

(1) A court before which a person is convicted of an offence under section 48 in respect of a community protection notice may make whatever order the court thinks appropriate for ensuring that what the notice requires to be done is done.

(2) An order under this section may in particular require the defendant—

- (a) to carry out specified work, or
- (b) to allow specified work to be carried out by or on behalf of a specified local authority.

(3) To be specified under subsection (2)(b) a local authority must be—

- (a) the local authority that issued the community protection notice;
- (b) if the community protection notice was not issued by a local authority, the local authority (or, as the case may be, one of the local authorities) that could have issued it.

(4) A requirement imposed under subsection (2)(b) does not authorise the person carrying out the work to enter the defendant's home without the defendant's consent. But this does not prevent a defendant who fails to give that consent from being in breach of the court's order.

(5) In subsection (4) "the defendant's home" means the house, flat, vehicle or other accommodation where the defendant—

- (a) usually lives, or
- (b) is living at the time when the work is or would be carried out.

(6) If work is carried out under subsection (2)(b) and the local authority specified under that subsection issues a notice to the defaulter—

- (a) giving details of the work that was carried out, and
- (b) specifying an amount that is no more than the cost to the authority of having the work carried out, the defaulter is liable to the authority for that amount (subject to the outcome of any appeal under subsection (7)).

(7) A person issued with a notice under subsection (6) may appeal to a magistrates' court, within the period of 21 days beginning with the day on which the notice was issued, on the ground that the amount specified under subsection (6)(b) is excessive.

(8) A magistrates' court hearing an appeal under subsection (7) must—
(a) confirm the amount, or
(b) substitute a lower amount.

50 Forfeiture of item used in commission of offence

(1) A court before which a person is convicted of an offence under section 48 may order the forfeiture of any item that was used in the commission of the offence.

(2) An order under this section may require a person in possession of the item to hand it over as soon as reasonably practicable—
(a) to a constable, or
(b) to a person employed by a local authority or designated by a local authority under section 53(1)(c).

(3) An order under this section may require the item—
(a) to be destroyed, or
(b) to be disposed of in whatever way the order specifies.

(4) Where an item ordered to be forfeited under this section is kept by or handed over to a constable, the police force of which the constable is a member must ensure that arrangements are made for its destruction or disposal, either—
(a) in accordance with the order, or
(b) if no arrangements are specified in the order, in whatever way seems appropriate to the police force.

(5) Where an item ordered to be forfeited under this section is kept by or handed over to a person within subsection (2)(b), the local authority by whom the person is employed or was designated must ensure that arrangements are made for its destruction or disposal, either—
(a) in accordance with the order, or
(b) if no arrangements are specified in the order, in whatever way seems appropriate to the local authority.

51 Seizure of item used in commission of offence

(1) If a justice of the peace is satisfied on information on oath that there are reasonable grounds for suspecting—
(a) that an offence under section 48 has been committed, and
(b) that there is an item used in the commission of the offence on premises specified in the information, the justice may issue a warrant authorising any constable or designated person to enter the premises within 14 days from the date of issue of the warrant to seize the item.

(2) In this section "designated person" means a person designated by a local authority under section 53(1)(c).

(3) A constable or designated person may use reasonable force, if necessary, in executing a warrant under this section.

(4) A constable or designated person who has seized an item under a warrant under this section—
(a) may retain the item until any relevant criminal proceedings have been finally determined, if such proceedings are started before the end of the period of 28 days following the day on which the item was seized;
(b) otherwise, must before the end of that period return the item to the person from whom it was seized.

(5) In subsection (4) "relevant criminal proceedings" means proceedings for an offence under section 48 in the commission of which the item is alleged to have been used.

APPENDIX E

CPN Approval Checklist

The **Lead Officer** must complete **Section 1**, then send this checklist, with the required documentation, to the appropriate Manager / Legal Representative.

The **Manager / Legal Representative** must complete **Sections 2 and 3** then return the CPN Checklist to the Lead Officer for action.

<input checked="" type="checkbox"/>	Indicates CPN should not be approved
<input checked="" type="checkbox"/>	Indicates CPN should only be approved if specific action taken, or changes made
<input checked="" type="checkbox"/>	Indicates CPN complies with the Derbyshire CPN Guidance

SECTION 1: TO BE COMPLETED BY LEAD OFFICER	
Documents / information provided:-	
Copy of draft CPN	<input type="checkbox"/>
Summary of, or link to, the evidence of the ASB	<input type="checkbox"/>
Evidence of consultation with partner agencies	<input type="checkbox"/>

Name of Perpetrator:	
Address:	
DOB:	
ECINS ID:	

SECTION 2: TO BE COMPLETED BY MANAGER / LEGAL REPRESENTATIVE		
	YES	NO
Evidence of need for CPN		
1. Does the conduct meet the legal test? <i>i.e. It is:-</i> <ul style="list-style-type: none"> • <i>having a detrimental effect on the quality of life of those in the locality;</i> • <i>persistent or continuing in nature; <u>and</u></i> • <i>unreasonable.</i> 	<input type="checkbox"/>	<input type="checkbox"/>
2. Is there evidence that the ASB is having a detrimental effect on the local 'community'?	<input type="checkbox"/>	<input type="checkbox"/>
3. Is a CPN appropriate and proportionate to prevent escalation of the ASB and achieve long-term behavioural change?	<input type="checkbox"/>	<input type="checkbox"/>
4. Is the ASB a criminal offence? <i>(i.e. A CPN is not an alternative to a prosecution)</i>	<input type="checkbox"/>	<input type="checkbox"/>
5. Is there other legislation that is more appropriate?	<input type="checkbox"/>	<input type="checkbox"/>
6. Has a CPNW been issued for this ASB?	<input type="checkbox"/>	<input type="checkbox"/>
7. Have the terms of the CPNW been breached?	<input type="checkbox"/>	<input type="checkbox"/>
Multi-agency approach		

8. Have all appropriate partners been consulted?	<input type="checkbox"/>	<input type="checkbox"/>
9. Has a multi-agency decision to issue a CPN been made through the local ASB Meeting?	<input type="checkbox"/>	<input type="checkbox"/>
10. Did your organisation issue the CPNW?	<input type="checkbox"/>	<input type="checkbox"/>
11. Is your organisation the most appropriate agency to issue the CPN?	<input type="checkbox"/>	<input type="checkbox"/>
12. Has the Lead Officer considered all appropriate referrals to partner agencies? (e.g. <i>Intervention Workshop, Turnaround Programme, Immediate Justice</i>)	<input type="checkbox"/>	<input type="checkbox"/>
13. Has the ECINS Profile and related Case been updated?	<input type="checkbox"/>	<input type="checkbox"/>
Perpetrator		
14. Does the perpetrator fully understand that their behaviour is unacceptable and what action will be taken if the ASB does not stop?	<input type="checkbox"/>	<input type="checkbox"/>
15. Is the perpetrator aged 16-18?	<input type="checkbox"/>	<input type="checkbox"/>
14a. If so, have the Youth Justice Service been informed?	<input type="checkbox"/>	<input type="checkbox"/>
16. Has an Equality Impact Assessment or ASB Perpetrator Assessment been completed?	<input type="checkbox"/>	<input type="checkbox"/>
17. Does the Assessment support the issuing of a CPN?	<input type="checkbox"/>	<input type="checkbox"/>
18. Is this a neighbour dispute?	<input type="checkbox"/>	<input type="checkbox"/>
18a. If so, is there clear evidence that this individual is the main perpetrator?	<input type="checkbox"/>	<input type="checkbox"/>
19. Is the CPN being issued to a third party?	<input type="checkbox"/>	<input type="checkbox"/>
18a. If so, can they reasonably control or affect the behaviour?	<input type="checkbox"/>	<input type="checkbox"/>
Documentation		
20. Is the CPN on the correct template? (Including the additional information about failure to comply, localised information about other action we may take, localised information about how to appeal <u>and</u> the extract from the legislation)	<input type="checkbox"/>	<input type="checkbox"/>
21. Are the appropriate partner logos on the CPN?	<input type="checkbox"/>	<input type="checkbox"/>
22. Does the CPN outline the specific behaviour that is considered anti-social and causing the 'detrimental effect on the quality of life of those in the locality'?	<input type="checkbox"/>	<input type="checkbox"/>
23. Does the CPN clearly, state the time/date by which the behaviour is expected to have changed?	<input type="checkbox"/>	<input type="checkbox"/>
24. Is the expiry of the CPN appropriate?	<input type="checkbox"/>	<input type="checkbox"/>
24a. If the expiry is greater than 6m, is a review date stated?	<input type="checkbox"/>	<input type="checkbox"/>
25. Does the CPN <u>only</u> include requirements that are no more than 'necessary' to address the specified ASB?	<input type="checkbox"/>	<input type="checkbox"/>
26. Does the CPN include requirements that would be criminal offences?	<input type="checkbox"/>	<input type="checkbox"/>
27. Does the CPN include any general requirements that are inappropriate? (i.e. does not include requirements such as 'not to cause nuisance to any person in the locality')	<input type="checkbox"/>	<input type="checkbox"/>
28. Are all appropriate positive requirements included? (e.g. <i>Intervention Workshop, Turnaround Programme, Immediate Justice</i>)	<input type="checkbox"/>	<input type="checkbox"/>

29. Does the covering letter contain information about who to contact to query or appeal the CPN?	<input type="checkbox"/>	<input type="checkbox"/>
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SECTION 3: TO BE COMPLETED BY MANAGER / LEGAL REPRESENTATIVE		
	YES	NO
Approval?		
CPN, as presented, approved	<input type="checkbox"/>	<input type="checkbox"/>

OR

CPN approved, subject to additional actions	<input type="checkbox"/>	
List of actions required prior to issue of CPN:- •		

OR

CPN approved, subject to changes	<input type="checkbox"/>	
List of changes required prior to issue of CPN:- •		

Other comments:- •

APPENDIX F

ASB Perpetrator Proportionality Assessment



Name of alleged perpetrator:	
Address of alleged perpetrator:	
Type of action being considered:- e.g. injunction, ABC, CPNW/N, tenancy demotion, possession etc.	

ACTION ALREADY TAKEN	
List the informal action taken to date for this matter. e.g. warning letters, visits, mediation ABC, etc	
List the formal action taken to date for this matter.	

VULNERABILITIES	
Does the alleged perpetrator have any vulnerability? e.g. victim of domestic abuse, lifestyle, substance misuse, age If so, provide details of whether it is believed that the ASB or criminal behaviour is linked to the specific vulnerabilities.	
Is it believed that the alleged perpetrator is disabled within the definition of the Equality Act 2010? e.g. learning disability, mental health, developmental impairment, such as autistic spectrum disorders (ASD) If so, provide details of whether it is believed that the ASB or criminal behaviour is linked to this disability.	
Does the alleged perpetrator reside with individuals who have a disability or vulnerability?	

If so, what actions have been taken to mitigate the risks that enforcement action against the alleged perpetrator will have on these individuals?	
--	--

SUPPORT

Has the alleged perpetrator been offered, or referred for, any support? If yes, provide details. e.g. which agency, when was last contact made and how?	
Has re-housing been considered and by who?	

IMPACT

What impact is the behaviour having on:- Victims? Wider community? Partner resources?	
--	--

SUMMARY

Summarise why the proposed action is reasonable, necessary and proportionate.	
--	--

I can confirm that I have reviewed this case and the facts above and believe that the action suggested is reasonable, necessary and proportionate means to achieving a legitimate aim.

Signed:	
Job title:	
Date:	

Date review due:	
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This assessment will be reviewed at regular intervals, including when new information material to it is revealed.



Derby & Derbyshire
Safer Communities

[DDSC.GOV.UK](https://www.ddsc.gov.uk)