

Appendix 1 - Summary of key legal powers

Power	Description	Conditions	Requirements	Outcomes	Pros	Cons	Additional Information
Anti-Social Behaviour, Crime and Policing Act 2014 (Section 1 injunction)	Court ordered injunctions to prevent individuals from engaging in antisocial behaviour.	An individual has engaged or threatens to engage in antisocial behaviour (harassment, alarm or distress to any person).	Requires a known identity (specific person/s) – Not available to “persons unknown”.	Injunctions against specific individuals who are engaging in ASB.	Individual prohibited from doing anything described in the injunction.	Using the courts would create publicity and require the identities of individuals within the encampment.	Any evidence of anti-social behaviour must be specific to the individual named in the injunction.
Public Spaces Protection Order	Placing control of an area and everyone in it, implementing appropriate restrictions on antisocial behaviour.	Concrete risk to human health. Focus on the detrimental effect associated with the encampment (urination etc), rather than the tents being unsightly. Restrictions must then be justifiable and proportional	Requires evidence of a detrimental effect on the quality of life of those in the locality OR that the actions are likely to have such an effect.	The prohibiting of antisocial activities or orders for individuals to leave. This ultimately leads to the option of closing the walkway entirely.	Effective up to three years and can be extended. PSPOs focus on the space, so a named individual is not required.	The nature and extent of the problem, existing measures, and less restrictive methods must all be examined before a PSPO is proposed.	Would operate as the closure of the walkway (assuming it has no other legitimate uses e.g. evacuation route).
Community Protection Warning/Notice	A requirement to stop doing specific things (antisocial behaviour) to prevent detrimental effects.	Conduct must have had <i>or is likely to have</i> a detrimental effect on the quality of life, must be persistent and continuing, must be unreasonable. Restrictions must be justifiable and proportional.	Requires a known identity (specific person/s) – Not available to “persons unknown”.	Collection of any item that was used in the commission of an offence (for destruction of disposal). Instructions to vacate the area, not to return, and to remove all belongings.	There is no minimum detrimental effect, number of people, number of incidents or timeframe.	Any evidence of anti-social behaviour must be specific and linked to a named individual.	The language used for CPWs, CPNs and PSPOs are very similar with regards to detrimental effects on quality of life.
Closure Order	Allows the City to close the premises for immediate respite for the community	That land use has resulted in serious nuisance to members of the public.	Requires a person that has engaged or is likely to engage in disorderly/offensive/criminal	The walkway can be closed for a maximum of 3 months and can be extended for a further 3	This is a fast and flexible option. It could be a potential option whilst longer term	This is only a temporary option and provides no long-term solutions.	It is unclear whether the walkway constitutes a premises.

	that is affected by antisocial behaviour.		nal behaviour.	months, if the court agree the test applies (therefore, a total of 6 months in total).	measures are pursued.		
Highways Act 1980	The removal of tents blocking a public highway.	It must be decided whether the tents constitute an obstruction	Requires the tents are determined to be obstructing the “free passage along the highway”	The highways act grants the power to remove any structure “erected or set up on” the highway.	Removal of the encampment	It is likely to create a large amount of public backlash.	

Other legal avenues of inquiry include:

- Breach of Planning Control,
- Public Health (control of diseases),
- Local legislation,
- Police Dispersal Powers.

Additionally, before any action is taken the City must:

1. Be able to justify its action as proportionate to the distress that is caused by the encampment.
2. Carefully consider the Human Rights of the homeless as they are recognised as a vulnerable group.
3. Build up a robust evidence base documenting the anti-social behaviour (ASB) of individuals within the encampment.
4. Complete an Equalities Impact Assessment regardless of which measure is chosen.
5. Conduct an option analysis of other steps that might be taken to deal with the problem before taking legal action (to explain why less restrictive options are inappropriate).