



North Tyneside Council

## Community Protection Notice

### Notes

	<b>Appeals</b>
Grounds	<p>You may appeal against this Notice to North Tyneside Magistrates' Court on any of the following grounds.</p> <ul style="list-style-type: none"> <li>• The conduct specified in this Notice— <ul style="list-style-type: none"> <li>○ did not take place,</li> <li>○ has not had a detrimental effect on the quality of life of those in the locality,</li> <li>○ has not been of a persistent or continuing nature,</li> <li>○ is not unreasonable, or</li> <li>○ is conduct that you cannot reasonably be expected to control or affect.</li> </ul> </li> <li>• That any of the requirements in the Notice, or the periods within which, or times by which, they are to be complied with, are unreasonable.</li> <li>• That there is a material defect or error in, or in connection with, the Notice.</li> <li>• That the Notice was issued to the wrong person.</li> </ul>
Time limits	<p>If you wish to appeal, you must do so within 21 days, beginning with the day on which you were issued with this Notice. If you do so, the Magistrates' Court hearing your appeal must either quash the Notice, modify it, or dismiss the appeal.</p>
Important notice	<p>If you appeal, any requirement to stop doing things specified in this Notice will continue to apply until your appeal is finally determined or withdrawn, unless the court orders otherwise. Any other requirement imposed by this Notice has no effect.</p>
	<b>Failure to comply with this Notice</b>
Criminal offence	<p>If you fail to comply with this Notice you will be guilty of a criminal offence, unless you have taken all reasonable steps to comply or there is some other reasonable excuse for your failure to comply with it.</p> <p>If you are convicted, you will be liable to a fine not exceeding level 4 on the standard scale (presently £2500) if you are an individual. If you are not an individual but, for example, a business or other organisation, you will be liable to a fine of a level to be determined by the Court.</p>

<p>Orders following conviction</p> <p>Specified work</p> <p>Forfeiture of items used in an offence</p>	<p>Additionally, the Court may make whatever order it thinks appropriate for ensuring that what the Notice requires to be done is done.</p> <p>In particular, it may require you to carry out specified work, or to allow the work to be done by or on behalf of the local authority that issued the Notice (or, if not issued by a local authority, by or on behalf of any local authority that could have issued it). This would not authorise a person doing the work on behalf of the authority to enter your home without your consent, but if you refuse consent you may breach the court's order.</p> <p>If work is done by or on behalf of the local authority, you may be required to pay the cost of the work. You will be liable to do so if the local authority issues you with a notice detailing the work it has had done and the cost to the local authority of having it done. You will not be liable for any greater amount than the cost to the local authority of having the work done.</p> <p>You may appeal against any such notice to a Magistrates' Court on the ground that the amount specified in the notice is excessive. If you wish to appeal, you must do so within 21 days, beginning with the day on which the notice is issued. The Court hearing the appeal must either confirm the amount specified in the notice or substitute a lower amount.</p> <p>Further, the Court may order the forfeiture of any item used in the commission of the offence. It may require the item to be destroyed or disposed of. It may also require a person in possession of any such item to hand it over to a constable, to a person employed by a local authority or to a person designated by a local authority under section 53(1)(c) of the Anti-social Behaviour, Crime and Policing Act 2014. In that case, the police or, as the case may be, the local authority must ensure that arrangements are made for the destruction or disposal of the item, either in accordance with the Court order or, if the order does not specify any such arrangements, in whatever way seems appropriate.</p>
	<p><b>Seizure of items used in commission of offence</b></p>
	<p>If there are reasonable grounds for suspecting that the offence described above has been committed, a Justice of the Peace may issue a warrant authorising a constable or person designated by the local authority under section 53(1)(c) of the Anti-social Behaviour, Crime and Policing Act 2014 to enter premises to seize any item used in the offence. The constable or designated person may do so within 14 days from the date on which the warrant is issued and may use reasonable force, if necessary. They may keep any item seized until proceedings for the offence, in which the item is alleged to have been used, have been finally determined. If the proceedings are not begun, however, before the end of 28 days following the day on which the item was seized, the item must be returned to the person from whom it was seized, before the end of that period.</p>

	<b>Remedial action by the local authority</b>
	<p>If you fail to comply with a requirement of this Notice, then whether or not the failure amounts to a criminal offence, the local authority that issued the Notice (or, if not issued by a local authority, any local authority that could have issued it) may have work done to remedy the failure.</p> <p>Before it may do so, the local authority must give you a notice specifying the work it intends to have done and the estimated cost of the work. The notice must invite you to consent to the work being done. Generally, the local authority cannot have the work done unless both you and the owner of the premises on which the work is to be done (if that is not you) consent.</p> <p>No such notice or consent will be needed, however, if the land on which the work is to be done is open to the air. Further, the local authority will not need the owner's consent if it has made reasonable efforts to contact the owner of the premises without success.</p> <p>Any person, whom the local authority has authorised to do the work, may enter any premises to the extent reasonably necessary to carry out the work. A person, who is authorised only to carry out work on land that is open to the air, however, may only enter land that is open to the air.</p> <p>You may be required to pay for the work. You will be liable to do so if the local authority issues you with a notice detailing the work done and the cost to the local authority of having it done. You will not be liable for any greater amount than the cost to the authority of having the work done.</p> <p>You may appeal against any such notice to a Magistrates' Court on the ground that the amount specified is excessive. If you wish to appeal, you must do so within 21 days, beginning with the day on which the notice is issued. The Court hearing the appeal must either confirm the amount specified in the notice or substitute a lower amount.</p>