EXPLANATORY MEMORANDUM TO

THE ANTI-SOCIAL BEHAVIOUR (PROVISION OF INFORMATION) REGULATIONS 2026

2026 No. 1081

1. Introduction

1.1 This Explanatory Memorandum has been prepared by The Home Office and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Sarah Jones MP, Minister for Policing and Crime at the Home Office confirms that this Explanatory Memorandum meets the required standard.

2.2 Katharine Wilson, Deputy Director for Neighbourhood Crime Unit / David Grahame, Director of Crime Directorate, at the Home Office confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 The Anti-Social Behaviour (ASB) Legislation Team at the Home Office can be contacted by email at the following address with any queries regarding the instrument: ASBLegislation@homeoffice.gov.uk.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 These Regulations introduce a statutory requirement for local authorities (LAs) in England and Wales to collect and provide specified ASB data to the Secretary of State. This requires LAs to submit information on:

- The volume and type of ASB incidents reported to them;
- Their use of certain ASB powers and interventions under the Anti-social Behaviour, Crime and Policing Act 2014 (the 2014 Act); and
- The number and outcomes of ASB Case Reviews, including reasons where requests are rejected.

4.2 Data must be provided on a six-monthly basis. This will be done via the Ministry of Housing, Communities and Local Government's Delta system. This is a government data platform familiar to LA. The requirements relating to method of submission will be dealt with in guidance.

Where does the legislation extend to, and apply?

4.3 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales.

4.4 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England and Wales.

5. Policy Context

What is being done and why?

5.1 There is a range of measures in the Crime and Policing Act 2026 which were introduced to strengthen the response to crime and anti-social behaviour by providing the police, LAs and other partners with a broader range of powers and tools to prevent offending, protect victims and vulnerable people, and improve public safety and confidence in the criminal justice system.

5.2 LAs play a crucial role in responding to ASB and regularly lead local enforcement activity. However, there is currently no central dataset capturing LAs' ASB activity and no requirement to report ASB data to central government, despite LAs already routinely collecting this data. Stakeholders across the ASB sector, including operational practitioners, local government bodies, and the former Victims' Commissioner, have highlighted this gap and called for improved data to support oversight, transparency and more effective interventions.

5.3 These Regulations address this gap by introducing proportionate, standardised data reporting requirements which can be used to inform future government activity to tackle ASB. The data collected will focus on three key areas:

5.4 Volumes of ASB incidents. This will improve understanding of the nature and scale of ASB being reported. LA's will be required to provide the number of ASB incidents reported to them, broken down by category of incident.

5.5 Use of ASB powers and interventions as listed in the 2014 Act, including the number of times LAs have used each of the ASB powers, and the type of ASB involved in each case. This data will give insight into how LAs apply powers to local issues and will help to ensure the powers are being used effectively and proportionately.

5.6 Number of ASB case reviews and outcomes. Collecting this data will improve the Government's understanding of how the case review is being used, to help ensure better outcomes for victims. LAs are already required to collect and annually publish certain information on the case review, including the number of applications received, the number of times the threshold was met for a review to take place and the number of reviews carried out with recommendations made.

5.7 Under these Regulations, LAs will be required to submit this information every 6 months and will also be asked to record the reason for rejecting a case review, to see how the statutory threshold is being applied.

5.8 This approach reflects a commitment made during passage of the Crime and Policing Act 2026 to strengthen national understanding of the scope and scale of ASB in England and Wales, as well as the response to it, while managing burdens on local agencies through phased implementation. The basis of the information requested seeks to understand the volume of ASB in any given local authority and the approach taken to tackle it. This will also provide a stronger picture of the national landscape, enabling a firmer evidence base for future policy interventions.

What was the previous policy, how is this different?

5.9 Previously, there has been no statutory requirement for LAs to report ASB data to central government. Existing data collection is fragmented across LAs, police forces, and social landlords, limiting the ability of Government and agencies to assess what works, target resources effectively, and improve outcomes for victims.

5.10 The policy implemented by these Regulations introduces a statutory reporting duty for LAs for the first time, complementing existing police data collections and enabling a more complete picture of ASB activity across England and Wales.

6. Legislative and Legal Context

How has the law changed?

6.1 The 2014 Act contains a number of powers for police, LAs, and other agencies to use to tackle ASB. The powers in the 2014 Act are deliberately broad in nature to enable flexibility and local discretion in their use. The 2026 Act introduce a range of new measures, including new civil orders ('respect orders') which replace the majority of existing ASB injunctions under the 2014 Act.

6.2 Section 7 of the Crime and Policing Act 2026 inserts a new regulation-making power into the 2014 Act, enabling the Secretary of State to require specified public authorities to provide ASB-related information.

6.3 These Regulations are the first exercise of that power and apply only to LAs. In future, it may apply to further relevant authorities. The Regulations set out a list of categories of information which LAs will be required to provide to the Secretary of State periodically.

Why was this approach taken to change the law?

6.4 Secondary legislation provides the most appropriate mechanism to specify detailed data requirements and reporting arrangements for LAs to submit to the government, while allowing future flexibility to amend or refine the scope of data collected as systems and practices develop. The enabling power is relatively broad in nature, and these Regulations enable targeted collection of specific categories of information as appropriate to help inform policy development.

7. Consultation

Summary of consultation outcome and methodology

7.1 The Home Office has undertaken extensive engagement in 2026 with approximately 35 LAs, the Local Government Association, the Welsh Local Government Association, policing and ASB sector stakeholders. As participants were providing feedback on operational aspects of their local authority in confidence, the Home Office agreed not to publish these findings in the public domain.

7.2 Bespoke in-depth interviews, organised and facilitated by the Local Government Association, allowed Home Office officials to set out early approaches to the duty, and to received feedback on areas of local authority concern. This also enabled officials to gain a broader understanding of local organisational structures prior to shaping Regulations, and ensure any proposal reflected operational realities.

7.3 This engagement also focussed on feasibility and proportionality of data availability. LAs were asked to set out current responsibilities, internal structures of data recording and what data would be readily available. LAs were broadly supportive of the proposed scope of the new duty and new requirements. Minor concerns were raised over the pace and breadth of the commission, with housing data flagged as potentially burdensome to collect, largely due to stock available and separate teams to commission where required. Those raised were recorded and factored into a new burdens assessment produced by Home Office analysts and economists.

7.4 Home Office policy and analysts also organised a trial of the proposed collection database with 5 LAs of varied organisational structures willing to participate, in Spring 2026. The trial provided an opportunity for these LAs to engage with the data platform proposed and give feedback on the feasibility of the data the department were requesting. It also provided an opportunity to give feedback on the content of the trial form LAs would be required to complete and highlight where areas of data may be difficult to collate and return. Areas did not flag any concerns with the platform provided and assured that the data requested was feasible.

8. Applicable Guidance

8.1 Bespoke guidance on this new duty has been developed. This guidance explains the rationale for why this duty has been created, the data the Home Office is requesting and in-depth instruction on how to respond to the commission using the provided data base Delta.

8.2 This guidance will be published on gov.uk and shared with relevant stakeholders in line with the coming into force date of the Regulations. Publication has been timed to allow stakeholders an opportunity to review the draft guidance before it is issued. This will provide local authorities with appropriate time to familiarise themselves with the commissioning process and complete a voluntary return ahead of the first mandatory data collection in April 2027.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because a broader Impact Assessment has already been provided to cover all ASB provisions in the Crime and Policing Act 2026.[1]

9.2 A proportionate Economic Note and New Burdens Assessment were undertaken for these Regulations and are published alongside it. The assessments found that the principal impact will be a modest administrative burden on LAs associated with collating and reporting ASB information to the Home Office. Total discounted costs are estimated at approximately £1.8 million over a ten-year appraisal period, consisting of one-off familiarisation costs and ongoing reporting costs.

9.3 While the benefits could not be monetised, the measure is expected to improve understanding of ASB, strengthen the evidence base for policy development, support the monitoring of ASB interventions, and help LAs better understand patterns of ASB in their areas. Funding has been secured to meet the assessed new burdens on LAs arising from the Regulations.

Impact on businesses, charities and voluntary bodies

9.4 There is no, or no significant, impact on business, charities or voluntary bodies because this duty requires provision of data only from LAs and, while it is permissible to ask authorities to create new data in order to fulfil this duty, these Regulations seeks access only to information that is already held by them.

9.5 The legislation does not impact small or micro businesses.

1 https://www.gov.uk/government/publications/crime-and-policing-bill-2025-impact-assessments

9.6 There is no, or no significant, impact on the public sector because the data requested in the duty has been consulted on and agreed as already available, meaning that any new burdens will be minimal. A new burdens assessment has also been completed by the Home Office and signed off by MHCLG and the Local Government Association.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring this legislation will be routine analysis of data provided based on information set out in regulations. Home Office policy and analysis colleagues will work closely to make sure that this remains proportionate and reasonable for LAs to produce, but also that the data maintains a high quality, to be able to provide a reliable national (England and Wales) dataset on ASB.

10.2 The instrument does not include a statutory review clause under the Small Business, Enterprise and Employment Act 2015. Section 28 of the 2015 Act requires a review clause to be included in secondary legislation where it makes regulatory provision with regard to 'qualifying activity', which relates to activities carried out by business or voluntary or community bodies. These provisions deal expressly with local authorities, and as such do not fall within scope of the review requirements.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 As the instrument is subject to negative procedure and does not amend primary legislation, no statement is required.

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").