

## **New Statutory Instrument - Anti Social Behaviour Orders**

A statutory instrument has now been published which, when it comes into law, will enable Anti Social Behaviour Orders to be applied for by bodies managing stock where an agreement has been made under Section 27 of the Housing Act 1985. A management organisation, for example an ALMO, will be able to exercise the functions of the Local Authority in relation to certain aspects of the Crime and Disorder Act.

The Local Authority will still retain responsibility for strategy to deal with crime and disorder, etc, but the actual Application for an Anti Social Behaviour Order can be undertaken by the management organisation.

There is a provision whereby the ALMO, for example, will have to consult with the Local Authority before exercising the function, but unless there are specific conditions laid down by the Local Authority requiring consent, this will not be needed.

ALMOs will therefore, be able to present cases to the Crime and Disorder Reduction Partnership for consideration of ASBOs and will be able to undertake the evidence gathering and other preliminary steps prior to an Application being issued. It will be the ALMO that appears in Court and prosecutes the Application as opposed to the Local Authority.

This change seems to be driven by a concern that Local Authorities are not being sufficiently responsive to community and residents' needs and will clearly enable management organisations to initiate actions.

In furtherance of these arrangements, employees of the ALMO etc will be able to represent the organisation in the Magistrates' Court. It may be felt at this stage that such self-representation would be a step too far, and of course the firm is more than able to deal with instructions to act in such matters having dealt with Applications for Local Authorities, the Police and Registered Social Landlords.

If you would like any further information on this topic, please do not hesitate to contact Peter Whitehead on 01257 266008.