To:

|  |  |  |
| --- | --- | --- |
| **Name** | Date: | Date |
| Address Line 1 | Please ask for: | Name |
| Address Line 2 | Telephone: | Tel |
| Address Line 3 | Reference: | Reference Number |
| Postcode |  |  |

**Section 43 of the Anti-Social Behaviour Crime and Policing Act 2014**

**Community Protection Notice**

Being satisfied that your conduct is having a detrimental effect on the quality of life of others in the locality of:

**Describe Locality**

I, Name of Authorised Officer, authorised officer of \*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\* Council am satisfied on reasonable grounds that the conduct of **Name and address of offender** is having a detrimental effect on the quality of life of those in the locality, is persistent and/or continuing in nature and is unreasonable.

The nature of the conduct which is having a detrimental effect is as follows:

* Describe behaviours

This is having a detrimental effect on the quality of those in the locality Describe the impacts

You have previously been given a written warning on **Date CPW was served**, that a Community Protection Notice would be issued unless your unreasonable behaviour, detailed above, ceased. Despite having had enough time to deal with the matter, your unreasonable behaviour continues.

You are hereby required to comply with the following:

* Detail specific prohibitions

If you fail to comply with these requirements without reasonable excuse:

1. You may be issued with a fixed penalty notice.
2. You may be prosecuted. If you are prosecuted and convicted the maximum penalty for an individual is a fine of up to £2,500 or a fine of up to £20,000 for a business or organisation.
3. The court may make whatever order the court thinks appropriate to ensure that what the notice requires to be done is done.
4. A court order may require you to:
5. Carry out specified work, or
6. Allow specified work to be carried out by or on behalf of (insert issuing agency name) who can then charge you for carrying out the work.
7. The court may require 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. The court may require this item to be destroyed or disposed of. A justice of the peace may issue a warrant, authorising a constable or authorised person to enter your premises to seize the item.

\*\*\*\*\*\*\* Council will also consider what other action may be required to stop the problems, such as applying for an injunction, a Premises Closure Order or considering whether breaches of your tenancy agreement have occurred (Tenants only).

**Failing to comply with a Community Protection Notice is a Criminal Offence. You have the right to appeal against the issue of the Community Protection notice to a Magistrates Court within 21 days of the Notice being issued to you.**

**You are advised to refer to the following extract from the Anti-Social Behaviour Crime and Policing Act 2014 for further information and explaining your rights of appeal against the notice (Appendix A).**

This Community Protection Notice will be effective for a period of **(Specify effective length of CPN - i.e. 6 Months)** from the date of issue.

Outside of the appeal process (outlined in **Appendix A**), there is a provision for the Notice to be varied or discharged after it has been served. The Notice may be varied or discharged by the issuing agency, or on receipt of a qualifying request by the recipient.

The power to vary the Notice includes extending the term of the Notice or including additional prohibitions or requirements in the Notice. Should you wish to apply for variation or discharge of the Notice, you should submit a written request to the issuing officer (who’s contact details are below), outlining the reason for this request.

**Image**Signed (authorised officer): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date of Service: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name: Name

Position: Role

|  |  |
| --- | --- |
| Contact Details: | Telephone |
| Email |
| Address Line 1 |
| Address Line 2 |
| Address Line 3 |
| Postcode |

**Extracts from the Anti-Social Behaviour Crime and Policing Act 2014: APPENDIX A**

**Section 46 – Appeals against Notices**

(1) A person issued with a community protection notice (CPN) may appeal to a magistrates' court against the notice on any of the following grounds. 1 That the conduct specified in the CPN 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. 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 CPN 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 CPN must (a)quash the notice, (b) modify the notice (for example by extending a period specified in it), or (c) dismiss the appeal.

**Section 47. Remedial action by local authority**

(1) Where a person issued with a CPN ("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 CPN; (b) if the CPN 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.

**Section 48. Offence of failing to comply with notice**

(1) A person issued with a CPN 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.

**Section 49 Remedial orders**

(1) A court before which a person is convicted of an offence under section 48 in respect of a CPN 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 CPN ;(b) if the CPN 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

**Section 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 Appendix B Item 7 / Page 43 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.

**Section 51. Seizure of item used in commission of offence**

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 undersection 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 use.