EXPLANATORY MEMORANDUM TO

THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 (AMENDMENT) ORDER 2018

2018 No. [DRAFT]

1. Introduction

1.1 This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 This Order amends section 5(1) of the Anti-social Behaviour, Crime and Policing Act 2014 to allow Transport for Greater Manchester to be added to the list of bodies that are able to apply to a court for an injunction under section 1 of the Act, to tackle anti-social behaviour on its transport network.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

3.2 This entire instrument applies to England and Wales only.

4. Extent and Territorial Application

4.1 The extent of this instrument is England and Wales.

4.2 The territorial application of this instrument is to England only.

5. European Convention on Human Rights

5.1 The Minister for Crime, Safeguarding and Vulnerability, Victoria Atkins MP, has made the following statement regarding Human Rights:

"In my view the provisions of the Anti-social Behaviour, Crime and Policing Act 2014 (Amendment) Order 2018 are compatible with the Convention rights."

6. Legislative Context

6.1 This Order will enable Transport for Greater Manchester to be added to the current list of bodies that are able to apply to a court for an injunction under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014.

7. Policy background

What is being done and why?

7.1 The injunction under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014 is a civil power which enables the bodies listed in section 5(1) of the Act to apply to the courts for an injunction to deal with anti-social individuals. The

injunction can include relevant prohibitions to get individuals to stop behaving anti-socially, as well as positive requirements to address the underlying cause of their behaviour.

7.2 The current list of applicants under section 5(1) includes local authorities; housing providers; chief officers of police; the chief constable of the British Transport Police; Transport for London; the Environment Agency; the Natural Resources Body for Wales; and NHS Protect. In addition, the West Midlands combined authority has the power to seek injunctions on its transport network through the West Midlands Combined Authority (Functions and Amendment) Order 2017.

7.3 This Order will add Transport for Greater Manchester to the list of bodies which can apply directly to the court for an injunction against those who have engaged or who threaten to engage in anti-social behaviour. Although Transport for Greater Manchester currently can seek assistance from the police to seek an injunction on its behalf, the power to apply direct to the courts will ease the burden on these bodies and enable swifter and more direct action to be taken.

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

8.1 This instrument does not relate to withdrawal from the European Union/ trigger the statement requirements under the European Union (Withdrawal) Act.

9. Consolidation

9.1 There are no plans to consolidate at this stage.

10. Consultation outcome

10.1 There was no public consultation on these changes. The Order is being made at the request of the Mayor of Greater Manchester.

11. Guidance

11.1 Existing statutory guidance on section 1 injunctions available on gov.uk will be amended in line with these changes.

12. Impact

12.1 There is no, or no significant, impact on business, charities or voluntary bodies.

12.2 There is no, or no significant, impact on the public sector.

12.3 An Impact Assessment has not been prepared for this instrument because there is no, or no significant, impact on business or the public sector.

13. Regulating small business

13.1 The legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

14.1 The statutory guidance on the use of the anti-social behaviour powers was reviewed last year and refreshed guidance was published on 24 December 2017. The Home Office keeps the powers under review through the Anti-social Behaviour Strategic

Board which brings together a range of partners and representatives from key agencies, supported by a Forum of frontline practitioners.

15. Contact

15.1 Pommy Tumber at the Home Office Telephone: 020 7035 6914 or email: pommy.tumber@homeoffice.gov.uk can answer any queries regarding the instrument.

15.2 Andy Johnson, Deputy Director for Crime Strategy Unit, at the Home Office can confirm that this Explanatory Memorandum meets the required standard.

15.3 Victoria Atkins MP, Minister for Crime, Safeguarding and Vulnerability at the Home Office can confirm that this Explanatory Memorandum meets the required standard.