



Police and Justice Act 2006

2006 CHAPTER 48

PART 3

CRIME AND ANTI-SOCIAL BEHAVIOUR

Crime and disorder

19 Local authority scrutiny of crime and disorder matters

- (1) Every local authority shall ensure that it has a committee (the “crime and disorder committee”) with power—
 - (a) to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions;
 - (b) to make reports or recommendations to the local authority with respect to the discharge of those functions.

“The responsible authorities” means the bodies and persons who are responsible authorities within the meaning given by section 5 of the Crime and Disorder Act 1998 (c. 37) (authorities responsible for crime and disorder strategies) in relation to the local authority’s area.
- (2) Where by virtue of subsection (1)(b) the crime and disorder committee makes a report or recommendations it shall provide a copy—
 - (a) to each of the responsible authorities, and
 - (b) to each of the persons with whom, and bodies with which, the responsible authorities have a duty to co-operate under section 5(2) of the Crime and Disorder Act 1998 (“the co-operating persons and bodies”).
- (3) Where a member of a local authority (“the councillor”) is asked to consider a local crime and disorder matter by a person who lives or works in the area that the councillor represents—
 - (a) the councillor shall consider the matter and respond to the person who asked him to consider it, indicating what (if any) action he proposes to take;

Status: This is the original version (as it was originally enacted).

(b) the councillor may refer the matter to the crime and disorder committee.

In this subsection and subsections (4) to (6) “local authority” does not include the county council for an area for which there are district councils.

- (4) Where a member of a local authority operating executive arrangements declines to refer a matter to the crime and disorder committee under subsection (3)(b), the person who asked him to consider it may refer the matter to the executive of that authority.
- (5) Where a matter is referred under subsection (4) to the executive of a local authority—
- (a) the executive shall consider the matter and respond to the person who referred the matter to it, indicating what (if any) action it proposes to take;
 - (b) the executive may refer the matter to the crime and disorder committee.
- (6) The crime and disorder committee shall consider any local crime and disorder matter—
- (a) referred to it by a member of the local authority in question (whether under subsection (3)(b) or not), or
 - (b) referred to it under subsection (5),
- and may make a report or recommendations to the local authority with respect to it.
- (7) Where the crime and disorder committee makes a report or recommendations under subsection (6) it shall provide a copy to such of the responsible authorities and to such of the co-operating persons and bodies as it thinks appropriate.
- (8) An authority, person or body to which a copy of a report or recommendations is provided under subsection (2) or (7) shall—
- (a) consider the report or recommendations;
 - (b) respond to the crime and disorder committee indicating what (if any) action it proposes to take;
 - (c) have regard to the report or recommendations in exercising its functions.
- (9) In the case of a local authority operating executive arrangements—
- (a) the crime and disorder committee is to be an overview and scrutiny committee of the authority (within the meaning of Part 2 of the Local Government Act 2000 (c. 22));
 - (b) a reference in subsection (1)(b) or (6) to making a report or recommendations to the local authority is to be read as a reference to making a report or recommendations to the local authority or the executive.
- (10) Schedule 8 (which makes further provision about the crime and disorder committees of local authorities not operating executive arrangements, made up of provision corresponding to that made by section 21 of the Local Government Act 2000 and particular provision for the City of London) has effect.
- (11) In this section—
- “crime and disorder functions” means functions conferred by or under section 6 of the Crime and Disorder Act 1998 (c. 37) (formulation and implementation of crime and disorder strategies);
- “executive arrangements” means executive arrangements under Part 2 of the Local Government Act 2000;
- “local authority” means—

- (a) in relation to England, a county council, a district council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly;
 - (b) in relation to Wales, a county council or a county borough council;
- “local crime and disorder matter”, in relation to a member of a local authority, means a matter concerning—
- (a) crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment) in the area represented by the member, or
 - (b) the misuse of drugs, alcohol and other substances in that area.

20 Guidance and regulations regarding crime and disorder matters

- (1) The Secretary of State may issue guidance to—
 - (a) local authorities in England,
 - (b) members of those authorities, and
 - (c) crime and disorder committees of those authorities,with regard to the exercise of their functions under section 19.
- (2) The National Assembly for Wales, after consulting the Secretary of State, may issue guidance to—
 - (a) local authorities in Wales,
 - (b) members of those authorities, and
 - (c) crime and disorder committees of those authorities,with regard to the exercise of their functions under section 19.
- (3) The Secretary of State may by regulations make provision supplementing that made by section 19 in relation to local authorities in England.
- (4) The Secretary of State, after consulting the National Assembly for Wales, may by regulations make provision supplementing that made by section 19 in relation to local authorities in Wales.
- (5) Regulations under subsection (3) or (4) may in particular make provision—
 - (a) as to the co-opting of additional members to serve on the crime and disorder committee of a local authority;
 - (b) as to the frequency with which the power mentioned in section 19(1)(a) is to be exercised;
 - (c) requiring information to be provided to the crime and disorder committee by the responsible authorities and the co-operating persons and bodies;
 - (d) imposing restrictions on the provision of information to the crime and disorder committee by the responsible authorities and the co-operating persons and bodies;
 - (e) requiring officers or employees of the responsible authorities and the co-operating persons and bodies to attend before the crime and disorder committee to answer questions;
 - (f) specifying how a person is to refer a matter to a member of a local authority, or to the executive of a local authority, under section 19(3) or (4);
 - (g) specifying the periods within which—

Status: This is the original version (as it was originally enacted).

- (i) a member of a local authority is to deal with a request under section 19(3);
 - (ii) the executive of a local authority is to deal with a matter referred under section 19(4);
 - (iii) the crime and disorder committee is to deal with a matter referred as mentioned in section 19(6);
 - (iv) the responsible authorities and the co-operating persons and bodies are to consider and respond to a report or recommendations made under or by virtue of section 19.
- (6) Regulations made by virtue of subsection (5)(a) may provide for a person co-opted to serve as a member of a crime and disorder committee to have the same entitlement to vote as any other member.
- (7) In this section “local authority”, “crime and disorder committee”, “responsible authorities” and “co-operating persons and bodies” have the same meaning as in section 19.

21 Joint crime and disorder committees

In section 5 of the Crime and Disorder Act 1998 (c. 37) (authorities responsible for crime and disorder strategies), after subsection (1B) there is inserted—

“(1C) An order under subsection (1A) above—

- (a) may require the councils for the local government areas in question to appoint a joint committee of those councils (the “joint crime and disorder committee”) and to arrange for crime and disorder scrutiny functions in relation to any (or all) of those councils to be exercisable by that committee;
- (b) may make provision applying any of the relevant provisions, with or without modifications, in relation to a joint crime and disorder committee.

(1D) In subsection (1C)—

“crime and disorder scrutiny functions”, in relation to a council, means functions that are, or, but for an order under subsection (1A) above, would be, exercisable by the crime and disorder committee of the council under section 19 of the Police and Justice Act 2006 (local authority scrutiny of crime and disorder matters);

“the relevant provisions” means—

- (a) section 19 of the Police and Justice Act 2006;
- (b) section 20 of that Act and any regulations made under that section;
- (c) Schedule 8 to that Act;
- (d) section 21 of the Local Government Act 2000.”

22 Amendments to the Crime and Disorder Act 1998

Schedule 9 (which contains amendments to the Crime and Disorder Act 1998 (c. 37) in relation to crime and disorder strategies and other matters relating to the reduction of crime and disorder) has effect.

Parenting contracts and parenting orders

23 Parenting contracts: local authorities and registered social landlords

- (1) In Part 3 of the Anti-social Behaviour Act 2003 (c. 38) (parental responsibilities), after section 25 there is inserted—

“25A Parenting contracts in respect of anti-social behaviour: local authorities

- (1) A local authority may enter into a parenting contract with a parent of a child or young person if—
- (a) the local authority has reason to believe that the child or young person has engaged, or is likely to engage, in anti-social behaviour, and
 - (b) the child or young person resides, or appears to reside, in the local authority’s area.
- (2) A parenting contract is a document which contains—
- (a) a statement by the parent that he agrees to comply with such requirements as may be specified in the document for such period as may be so specified, and
 - (b) a statement by the local authority that it agrees to provide support to the parent for the purpose of complying with those requirements.
- (3) The requirements mentioned in subsection (2)(a) may include (in particular) a requirement to attend a counselling or guidance programme.
- (4) The purpose of the requirements mentioned in subsection (2)(a) is to prevent the child or young person from engaging in anti-social behaviour or further anti-social behaviour.
- (5) A parenting contract must be signed by the parent and signed on behalf of the local authority.
- (6) A parenting contract does not create any obligations in respect of whose breach any liability arises in contract or in tort.
- (7) In carrying out their functions in relation to parenting contracts—
- (a) local authorities in England shall have regard to any guidance which is issued by the Secretary of State from time to time for that purpose;
 - (b) local authorities in Wales shall have regard to any guidance which is issued by the National Assembly for Wales from time to time for that purpose.

25B Parenting contracts in respect of anti-social behaviour: registered social landlords

- (1) A registered social landlord may enter into a parenting contract with a parent of a child or young person if—
- (a) the registered social landlord has reason to believe that the child or young person—
 - (i) has engaged in anti-social behaviour, or
 - (ii) is likely to engage in such behaviour,

Status: This is the original version (as it was originally enacted).

- and
- (b) that behaviour directly or indirectly relates to or affects the housing management functions of the registered social landlord (or, where paragraph (a)(ii) applies, would do so if the behaviour were engaged in).
- (2) A parenting contract is a document which contains—
- (a) a statement by the parent that he agrees to comply with such requirements as may be specified in the document for such period as may be so specified, and
- (b) a statement by the registered social landlord that it agrees to make arrangements for the provision of support to the parent for the purpose of complying with those requirements.
- (3) The requirements mentioned in subsection (2)(a) may include (in particular) a requirement to attend a counselling or guidance programme.
- (4) The purpose of the requirements mentioned in subsection (2)(a) is to prevent the child or young person from engaging in anti-social behaviour or further anti-social behaviour.
- (5) A parenting contract must be signed by the parent and signed on behalf of the registered social landlord.
- (6) A parenting contract does not create any obligations in respect of whose breach any liability arises in contract or in tort.
- (7) In carrying out their functions in relation to parenting contracts—
- (a) registered social landlords on the register maintained by the Housing Corporation shall have regard to any guidance which is issued by the Secretary of State from time to time for that purpose;
- (b) registered social landlords on the register maintained by the National Assembly for Wales shall have regard to any guidance which is issued by the Assembly from time to time for that purpose.”
- (2) In section 29(1) of that Act (interpretation of sections 25 to 29) the following definitions are inserted at the appropriate places—
- ““housing accommodation” has the meaning given by section 153E(9) of the Housing Act 1996;”;
- ““housing management functions”, in relation to a registered social landlord, include—
- (a) functions conferred by or under any enactment;
- (b) the powers and duties of the landlord as the holder of an estate or interest in housing accommodation;”;
- ““local authority” means—
- (a) a county council in England;
- (b) a metropolitan district council;
- (c) a non-metropolitan district council for an area for which there is no county council;
- (d) a London borough council;
- (e) the Common Council of the City of London;

Status: This is the original version (as it was originally enacted).

- (f) the Council of the Isles of Scilly;
- (g) a county council or county borough council in Wales;”;

““registered social landlord” means a body registered as such under Chapter 1 of Part 1 of the Housing Act 1996;”.

24 Parenting orders: local authorities and registered social landlords

In Part 3 of the Anti-social Behaviour Act 2003 (c. 38) (parental responsibilities), after section 26 there is inserted—

“26A Parenting orders in respect of anti-social behaviour: local authorities

- (1) A local authority may apply for a parenting order in respect of a parent of a child or young person if—
- (a) the local authority has reason to believe that the child or young person has engaged in anti-social behaviour, and
 - (b) the child or young person resides, or appears to reside, in the local authority’s area.

An application for such an order may be made to a magistrates' court or, where section 26C so allows, to a county court.

- (2) If such an application is made, the court may make a parenting order in respect of a parent of the child or young person if it is satisfied—
- (a) that the child or young person has engaged in anti-social behaviour, and
 - (b) that making the order would be desirable in the interests of preventing the child or young person from engaging in further anti-social behaviour.
- (3) A parenting order is an order which requires the parent—
- (a) to comply, for a period not exceeding twelve months, with such requirements as are specified in the order, and
 - (b) subject to subsection (4), to attend, for a concurrent period not exceeding three months, such counselling or guidance programme as may be specified in directions given by the responsible officer.
- (4) A parenting order under this section may, but need not, include a requirement mentioned in subsection (3)(b) in any case where a parenting order under this section or any other enactment has been made in respect of the parent on a previous occasion.
- (5) A counselling or guidance programme which a parent is required to attend by virtue of subsection (3)(b) may be or include a residential course but only if the court is satisfied that the following two conditions are fulfilled.
- (6) The first condition is that the attendance of the parent at a residential course is likely to be more effective than his attendance at a non-residential course in preventing the child or young person from engaging in further anti-social behaviour.
- (7) The second condition is that any interference with family life which is likely to result from the attendance of the parent at a residential course is proportionate in all the circumstances.

Status: This is the original version (as it was originally enacted).

- (8) A person is eligible to be the responsible officer in relation to a parenting order under this section only if he is—
- (a) an officer of the local authority which applied for the order, or
 - (b) a person nominated by that authority or by a person or body requested by the authority to make a nomination.

A person may not be nominated under paragraph (b) without his consent.

26B Parenting orders in respect of anti-social behaviour: registered social landlords

- (1) A registered social landlord may apply for a parenting order in respect of a parent of a child or young person if—
- (a) the registered social landlord has reason to believe that the child or young person has engaged in anti-social behaviour, and
 - (b) the behaviour in question directly or indirectly relates to or affects the housing management functions of the registered social landlord.

An application for such an order may be made to a magistrates' court or, where section 26C so allows, to a county court.

- (2) If such an application is made, the court may make a parenting order in respect of a parent of the child or young person if it is satisfied—
- (a) that the child or young person has engaged in anti-social behaviour, and
 - (b) that making the order would be desirable in the interests of preventing the child or young person from engaging in further anti-social behaviour.
- (3) A parenting order is an order which requires the parent—
- (a) to comply, for a period not exceeding twelve months, with such requirements as are specified in the order, and
 - (b) subject to subsection (4), to attend, for a concurrent period not exceeding three months, such counselling or guidance programme as may be specified in directions given by the responsible officer.
- (4) A parenting order under this section may, but need not, include a requirement mentioned in subsection (3)(b) in any case where a parenting order under this section or any other enactment has been made in respect of the parent on a previous occasion.
- (5) A counselling or guidance programme which a parent is required to attend by virtue of subsection (3)(b) may be or include a residential course but only if the court is satisfied that the following two conditions are fulfilled.
- (6) The first condition is that the attendance of the parent at a residential course is likely to be more effective than his attendance at a non-residential course in preventing the child or young person from engaging in further anti-social behaviour.
- (7) The second condition is that any interference with family life which is likely to result from the attendance of the parent at a residential course is proportionate in all the circumstances.

Status: This is the original version (as it was originally enacted).

- (8) A registered social landlord must not make an application under this section without first consulting the local authority in whose area the child or young person in question resides or appears to reside.
- (9) A person is eligible to be the responsible officer in relation to a parenting order under this section only if he is—
- (a) an officer of the registered social landlord which applied for the order, or
 - (b) a person nominated by that registered social landlord.
- A person may not be nominated under paragraph (b) without his consent.
- (10) In deciding whom to nominate under subsection (9)(b) a registered social landlord must take into account the views of—
- (a) the local authority mentioned in subsection (8), and
 - (b) such other persons or bodies as the registered social landlord thinks appropriate.

26C Applications under section 26A or 26B in county court proceedings

- (1) Where a local authority or registered social landlord (a “relevant authority”)—
- (a) is a party to proceedings in a county court, and
 - (b) considers that a party to those proceedings is a person in relation to whom it would be reasonable for it to make an application for a parenting order under section 26A or 26B (a “parenting order application”),
- it may make such an application to that court in relation to that person.
- (2) Where—
- (a) a relevant authority considers that a party to proceedings in a county court is a person in relation to whom it would be reasonable for it to make a parenting order application, but
 - (b) the relevant authority is not a party to those proceedings,
- it may apply to be joined to those proceedings to enable it to make a parenting order application.
- (3) Where—
- (a) there are proceedings in a county court to which a relevant authority is a party, and
 - (b) the relevant authority considers that a child or young person has engaged in anti-social behaviour that is material in relation to the proceedings,
- the relevant authority may apply for a person who is a parent of the child or young person to be joined to the proceedings to enable it to make a parenting order application in relation to him.
- (4) A person must not be joined to proceedings in pursuance of subsection (3) unless the anti-social behaviour in question is material in relation to those proceedings.”

Status: This is the original version (as it was originally enacted).

25 Contracting out of local authority functions with regard to parenting contracts and parenting orders

In Part 3 of the Anti-social Behaviour Act 2003 (c. 38) (parental responsibilities), after section 28 there is inserted—

“28A Contracting out of local authority functions

- (1) An order made by—
 - (a) the Secretary of State as regards local authorities in England, or
 - (b) the National Assembly for Wales as regards local authorities in Wales,
 may provide that a local authority may make arrangements with a person who is specified in the order, or is of a description so specified, for the exercise of any function it has under or by virtue of section 25A or 26A.
- (2) The order may provide—
 - (a) that the power of the local authority to make the arrangements is subject to such conditions as are specified in the order;
 - (b) that the arrangements must be subject to such conditions as are so specified;
 - (c) that the arrangements may be made subject to such other conditions as the local authority thinks appropriate.
- (3) The order may provide that the arrangements may authorise the exercise of the function—
 - (a) either wholly or to such extent as may be specified in the order or arrangements;
 - (b) either generally or in such cases or areas as may be so specified.
- (4) An order under this section may provide that the person with whom arrangements are made in pursuance of the order is to be treated as if he were a public body for the purposes of section 1 of the Local Authorities (Goods and Services) Act 1970.
- (5) The Secretary of State or (as the case may be) the National Assembly for Wales must not make an order under this section without first consulting—
 - (a) such representatives of local government as appear to be appropriate;
 - (b) such other persons as appear to be appropriate.
- (6) Any arrangements made by a local authority in pursuance of an order under this section do not prevent the local authority from exercising the function to which the arrangements relate.
- (7) The following provisions of the Deregulation and Contracting Out Act 1994 apply for the purposes of arrangements made in pursuance of an order under this section as they apply for the purposes of an authorisation to exercise functions by virtue of an order under section 70(2) of that Act—
 - (a) section 72 (effect of contracting out);
 - (b) section 73 (termination of contracting out);
 - (c) section 75 and Schedule 15 (provision relating to disclosure of information);
 - (d) paragraph 3 of Schedule 16 (authorised persons to be treated as officers of local authority).

- (8) For the purposes of subsection (7), any reference in the provisions specified in paragraphs (a) to (d) to a person authorised to exercise a function is to be construed as a reference to a person with whom an arrangement is made for the exercise of the function in pursuance of an order under this section.
- (9) Local authorities in England and any person with whom they make arrangements in pursuance of an order under this section must have regard to any guidance issued by the Secretary of State for the purposes of this section.
- (10) Local authorities in Wales and any person with whom they make arrangements in pursuance of an order under this section must have regard to any guidance issued by the National Assembly for Wales for the purposes of this section.”

Injunctions

26 Anti-social behaviour injunctions

For section 153A of the Housing Act 1996 (c. 52) there is substituted—

“153A Anti-social behaviour injunction

- (1) In this section—
 - “anti-social behaviour injunction” means an injunction that prohibits the person in respect of whom it is granted from engaging in housing-related anti-social conduct of a kind specified in the injunction;
 - “anti-social conduct” means conduct capable of causing nuisance or annoyance to some person (who need not be a particular identified person);
 - “conduct” means conduct anywhere;
 - “housing-related” means directly or indirectly relating to or affecting the housing management functions of a relevant landlord.
- (2) The court on the application of a relevant landlord may grant an anti-social behaviour injunction if the condition in subsection (3) is satisfied.
- (3) The condition is that the person against whom the injunction is sought is engaging, has engaged or threatens to engage in housing-related conduct capable of causing a nuisance or annoyance to—
 - (a) a person with a right (of whatever description) to reside in or occupy housing accommodation owned or managed by a relevant landlord,
 - (b) a person with a right (of whatever description) to reside in or occupy other housing accommodation in the neighbourhood of housing accommodation mentioned in paragraph (a),
 - (c) a person engaged in lawful activity in, or in the neighbourhood of, housing accommodation mentioned in paragraph (a), or
 - (d) a person employed (whether or not by a relevant landlord) in connection with the exercise of a relevant landlord’s housing management functions.
- (4) Without prejudice to the generality of the court’s power under subsection (2), a kind of conduct may be described in an anti-social behaviour injunction by

Status: This is the original version (as it was originally enacted).

reference to a person or persons and, if it is, may (in particular) be described by reference—

- (a) to persons generally,
- (b) to persons of a description specified in the injunction, or
- (c) to persons, or a person, specified in the injunction.”

27 Injunctions in local authority proceedings: power of arrest and remand

- (1) This section applies to proceedings in which a local authority is a party by virtue of section 222 of the Local Government Act 1972 (c. 70) (power of local authority to bring, defend or appear in proceedings for the promotion or protection of the interests of inhabitants of their area).
- (2) If the court grants an injunction which prohibits conduct which is capable of causing nuisance or annoyance to a person it may, if subsection (3) applies, attach a power of arrest to any provision of the injunction.
- (3) This subsection applies if the local authority applies to the court to attach the power of arrest and the court thinks that either—
 - (a) the conduct mentioned in subsection (2) consists of or includes the use or threatened use of violence, or
 - (b) there is a significant risk of harm to the person mentioned in that subsection.
- (4) Where a power of arrest is attached to any provision of an injunction under subsection (2), a constable may arrest without warrant a person whom he has reasonable cause for suspecting to be in breach of that provision.
- (5) After making an arrest under subsection (4) the constable must as soon as is reasonably practicable inform the local authority.
- (6) Where a person is arrested under subsection (4)—
 - (a) he shall be brought before the court within the period of 24 hours beginning at the time of his arrest, and
 - (b) if the matter is not then disposed of forthwith, the court may remand him.
- (7) For the purposes of subsection (6), when calculating the period of 24 hours referred to in paragraph (a) of that subsection, no account shall be taken of Christmas Day, Good Friday or any Sunday.
- (8) Schedule 10 applies in relation to the power to remand under subsection (6).
- (9) If the court has reason to consider that a medical report will be required, the power to remand a person under subsection (6) may be exercised for the purpose of enabling a medical examination and report to be made.
- (10) If such a power is so exercised the adjournment shall not be in force—
 - (a) for more than three weeks at a time in a case where the court remands the accused person in custody, or
 - (b) for more than four weeks at a time in any other case.
- (11) If there is reason to suspect that a person who has been arrested under subsection (4) is suffering from mental illness or severe mental impairment the court shall have the same power to make an order under section 35 of the Mental Health Act 1983 (c. 20)

(remand for report on accused's mental condition) as the Crown Court has under that section in the case of an accused person within the meaning of that section.

(12) For the purposes of this section—

- (a) “harm” includes serious ill-treatment or abuse (whether physical or not);
- (b) “local authority” has the same meaning as in section 222 of the Local Government Act 1972 (c. 70);
- (c) “the court” means the High Court or a county court and includes—
 - (i) in relation to the High Court, a judge of that court, and
 - (ii) in relation to a county court, a judge or district judge of that court.