

Crime and Policing Bill - Anti-social Behaviour

Joint Briefing, 2nd Reading House of Lords

14 October 2025

Summary

1. This briefing has been prepared by JUSTICE and draws upon wider perspectives gathered from anti-social behaviour practitioners via a roundtable and follow-up survey hosted by JUSTICE and Green and Burton Associates in Spring 2025.¹
2. This briefing addresses provisions within Part 1 of the Crime and Policing Bill (the “**Bill**”) which expand the scope and range of powers to tackle anti-social behaviour currently contained in the Anti-social Behaviour, Crime and Policing Act 2014 (the “**2014 Act**”). This includes provisions to amend Dispersal Powers (Clause 3), increase the fines for Community Protection Notices and Public Spaces Protection Orders (Clause 4) (together, the “**existing orders**”), and create new Respect Orders (Clause 1(1-3)).
3. Like the existing orders, Respect Orders are a form of behavioural control order – a civil tool that imposes limitations upon a person’s liberty and daily activities in an attempt to prevent unwanted behaviour. The stated purpose of Respect Orders is to provide *new, additional* powers to the police and local authorities to tackle anti-social behaviour.²
4. However, the overwhelming majority of practitioners that we have engaged with via our research and outreach³ consider that the Government’s proposals are short-sighted and will not improve outcomes for victims nor reduce anti-social behaviour. In particular, we highlight the following concerns:

¹ In March 2025, JUSTICE and Green and Burton ASB Associates convened a roundtable on provisions within the Crime and Policing Bill and thereafter circulated a Practitioner Survey to a wider audience which ended on 28th March 2025. 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.

² The Explanatory Notes make frequent reference to Respect Orders being used against individuals drinking in public parks or creating noise nuisance despite such conduct already being covered by Community Protection Notices and Public Spaces Protection Orders.

³ See JUSTICE’s 2023 working party report which explored the effectiveness of Behavioural Control Orders at preventing harm: JUSTICE, [‘Lowering the Standard: a review of Behavioural Control Orders in England and Wales’](#) (2023).

- **Respect Orders are unnecessary, replicate powers already available within the 2014 Act and will not, on their own, reduce anti-social behaviour.** If introduced, procedural safeguards must be applied.
- **Increasing the fines for Fixed Penalty Notices for Community Protection Notices and Public Space Protection Orders will not work and should be abandoned.** Instead, it risks making things worse for people in vulnerable circumstances like those experiencing homelessness and further incentivises “fining for profit”.
- **The Government must conduct a review of the existing powers under the 2014 Act prior increasing their scope or creating new orders** – Respect Orders are being introduced, and existing orders are being expanded without any formal review of similar orders in the 2014 Act and without proper consultation with those responsible for using them. Practitioners, the **Victim’s Commissioner** and the **Joint Committee on Human Rights** agree that the Government should be working to identify and address the problems inherent with the existing anti-social behaviour powers and orders before creating more.
- **Safeguards to protect marginalised communities, including those experiencing homelessness from discrimination, must be urgently re-instated into Statutory Guidance and the Bill.**
- **The Government must set up a national oversight mechanism to collect data and monitor the use of powers under the 2014 Act, to prevent unsafe practices and discrimination, whilst sharing best practice and training.**

Changes to ASB Powers proposed by the Bill

Respect Orders (Clause 1)

What are Respect Orders?

5. 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.
6. Respect Orders will operate as follows:
 - (a) Respect Orders can be imposed on adults over the age of 18.
 - (b) They can be imposed by the county court or High Court upon application by a local authority, police or relevant housing provider.
 - (c) They can be imposed where the court is satisfied on a civil standard of proof that the individual has *“engaged in, or threatens to engage in, anti-social behaviour”* 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"*.

- (d) Respect Orders provide the state with unfettered discretion to *"do anything described in the order"* (Clause A1(2)) which could include imposing curfews and electronic monitoring and restricting who a person can communicate with and where they can travel to. Respect Orders also provide a power to exclude persons from their home. However, this is particularly concerning given warnings raised by domestic abuse organisations about the wrongful use of anti-social behaviour powers against domestic abuse victims.⁴
- (e) They can also include positive requirements making it mandatory for persons to comply with notification requirements (Clause D1(7)). There are no limits to the type or number of prohibitions / requirements that can be imposed, with significant impacts on people's rights and freedoms.
- (f) Respect Orders can be imposed without notice on an Interim or *"until further notice"*, basis (Clause E1).
- (g) Breach of a condition is punishable by fine and/or imprisonment of up to 2 years (Clause I1(3)). Respect Orders can be imposed for an indefinite period, *"until further order"* (Clause A1(4)). Whilst parties have the right to appeal the imposition of an order, there is no provision for parties to remove conditions imposed by an order once it is in place.

Increasing Fines for breaches of Community Protection Notices and Public Spaces Protection Orders (Clause 4)

What are Community Protection Notices and Public Spaces Protection Orders?

7. Community Protection Notices ("CPNs") can be imposed by a local authority or the police if they are satisfied that a person's conduct is *"unreasonable"* and is having a *"detrimental effect"*, of a *"persistent or continuing nature,"* on the *"quality of life of those in the locality"*. CPNs are imposed without judicial oversight.⁵ The 2014 Act requires that they be preceded by a Community Protection Warning although in practice, this often does not happen. They

⁴ For example, Evidence from the Domestic Abuse Housing Alliance 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. See Written Evidence submitted by Domestic Abuse Housing Alliance to the Renters' Rights Public Bill Committee (RRB81), October 2024.

⁵ S.43 and s.53 of the Anti-social Behaviour, Crime and Policing Act 2014

can contain conditions preventing a person from doing something and requirements that obligate them to do something.

8. Public Space Protection Orders ("**PSPOs**") are imposed by local authorities to regulate the use of public space by imposing prohibitions or requirements on the activities that can be undertaken in specific geographical areas. They are enforced against any person who enters that space.⁶
9. To impose a PSPO, local authorities must be satisfied that a behaviour or activity has a "*detrimental effect on the quality of life*", that merits the making of a PSPO.⁷ Before doing so, local authorities must consult with the chief officer of the police and "*whatever community representatives the local authority thinks it appropriate to consult*".⁸ The extent to which local authorities consult with community representatives varies drastically across the country.
10. Breach of a prohibition or requirement contained in a CPN or PSPO is a criminal offence, punishable by a fine of up to either £2,500 or £1,000 respectively. Alternatively, individuals caught in breach of either order can pay a Fixed Penalty Notice which discharges criminal liability. Breach of a CPN or PSPO can also lead to the imposition of a Criminal Behaviour Order, which contains similar conditions and requirements and carries with it a prison sentence of 5 years if breached.⁹
11. Clause 4 of the Bill will increase the amount payable under a Fixed Penalty Notice for breaching a Community Protection Notice or Public Space Protection Order from £100 to £500.

Our Concerns

The need for an independent review of powers under the 2014 Act

12. 82% of ASB practitioners who responded to our survey called for the Government to conduct a review of the existing powers available under the 2014 Act, before creating more. **In particular, they criticised the lack of proper consultation or engagement from the Government.** We agree and so did the Joint Committee on Human Rights (the "**Joint Committee**").¹⁰ Since its introduction, there has been no formal review of the 2014 Act. Data

⁶ s.59. Anti-social Behaviour, Crime, and Policing Act 2014.

⁷ Ibid.

⁸ s.72. Anti-social Behaviour, Crime, and Policing Act 2014.

⁹ S.43, s.48 and Explanatory Notes Part 4, Chapter 1 s.170 of the Anti-social Behaviour, Crime and Policing Act 2014

¹⁰ Joint Committee on Human Rights, 'Legislative Scrutiny: Crime and Policing Bill. Fifth Report of Session 2024-2025', (2025), <https://committees.parliament.uk/publications/48758/documents/255740/default/> ("JCHR Report"), page 1, para 4, and page 21, para 55.

on the use of existing orders is not collated centrally, nor is their use monitored by the Government.

Problems with the Existing Regime

13. Research, including a report published by JUSTICE in 2023 and FOI data collated by The Manifesto Club reveal serious problems with the investigation, enforcement and monitoring of existing orders as well as severe gaps in resources and training across the country.¹¹
14. We are concerned that Respect Orders will suffer from all of the same problems. 80% of respondents to the practitioner's survey disagreed that Respect Orders would improve the current antisocial behaviour toolkit, or were unsure that they would have any tangible benefit that was not already provided by existing orders. Only 6% thought that they would improve outcomes for victims. As stated by the Joint Committee: *"It is not clear why [respect orders] would work more effectively than existing measures or the ASBOs that preceded them but were abandoned a decade ago".*¹²
15. These issues include:
 - (a) **The inconsistent use of existing orders across the country creates postcode lotteries for victims.** There is significant variation of the volume of orders imposed, the type of order used, and the conditions imposed. The range of behaviours that orders are used to target from unwanted conduct to behaviour that constitutes an offence in itself. This undermines the rule of law by making enforcement dependent on the victims' location rather than circumstances.
 - (b) **Inappropriate and unsafe use of existing orders.** For example, existing Community Protection Notices, Public Spaces Protection Orders and Dispersal Powers have unfairly been imposed on or enforced against:

- victims of domestic abuse for "crying too loudly" whilst being assaulted;
- a family whose autistic child was accused of "closing the door too loudly";
- a woman "for wearing a bikini in her garden";
- homeless veterans and others for "sleeping rough";
- a member of the public for "advertising a charity bake sale with a sign".

¹¹ JUSTICE, '[Lowering the Standard: A Review of Behavioural Control Orders in England and Wales](#)', (2023) and 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).

¹² JCHR Report, page 19, para 47.

Public Spaces Protection Orders, Anti-social Behaviour Injunctions and Dispersal Powers are also 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.

- (c) **Police and Local Authorities lack resources, training and infrastructure to monitor and enforce orders**, leading to orders being imposed in unsafe circumstances and high breach rates; one delegate at our roundtable explained that existing orders might be breached up to 15 times before action is taken. The majority of respondents to our Practitioners' Survey quoted resources constraints as being a major barrier to the effectiveness of the existing orders and felt that the same issues would apply to Respect Orders.
- (d) **Resourcing constraints prevent the use of positive requirements.** Less than 10% of practitioners surveyed felt that they had adequate resources to request and/or facilitate 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. This means positive requirements in existing orders are rarely imposed, and without proper resourcing the rehabilitative requirements of Respect Orders will not work.
- (e) **The overlap between existing 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. Conduct covered by the existing orders also falls 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.
- (f) **Drawing vulnerable people into the criminal justice system and discriminatory approaches** – Young people, those with mental ill-health and those with intellectual disabilities are disproportionately impacted by existing 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 experiencing homelessness and individuals from travelling communities are more likely to have an existing order imposed upon them.

16. **We propose that before enacting provisions in Part 1 of the Bill to expand existing orders and create Respect Orders, the Government must appoint an Independent Reviewer to undertake a review of the anti-social behaviour powers contained in the 2014 Act.** This is in-keeping with the recommendation by the Victim's Commissioner and the Joint Committee which stated: *"The Government should go further, however, and now comply with the Victims' Commissioner's request to carry out a review of all existing legal tools designed to protect the public from anti-social behaviour to see if they are fit for purpose."* Such a review should seek to immediately identify and quantify the root causes of the problems referred to above and make robust recommendations to address and prevent them going forward.

Lack of Scrutiny and the need for an ASB National Oversight Board

17. Delegates at our roundtable and 75% of respondents to our survey, felt that a national oversight board could add value in facilitating the sharing of best practice and/or training in respect of the powers under the 2014 Act.¹³
18. 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 would help to identify 1) regional trends in anti-social behaviour, 2) particular challenges experienced by relevant authorities and 3) gaps in the powers and / or legislation and potential opportunities for policy development in future.
19. An ASB National Oversight Board would also play a role in designing and standardising training and provide a means to share best practice. Doing so will help to reduce the postcode lotteries referred to above.
20. It would also help to monitor and prevent inappropriate, unsafe and/or discriminatory practices relating to the enforcement of orders described above. Doing so would also address the Joint Committee on Human Right's conclusion that *"it is particularly important that measures taken to combat anti-social behaviour contain effective safeguards against their disproportionate use."*¹⁴
21. **We urge Peers to call on the Government to make provision for the establishment of such a body under the Anti-Social Behaviour, Crime and Policing Act 2014, following robust consultation with the sector.**

¹³ 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.

¹⁴ JCHR Report page 13, para 26.

Lack of procedural safeguards for Respect Orders

22. Notwithstanding our position that the Government can only be sure that Respect Orders are fit for purpose and add value for enforcement bodies once a thorough review of the 2014 Act has been undertaken, we are concerned that Respect Orders as proposed in the Bill lack basic procedural safeguards:

- (a) **Respect Orders can be imposed upon a weak, civil standard of proof and upon evidence that would otherwise be inadmissible in criminal proceedings.** This is not representative of the severe impact that Respect Orders will have on those subject to them, the serious restrictions that they can impose on an indefinite basis nor the fact that breach can lead to imprisonment for 2 years. It is also inconsistent with the approach taken for other types of Behavioural Control Order and the ruling of the court in *McCann* which held that the severity of the ASBO – upon which the Respect Order is based – mandates the criminal standard of proof being applied.¹⁵ This is the case notwithstanding the 2023 Supreme Court judgment in *Jones*, which the Government relies upon to argue that they are a civil order.¹⁶ That case related to the imposition of a Gang Injunction. Breach of a Gang Injunction is not a criminal offence and is punishable by contempt of court, unlike Respect Orders. Respect Orders are essentially criminal in character and therefore the criminal standard of proof should apply in order to guarantee the right to a fair trial and protect against arbitrary detention or punishment.¹⁷
- (b) **The statutory test for imposing Respect Orders is too broad and risks capturing behaviour which is not of a "serious" or "persistent" nature, thereby duplicating existing tools.** The statutory test for imposing a Respect Order should reflect the Government's intention for Respect Orders to be used against "persistent" or "serious" offenders of anti-social behaviour.¹⁸ Making this explicit in the legislation, will ensure that Respect Orders are the go-to tool for perpetrators of serious, repeat anti-social behaviour, differentiating them from other types of existing order such as CPNs. Moreover, the Bill should be amended so that Respect Orders can only be imposed where the court is satisfied that it is "necessary and proportionate" to impose one, rather than "just and convenient". As acknowledged by the Joint Committee, vague language within statutory tests is a barrier to courts imposing orders and leads to inconsistent approaches across the country.¹⁹ Courts are more familiar with the test of necessity and proportionality, which reflects the test used

¹⁵ *R(McCann & Others) v Crown Court at Manchester* [2002] UKHL 39

¹⁶ *Jones v Birmingham CC and Secretary of State for the Home Department* [2023] UKSC 27

¹⁷ For example, see Criminal Behaviour Orders in Part 2 of the Anti-social Behaviour, Crime and Policing Act 2014; and see, JUSTICE, *Lowering the Standard: a review of Behavioural Control Orders in England and Wales*, (2023), para. 2.2

¹⁸ UK Parliament, *Crime and Policing Bill Explanatory Notes*, (Feb. 2025).

¹⁹ JCHR Report, page 25, para 69.

in other types of Behavioural Control Order including Serious Disruption Prevention Orders.²⁰

- (c) **There are inadequate safeguards within the Bill to ensure that Respect Orders are used proportionately and that the conditions contained within them, do not push people further from support.** The Bill should be amended to explicitly refer to necessity and proportionality when imposing a Respect Order. This will ensure that the conditions/requirements imposed are appropriate and tailored to the particular facts of the case. This makes sense in light of the requirement for a risk assessment to be conducted as per Clause J1. The Bill must also be amended at Clause 1(A1(3)) to make it clear that any conditions imposed by a Respect Order must not interfere with the exercise of the individual's religious beliefs nor their access to support services. All too often, existing orders impose prohibitions that interfere with an individual's ability to access services such as foodbanks, alcohol and drug services and mental health facilities.
- (d) **The ability to impose a Respect Order without notice is inappropriate and undermines the rule of law.** Clause E1 that provides that Respect Orders can be imposed without notice, should be removed from the Bill. There is no rational basis to provide for without notice applications for Respect Orders. The imposition of a Respect Order must be accompanied with robust procedural safeguards. Allowing for applications to be made without notice undermines this. Should a case of anti-social behaviour / a threat of harm to another 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. 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.

Increased fines for Fixed Penalty Notices

- 23. The Bill would increase the fines for Fixed Penalty Notices for CPNs and PSPOs to £500. This is unnecessary, counter-productive and according to the majority of respondents to our practitioners survey, will not prevent anti-social behaviour. It is already within the relevant authority's discretion to prosecute a breach of a CPN or PSPO whereby they could recover £2,500 or £1,000 respectively. Moreover, research shows a significant proportion of CPNs and PSPOs are being imposed in inappropriate circumstances, either upon

²⁰ See also, Knife Crime Prevention Orders, Domestic Abuse Protection Orders and Sexual Harm Prevention Orders, amongst others.

individuals who are experiencing homelessness or mental illness or in cases where the behaviour complained of falls far below the threshold for antisocial behaviour.²¹ Imposing fines in such circumstances is not only immoral but also does not reduce anti-social behaviour.

24. Furthermore, both practitioners and the Joint Committee have rightly flagged concerns about the oversight and transparency of privately issued Fixed Penalty Notices.²² In particular, 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 2021-2022.²³ 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.²⁴ Increasing the fines for FPNs will only incentivise this practice further.
25. The Bill would also extend the power to impose PSPOs to partners under the Community Safety Accreditation Scheme. However, this is unnecessary given that the 2014 Act already provides local authorities with the ability to delegate authority. Furthermore, we are concerned that the further expansion of these powers without the regulatory oversight or monitoring referred to above, will only to more orders being enforced in inappropriate ways.

Lack of safeguards to prevent discrimination against those experiencing homelessness and adherence to the Public Sector Equality Duty

26. Homelessness is not anti-social behaviour yet those experiencing homelessness are disproportionately criminalised and impacted via the use of CPNs, Dispersal Powers and PSPOs despite being considerably more likely to be victims of anti-social behaviour, than perpetrators of it. Existing orders are currently being imposed upon those experiencing homelessness in ways that restrict their ability to access safe shelter, support services including foodbanks and mental health provision. JUSTICE is particularly concerned about the removal, in 2024, of safeguards from the statutory guidance that prohibited Public Spaces Protection Orders from being used in this way.
27. The Bill is a missed opportunity to provide for safeguards prohibiting local authorities and the police from enforcing orders against individuals merely because they are rough sleeping by providing, in primary legislation, that homelessness, along with begging or rough sleeping, in and of itself does not amount to anti-social behaviour and must not be criminalised as such. All local authority areas and police forces must undertake training and have policies in place (e.g., homelessness support plans) which involve engaging with

²¹ Manifesto Club, [‘PSPOs: the use of ‘busybody’ powers in 2022’ \(July 2023\)](#).

²² JCHR Report page 30, para 85.

²³ [Freedom of Information data](#) collated by Manifesto Club, (January 2023)

²⁴ 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)

public health and homelessness support organisations to ensure that their use of 2014 Act powers are safe and appropriate.

Lack of data and monitoring

28. The provisions relating to data in Clause 7 of the Bill – which provides a duty on relevant authorities to supply data to the Secretary of State – do not go far enough. In particular, we recommend that the Bill should require that regulations 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.
29. The lack of data is a critical issue within the framework for Behavioural Control Order regime – one that requires addressing urgently.²⁵ Information obtained via interviews, as well as FOI data, shows worrying variation in the types of data collected across authorities,²⁶ the quality of data collected, the means of inputting the data, the location of the data,²⁷ and the ability for the data to be extrapolated and shared internally, as well as with relevant agencies where appropriate to do so. Moreover, data capture in relation to ethnicity, mental ill-health, neurodiversity and substance use disorder appears to be so poor raising concerns about how relevant authorities are monitoring compliance with the Public Sector Equality duty in their enforcement decisions.

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JUSTICE | 14 October 2025

²⁵ JUSTICE, '[Lowering the Standard: a review of Behavioural Control Orders in England and Wales](#)' (2023), pp. 3.129 – 3.134

²⁶ 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.

²⁷ Several Freedom of Information responses obtained by JUSTICE explained that information was spread across databases and records and across different departments.