



# Anti-social Behaviour, Crime and Policing Act 2014

## 2014 CHAPTER 12

### PART 4

#### COMMUNITY PROTECTION

#### CHAPTER 1

#### COMMUNITY PROTECTION NOTICES

#### *Failure to comply with notice*

#### **47 Remedial action by local authority**

- (1) Where a person issued with a community protection notice (“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

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*Status: This is the original version (as it was originally enacted).*

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- (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 community protection notice;
  - (b) if the community protection notice 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.