

Community Protection Warning and Notices



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Purpose

Introduced by the ASB Crime and Policing Act 2014, Community Protection Notices (CPNs) are intended to deal with on-going problems of nuisance which have a negative effect on the community's quality of life.

The notice will direct the individual, business or organisation responsible to stop causing the problem and it could also require the person responsible to take reasonable steps to ensure that it does not occur again, e.g.

- An individual who regularly allows their dog to foul in a communal garden
- A group regularly taking the same route home late at night whilst drunk, making noise and waking their neighbours
- Individual using off road motorbikes on public land without permission or to the detriment of the community
- A takeaway which persistently allows its customers to drop litter on the pavement outside and causes noise nuisance late at night

Breach of a CPN is a criminal offence.

Who can use this power?

The following can issue Community Protection Notices:

- (a) A constable
- (b) The relevant local authority
- (c) A person designated by the relevant local authority for the purposes of this section. Local authorities have the authority to designate this power to landlords, PCSO'S, wardens etc.

Delegation of Powers

The powers under the ASB Crime and Policing Act 2014 are granted to local borough and district councils along with constables of the relevant force. Delegation of authority to relevant senior and front-line officers to use the powers must be sought through appropriate committees and senior management teams.

Other Existing Local Authority Only Powers

Cleaner Neighbourhoods and Environment Act 2005: This gives borough and district councils the power to issue fixed penalty notices (FPNs) for a range of offences under the Cleaner Neighbourhoods Act 2005, e.g. dog fouling, littering, fly-tipping etc.

Environmental Protection Act 1990: Local authorities can also issue Abatement Notices for statutory nuisance. Any issues around statutory nuisance should be reported to the local authority for review and action.

The following matters constitute a statutory nuisance:

- Any premises in such a state as to be prejudicial to health or a nuisance
- Smoke emitted from premises so as to be prejudicial to health or a nuisance
- Fumes or gases emitted from premises so as to be prejudicial to health or a nuisance

- Any dust, steam, smell or other effluvia arising on industrial, trade or business premises and being prejudicial to health or a nuisance
- Any accumulation or deposit which is prejudicial to health or a nuisance
- Any animal kept in such a place or manner as to be prejudicial to health or a nuisance
- Any insects emanating from relevant industrial, trade or business premises and being prejudicial to health or a nuisance
- Artificial light emitted from premises so as to be prejudicial to health or a nuisance
- Noise emitted from premises so as to be prejudicial to health or a nuisance
- Noise that is prejudicial to health or a nuisance is emitted from or caused by a vehicle, machinery or equipment in the street
- Any other matter declared by any enactment to be a statutory nuisance.

Information Sharing

Close liaison between the local authorities, police and registered social landlords is essential when issuing a warning letter (CPW) or a notice (CPN) to ensure the most effective power is used to protect victims.

Sharing information also ensures that all agencies are aware of the conditions placed on an individual or body so that enforcement/compliance of the warning or the notice can be monitored.

Information sharing for this process is governed by the current Multi Agency Information Sharing Protocol. Should a CPW or CPN be issued by police, it is essential that it is shared with the relevant local authority anti-social behavior team as soon as practicable.

Threshold

Community Protection Notices are designed to have a broad use and should focus on how victims and communities are affected by the perpetrators. Staff should therefore talk to potential victims where possible and understand the wider harm to the community; this will give reassurance to communities and assist with building evidence against the perpetrator.

A CPN can only be issued if the authorised officer has reasonable grounds to believe that the conduct of the individual, business or organisation is:

- Having a detrimental effect on the quality of life of those in the area
- Persistent or continuing in nature, and
- Unreasonable

These 'tests' must be considered on a **case by case** basis: e.g.

- Busking and street entertainment not causing anti-social behaviour is reasonable and therefore not applicable for a CPN
- Individuals hosting a loud party impacting on neighbours at 3.00am is unreasonable and if it continues after a request has been made to turn it down, could be considered as continuing in nature and so a CPN is applicable
- An individual riding their motorbike along pavements and conducting stunts in a residential street, causing nuisance and concerns for safety is not reasonable.
- A café utilizes outdoor seating where customers are congregating and intimidating or annoying pedestrians passing by. This is not reasonable.

Who can you issue a CPN to?

A CPN can be issued to any person aged 16 or over, a business, or an organisation. If a young person is aged 16-18 years, consultation must take place with the Youth Offending Team for the area **before** any further action is taken.

If a CPN is being issued to a business, it must be issued to the most appropriate person who can reasonably control or affect the behaviour, either in person or posted to them. E.g. shop owner of a small shop, store manager of a major supermarket. The CPN is considered issued from the time the notice is posted.

If the owner can't be determined, the issuing officer can post the CPN on the premises, provided reasonable enquiries have been made to identify them e.g. Land Registry check.

Case laws states that a CPN cannot be given to a parent of a child unless they are in some way contributing to the activity. Lord Justice Hickinbottom said: *"As a jurisdictional matter, a CPN cannot be issued to a person such as a parent who may have a degree of control over a second person whose conduct falls within s.43 by reason of that degree of control alone.*

"As my Lady has indicated, that conclusion does not, of course, mean that an individual might not be served with such a notice if, for example, he or she encourages or otherwise supports the relevant anti-social behaviour. That encouragement or support may in itself be anti-social behaviour and fall within conduct covered by s.43."

CPN Procedure

The Written Warning

Before a CPN can be issued, a written warning must be issued to the person committing the anti-social behaviour. It must state that if the individual does not cease, they could be issued with a CPN. The CPN must also:

- Outline the behaviour that is considered anti-social
- State the time by which the behaviour (or its impact) is expected to have changed*
- Set out the potential consequences of not complying with a CPN, and the sanctions if breached.

**it is down to the issuing officer to decide how long should be given for the matter to be dealt with although the templates have been set at 6 months which is considered reasonable. In certain circumstances the issuing officer may decide to issue more than one warning letter, before considering prosecution for breach.*

To ensure a consistent approach locally, a template warning letter has been drafted. This pre-agreed form of words can be used in correspondence or adapted to be used on the spot at an incident.

The issuing officer should inform victims and the community affected that a warning has been issued and explain the next steps if breached, to give victims confidence that their concerns are being responded to. It is likely in cases where there are repeated on numerous reports that such an update can be managed through media releases.

The CPW will remain in force for a period of 6 months. If there are no further issues, such warning will expire.

The warning document will need to be scanned on and saved to the relevant occurrence and a flag created against the subject indicating that a warning has been issued along with the conditions and expiry date.

Issuing a CPN

If the recipient of the Warning Letter has not ceased their behavior within the timescales set, a CPN can be issued.

The aim of the CPN is to stop the behaviour and put in place steps to ensure it will not reoccur. It should be adapted to the situation and can include any or all the following:

- A requirement to **stop doing** specific things
- A requirement **to do** specific things
- A requirement to take reasonable steps to achieve specific results within the set timescales.

The requirements will vary depending on the situation. Consultation with the local multi-agency Community Safety Group is recommended to ensure requirements are appropriate and can be monitored by the agencies involved for breaches. **It is essential to consult with Youth Offending Service when a young person under 18 years of age is involved.**

To ensure a consistent approach locally, a template CPN has been created and is available on the OP ENDURANCE sharepoint.

The CPN will remain in force for a period of 12 months. If there are no further issues in this time period the notice will be discharged. A template discharge letter has also been created.

On issuing the CPN a case file should be started on the linked occurrence. A copy of the CPN should be attached to the case file along with a statement from the officer issuing the notice. See further guidance around the importance of evidence.

Appeals Process

Any person issued with a CPN can appeal; the process is detailed on the CPN itself. The appeal will be heard in a Magistrates Court and can be made on the following grounds:

- The behaviour did not take place
- The behaviour has not had a detrimental effect on the quality of life of those in the locality
- The behaviour was not persistent or continuing
- The behaviour was not unreasonable

- The individual cannot reasonably be expected to control or affect the behaviour
- The requirements are considered unreasonable
- There is a material defect or error with the CPN, or
- The CPN was issued to the wrong person

Any appeal must be made within 21 days of the issue of a CPN. Any requirements to do a specific activity to achieve a specific result must be put on hold until the outcome of the appeal. Requirements to stop people doing specific things will continue to have effect.

Failure to comply with a CPN

Failure to comply with a CPN is a criminal offence under Section 48 of the Act. If an individual is convicted, they may receive a level 4 fine (up to £2,500 for an individual, up to £20,000 for a business or organisation) or the following sanctions:

- Fixed Penalty Notice (FPN)
- Remedial Action
- Remedial Orders
- Forfeiture Orders
- Seizure

Consideration should be given to the victims' wishes e.g. a Fixed Penalty Notice may be appropriate, but it may not quickly alleviate the impact on the community.

Prosecution of Breaches

Where there is a breach of a CPN which has been issued by an alternative authority the following procedure will be followed:

1. Warn the subject of the CPN that they have breached their CPN and that the details of the breach will be passed on to the issuing authority. This should be a documented account containing evidence of the warning given to the subject about the breach.
2. Send a witness statement to the authorising body outlining the incident(s) that constitutes a breach.
3. The witness will need to be available to give live evidence if required to do so by the court
4. Where an independent witness has come forward regarding an alleged breach, their details will be passed onto the issuing authority for further investigation.
5. Suspects breaching a CPN can be dealt with by arrest, summons or FPN.

Prosecutions or actions against breach of police issued CPN'S

Whilst the legislation for CPNS dates from 2014, Cleveland Police have not previously been active users of the legislation or the powers that it offers. Previously the issuing, management and prosecution of CPN offences has been primarily left in the hands of the local authority as breaches were dealt with as civil matters.

The local authorities and authorised partners will continue to manage their CPN'S, police will take responsibility for managing and enforcing police issued CPN'S.

Evidence of a breach of CPN can come from any source including partners. It is therefore vital that partners are aware of the existence of all active CPN'S and their conditions. This will allow the sharing of evidence and intelligence and allow for effective management of offenders.

Each breach of CPN conditions should be assessed in its own right with consideration given to the most appropriate action to take in the circumstances. Whilst the breach of a CPN is a criminal offence for which arrest is a possible outcome, this action should always be weighed against the necessity test. All evidence regarding the service of the CPN and any breaches should be recorded on a case file from the outset to streamline the process of future breaches.

Potential actions include:

- Further issue of an amended CPN where there is no clear breach or new conditions required. This may also be an option when close to the expiry date of the existing CPN and there have been no previous breaches.
- A simple caution (Over 18 years only) may be appropriate in certain circumstances but consideration will need to be given to the offenders criminal history as well as the nature of the breach.
- A referral to the Youth Offending Service must be made for any offender under the age of 18 who will assist in informing the finalization decision.
- £100 fixed penalty notice which can be issued on the spot, in custody or retrospectively. The payment for these breaches is made to the local authority and their tickets should be used.
- Court prosecution via arrest/summons will normally be expected to occur once all other options have failed to address the behavior. The evidence should be presented as a full file containing evidence of all previous breaches and the service of the CPW and CPN.
- Once a charge or summons action is pursued for repeat offenders, it is recommended to seek further orders to prevent further breaches including criminal behavior orders.

Fixed Penalty Notices

On breach of a CPN, a FPN, if decided to be the most appropriate course of action, **will be issued by an officer delegated by the local authority**, as all FPN payments will go the local authority regardless of which agency issued the warning letter and subsequent CPN. Close partnership working at a local level is essential to ensure there is no confusion over individual agencies roles in each case.

The maximum payable is £100. A lower level can be set if paid within 14 days. During this period, no further action can be taken, to allow time for payment. Payment of the FPN discharges any liability for the offence.

FPN documentation should include:

- Particulars of the circumstances alleged to constitute the offence
- States the period during which proceedings will not be taken
- Specifies the amount payable
- States the name and address of the person to whom the FPN should be paid, and specifies permissible methods of payment.

Remedial Orders

The prosecuting authority may ask the court to impose a remedial order and/or forfeiture order

where:

- The matter is so serious a court order is warranted
- Works need to be carried out to rectify the situation but consent is not forthcoming
- The issuing authority may believe that forfeiture or seizure of items is required, because of the behaviour e.g. sound making equipment, motorcycles used.

Forfeiture Orders

Following conviction for an offence under Section 48 of the Act, the court may also order forfeiture of any items used to cause the anti-social behaviour e.g. spray paint, sound making equipment, a vehicles.

Items can be destroyed or disposed of. The item must be handed over as soon as reasonable, to either a police officer or local authority employee.

Seizure

The court may issue a warrant authorising seizure of items used in the commission of the offence, due to the failure to comply with the CPN. A police or local authority enforcement officer may use reasonable force to seize the items.

The Importance of Evidence

A CPN should not be issued unless the issuing officer believes that there is sufficient evidence that the appropriate test is met. The test is designed to be broad and focus on the impact that the anti-social behavior is having on victims and communities.

A CPN can be issued if an officer is satisfied on reasonable grounds that the conduct of the individual, business or organisation:

- is having a detrimental effect on the quality of life of those in the locality;
- is persistent or continuing in nature; and
- is unreasonable

It is therefore essential to talk to the local community and record evidence of the impact and timescales of the ASB. Evidence must be obtained prior to issuing of a CPN and saved within a case file linked to the initial issue of the CPN. This evidence should include but not be limited to:

- Statement detailing the alleged actions leading up to the issuing of the CPN and any breach.
- Chronology of events reported to police and or other agencies representing the views of the community and their need to call the relevant authorities to report matters. Include quotes where possible to demonstrate the community feeling towards the behavior.
- Evidence of how the offender has been identified.
- Redacted intelligence where appropriate.
- Ideally, the issuing of a CPW and or CPN should be captured on BWV to prevent any later appeals that it was not the subject who was issued with the notice/warning.
- Witness statements where appropriate
- CCTV/Still images
- Consider a Community Impact assessment

It is good practice to assume that a CPN will be breached and this evidence will be needed in later case files. By taking this approach an agency can ensure that for every CPN that is issued,

there is enough evidence to support a successful prosecution in the magistrates' court if breached.

The following information should be routinely recorded in statements regarding breach of a CPN or as evidence in support of the issuing of a CPN:

- A description of the breach that has occurred (a description of the continuing Anti-Social Behaviour)
- The location at which the breach occurred
- The date
- The time
- The name and address of the perpetrator
- The age of the perpetrator
- A description of the perpetrator
- The view of the officer that witnessed the breach (did the officer have a clear view of what happened?)
- The weather and light conditions at the time.
- How this behavior is having a detrimental effect on the community. *E.g Due to my role as the neighbourhood officer for **** ward I am well aware of the issues which impact the community, including the use of off road bikes which are regularly reported. Between the dates of *** and ***Cleveland police have received 6 reports regarding the use of ORB's in this locality. The volume and nature of these calls is a representation of the community impact that this behavior is having.*

There may be occasions when a third party, another professional or a member of the public, might have witnessed an act. If this is the case the officer is advised to take a statement, or PNB entry to record any evidence that the third party might be able to provide in support.

Photographs should also be considered as supporting evidence particularly for ASB such as graffiti, fly-tipping, litter, wheel marks across fields etc.

Publicity and communication

The Community Protection Notice process will be actively promoted, both internally and to the public.

Monitoring and Review

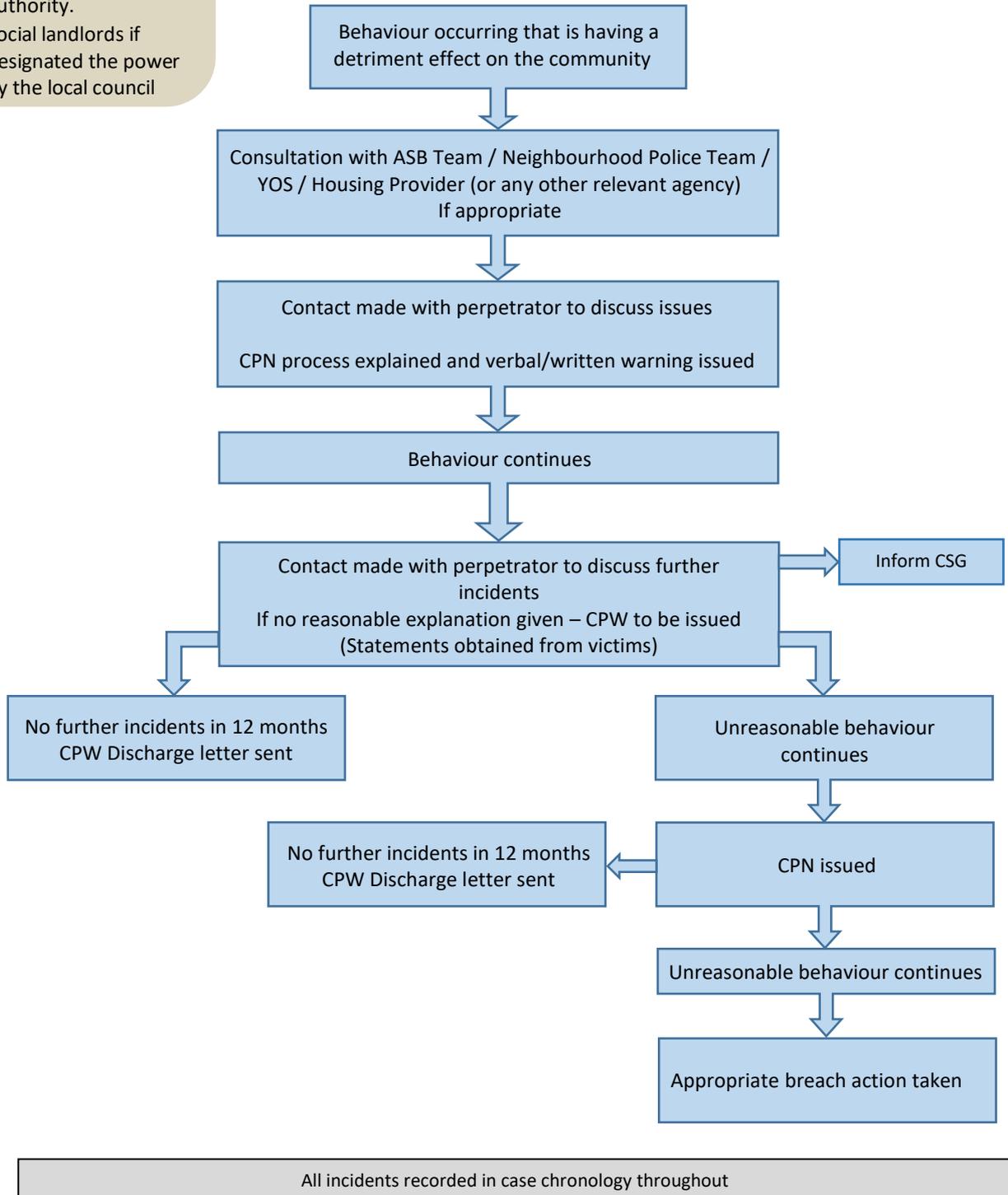
Community Protection Notices will be reviewed monthly at the local borough and district based Community Safety Groups.

The issuing of any CPW, CPN or breaches should be shared with the relevant local authority Anti-Social Behaviour team. The copies of notices and evidence should be saved and linked to a NICHE event case file.

Who can use it?

- Local Council officers
- Police officers
- PCSOs if designated the power by their Chief Constable and local authority.
- Social landlords if designated the power by the local council

Community Protection Warning/Notice Flowchart





**ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014
PART 4, CHAPTER 1 – COMMUNITY PROTECTION WARNING**

COMMUNITY PROTECTION WARNING

This warning is used to:

Name:
DOB:
Address:

Cleveland Police is investigating and/or responding to complaints regarding anti-social behaviour described as:

Brief description of incident i.e. Off road bikes riding in parkland.

It is considered that on reasonable grounds that you are the appropriate person / appropriate person within a body or business, suspected of being responsible for the behaviour described and that it is having and/or is likely to have a detrimental effect on the quality of life for the people in the locality, and is reasonably expected that you are able to control or affect that behaviour.

The behaviour is deemed to be having or is likely to have a detrimental effect on the quality of life for the people in the locality. It is reasonably considered to be persistent and/or continuing and is considered to be both unreasonable and unnecessary in nature. It is believed that your behaviour is contributing to these concerns by:

Describe actions the subject is suspected of committing.

The above identified behaviour must stop, and you must now comply with the below listed conditions. These conditions are believed to be necessary to prevent the detrimental effect

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that your behaviour/conduct is having or likely to have on the quality of life for the people in the locality. You must now comply with the below conditions.

- Not to engage or threaten to engage in any behaviour which may cause harassment, alarm or distress to any resident, visitor or worker in the locality.
- Not to ride any off road vehicles on highways, on any open spaces where the public has access to or any private land that you do not have permission off the landowner to do so.
- Not to ride or drive any vehicle on road that you need a driving licence and insurance to do so. (until you hold the appropriate licence to do so)
- Not to ride or drive any vehicle on any public, private land or open space without having permission from the owner of that land.
- To positively engage with any Police or Council Officer wishing to speak with you.
- Not to wear any item of headwear designed or intended to conceal your identity

This warning will last 6 months from the date of issue. If you fail without reasonable excuse to comply with the requirement(s) of this warning notice, Cleveland Police and/or its authorised partners may issue you with a Community Protection Notice in accordance with Section 43 Anti-Social Behaviour, Crime and Policing Act 2014.

If you fail without reasonable excuse to comply with a Community Protection Notice you will be liable on summary conviction to a fine not exceeding £2500 in the case of an individual, or on summary conviction to a fine not exceeding £20,000 in the case of body or business.

Breach of a Community Protection Notice is a Criminal Offence, furthermore consideration may be given by the justice of the peace to apply remedial orders in order to prevent further incidents.

Consideration may also be given for the forfeiture of items used in the commission of the offence or seizure of items used in the commission of the offence.

Issuing officer	Event no.	
Signature	Date of issue	

Should you have further questions, you may call 101 for non-emergency enquiries and quote the reference at the top of this letter.

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COMMUNITY PROTECTION NOTICE



ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 PART 4, CHAPTER 1 – COMMUNITY PROTECTION NOTICE

I am satisfied on reasonable grounds that despite the prior written warning issued on _____ your conduct listed below is having a persistent or continuing detrimental effect on the quality of life of those in the locality and the conduct is unreasonable. Cleveland Police is satisfied that, despite having had enough as outlined in the warning letter, your unreasonable behaviour continues.

Name:		Date of Birth:	
Address:			
Business Name:		Organisation:	

The nature of the conduct is as follows:

In order to address the offending conduct you must abide by the following conditions:

1.	
2.	
3.	
4.	

If you wish to challenge this notice, you must do so by appeal to a Magistrates Court within 21 days. A person issued with a Community Protection Notice may appeal to a Magistrate’s Court against the notice on any of the following grounds.

1. That the conduct specified in the Community Protection Notice –
 - (a) did not take place,
 - (b) Has not had a detrimental effect on the quality of life of those in the locality,
 - (c) Has not been of a persistent or continuing nature,
 - (d) Is not unreasonable, or
 - (e) 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.

If you have not appealed the notice in that time you can ask for a variation in the terms of the notice, but any such request must be made in writing and may be accepted or rejected within the discretion of the issuing authority.

Issuing officer		Event no.	
Signature		Date	

If you fail without reasonable excuse to comply:

- (i) You may be issued with a fixed penalty notice of £100 (payable within 14 days)
- (ii) You may be prosecuted. If you are prosecuted and convicted the maximum penalty is a fine not exceeding level 4 on the standard scale (currently £2,500) for individuals, or an unlimited fine in the case of companies or other bodies;
- (iii) The court may make whatever order the court thinks appropriate for ensuring that what the notice requires to be done is done.
- (iv) An order under this section may in particular require you
 - (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
- (v) 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 by the police force. A justice of the peace may issue a warrant, authorising a constable or authorised person to enter your premises to seize the item.

We will also consider what other action may be required to stop the problems, which may include criminal action if a criminal offence has been committed, another form of civil action, such as applying for an ASB Injunction, or notifying your landlord (where relevant) if we feel that breaches of your tenancy agreement/lease has occurred.

You are advised to refer to the extract from the ASB Crime and Policing Act 2014 provided.

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.

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.

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.

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.

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 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.

51. Seizure of item used in commission of offence (1) 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 under section 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 used.



Dear <insert perpetrator name>,

Re: Discharge of your Community Protection Notice/Community Protection Warning (delete as appropriate)

I am writing to confirm that your Community Protection Notice/Community Protection Warning issued on (insert date) was discharged on <insert discharge date>.

I would like to thank you for your co-operation throughout the duration of the Warning/Notice. (delete as appropriate)

Please be aware that we will continue to monitor your behaviour but we are confident that our further intervention will not be required.

If there is anything further you wish to discuss please do not hesitate to contact me.

Yours sincerely

<insert officer name>