



Questions and Answers – Community Protection Warning Masterclass

10th September 2025

The table below contains the questions that were posed by attendees at the above event. The responses have been compiled by Kuljit Bhogal KC and Janine Green. Towards the end of this factsheet, you will find a “Useful Resources” section, containing links to relevant statute, guidance and caselaw.

Important note:

Primary legislation sets out the legal principles in relation to the CPN. This is supported by the statutory guidance. Case law is created when the Courts debate and interpret the legal principles within the primary legislation.

Due to the nature of the CPN, the fact that you do not have to apply to court for the order and the limited grounds for appeal, there is limited case law in relation to the CPW/CPN.

This means that many of the questions below do not have “legal” answers. They are informed opinion, based on the law, guidance, and case law. Information is correct at the time of drafting this document (17th September 2025) . Nothing within this document should be considered as legal advice.

Question	Guidance
<p>1) What are your views on using CPWs as a means to address homelessness</p>	<p>Homelessness in itself is not a form of ASB. It is the behaviours that may accompany homelessness that can have a detrimental impact on others. For example, littering, sleeping in shop entrances, aggressive begging etc</p> <p>People who are street homeless often require support to secure housing, employment, health services etc. Any approach should be a holistic strategy that considers prevention, intervention, support and enforcement.</p> <p>An Equality Impact Assessment should also be carefully undertaken, given those experiencing street homelessness may have protected characteristics.</p> <p>Sheffield Hallam Uni have produced guidance on using enforcement tools to tackle this issue and it can be found here</p>
<p>2) To what extent does the warning need to take into account addressing mental health, including drug addiction support?</p>	<p>There is no legal requirement for the CPW to contain information about health and/or support.</p> <p>Before a CPW is considered, it is good practice for the officer to take steps to understand if the perpetrator has any mental health or support needs. This will help to decide whether the CPW is the best course of action, as well as how to word/issue it to maximise understanding and likelihood of it being effective.</p> <p>Whilst positive requirements can be put into a CPN, the statutory guidance that supports the ASB, Crime and Policing Act 2014 states at page 57, "While restrictions and requirements may be similar to those in a Civil Injunction, more onerous conditions, such as attendance at a drug rehabilitation course, would clearly be more appropriate to a court issued order"</p>

<p>3) Does the specific wording in the CPN have to have been covered in the CPW or can you be more general in the CPW and "narrow down" the specifics in the CPN?</p>	<p>There is no requirement to have conditions within the CPW. The CPW is a statutory warning, and the only legal requirement is that it must set out that a CPN may be issued if the behaviour having the detrimental impact does not stop.</p> <p>Having conditions can in some circumstances cause difficulty. For example, you have a condition in your CPW that the Perpetrator (P) cannot use foul and abusive language towards Victim A (A). P uses foul and abusive language, but it is towards another Victim (B). It could be argued that P has not received the statutory written warning about this behaviour as the CPW was specific to Victim A. Whereas, if the CPW refrained from referencing conditions and simply said that P needed to stop using foul and abusive language towards other people the warning requirement would be clearly satisfied.</p> <p>The statutory guidance at p56 also states (in relation to the content of CPWs) "Additional requirements beyond the scope of the behaviour in question should not be included. For example, generic requirements that prevent 'any' harassment, alarm, distress, nuisance or annoyance"</p> <p>The wording should be specific enough for the recipient to understand the behaviour that needs to cease, but not so specific that it limits ability to proceed to CPN if behaviour continues.</p>
<p>4) Is there a way to issue CPN/Ws on parents due to the behaviour of their children and for them to control their children's behaviour?</p>	<p>It is important to consider the case of Staffordshire Moorlands District Council v Sanderson [2020] EWHC 962 (a link to this case can be found towards the end of this document). The Court found that the intention of Parliament in relation to the CPN was that it should be served on the person who is engaging in the ASB. Whilst the legislation does allow for someone to be held liable for the behaviour of another, the decision in this case was that this was limited to circumstances where the individual can reasonably be expected to control the conduct and it is taking place on premises that the individual owns, occupiers etc. As a general principle, therefore, CPW/Ns cannot be used for parents to control their children's behaviour, unless it can be shown that they are actively encouraging it and it is within the home.</p>
<p>5) Are there any review/appeal requirements for a CPW?</p>	<p>The legislation only includes grounds for appeal for the CPN. However, the case of R (Halborg) v Hinckley & Bosworth Council (a link to the case is found towards the end of this document) found that CPWs can be subject to judicial review. It is good practice to adopt an internal review/appeal process for CPWs.</p>

<p>6) I'd like to know more about how a CPW becomes a CPN?</p>	<p>It is important to understand that a CPW is not a separate tool in itself. It is a legally required step in the process to being able to issue a CPN. If you give a written warning (what has become known as a CPW, although this is not a term referenced in the legislation)) and the perpetrator does not stop the behaviour that is having a detrimental impact within a reasonable period of time, then you can issue a CPN.</p>
<p>7) On the CPW do you have to list the conditions</p>	<p>A CPW does not have to legally contain conditions. There are times where it may not be helpful or appropriate to do so. The answer at question 5 is applicable here.</p> <p>It may also be considered that including conditions in a CPW is disproportionate when only at a warning stage.</p> <p>The CPW must clearly set out the behaviour that is causing the detrimental impact to others and that if it does not cease within a reasonable timeframe, a CPN may be issued.</p> <p>In some instances, conditions may be useful where they act more like guidance and provide the perpetrator clarity and advice about what they should do to prevent escalation. For example, telling someone not to play music between 10pm and 8am may be useful. Whilst it is framed like a condition, it provides the perpetrator with useful guidance on expectations and how to remedy the issue, increasing the chance of the harm ceasing without further intervention.</p>
<p>8) What is the difference between a CPN and an Injunction and when should each used</p>	<p>Both are legal tools which contain conditions. Key differences include the age (injunctions can be used for anyone 10+, whereas CPN is 16+), the process (injunctions require court approval, whereas CPNs do not) and the sanctions on breach. Statutory guidance suggests that CPNs should be more commonly used for environmental type behaviour and should not include requirements to seek health support etc. This suggests that Parliaments intention was for CPNs to be for lessor harm behaviour.</p>

<p>9) From my experience when Police/Council issue CPNW's and subsequently CPN's they are finding that the courts are taking significant time in dealing with them. The outcomes of breach are also not great. As a consequence, it appears, Officers are steering away from them in favour of injunctions. This takes more time and can have greater consequences of breach. Do you believe the CPNW/CPN process is being overlooked and less used as a remedy?</p>	<p>There will be several local variables here. For example, how the local partnership deal with breaches of CPN (e.g. with fixed penalty notices or with prosecution), and local court availability. I cannot say that I have noticed a national pattern of this. We find that CPNs tend to be used far more frequently than injunctions. Best practice is to consider all tools when deciding what action to take, rather than adopting a "one-size fits all" approach.</p>
<p>10) To serve a CPN it needs to be having a detrimental impact on the quality of life of those in the locality. Does this apply if we have a single victim/complainant?</p>	<p>This is not a principle that has been tested in Court and therefore we have no case law or additional guidance beyond the ASB, Crime and Policing Act 2014 and the statutory guidance. Taking at face value, "those" does indicate that there must be more than one victim. Depending on where the behaviour is occurring and its type, having one complainant but being able to say it is likely to be having a detrimental impact to others may be adequate. For example, behaviour occurring outside, which could be viewed by others or loud music in a block of flats.</p>
<p>11) How can social landlords request for designated powers to issue CPWs/CPNs</p>	<p>The legislation does not set out how the process must work. Each Local Authority will decide how they wish to give authority to housing associations. Further details can be found here</p>
<p>12) Can you serve a CPW on someone leaving items in a communal stairwell? Can you serve a CPW for barking dogs?</p>	<p>You can issue a warning for any behaviour as long as you can show that the statutory test is met. Ask yourself 3 questions: i) is the behaviour having a detrimental impact on others?, ii) is it persistent or continuing?, iii) is it unreasonable? If you can answer 'yes' to all three of these questions then it is likely possible to issue a CPW.</p>

<p>13) Would an email constitute a written warning..?</p>	<p>The ASB, Crime and Policing Act 2014 does not specify the format that the written warning must be in. There are also no prescribed templates. There is nothing within the legislation which suggests that email would not be an accepted format. It would be important to keep a copy of the email on file, with the date and time of sending displayed. You may also wish to request a read receipt.</p>
<p>14) How should a CPN be served?</p>	<p>The legislation does not specify a method of service, meaning that postage is acceptable. However, best practice would be to serve the CPN in-person, where it can be evidenced that it has been received and the officer can read through and explain the notice. This ensures understanding, gives the recipient chance to ask questions and can increase the likelihood of the behaviour ceasing without further intervention. Sheffield Hallam University conducted research into recipients' experiences, (including the method of receiving a notice) and the findings can be read here</p>
<p>15) Is there value in including in EVERY warning correspondence a generic paragraph containing a generalised warning about the possibility of a CPN being issued? Would that suffice as the 'warning' for a CPN to be issued later?</p>	<p>There is nothing to say that the written warning cannot be part of other correspondence. The statutory guidance (at page 56) states: "How the written warning is discharged is up to each agency. In cases where a problem has been continuing for a period of time, the written warning may be included in other correspondence. In cases where the issue of a written warning is required more quickly, it could be a standard form of words, adaptable to any situation – for instance, a pre- agreed form of words that can be used by the officer on the spot"</p>
<p>16) Does issuing a CPN amount to subjecting someone to a detriment, for the purposes of potential discrimination under EA where the person has a MH disability, so proportionality becomes an issue?</p>	<p>When dealing with cases that involve a perpetrator with a disability that is defined by the Equality Act, any decision or action you take which causes disadvantage to that person because of the disability could be classed as discrimination. This doesn't prevent action, but you would need to evidence that the action is a "proportionate means to a legitimate aim". Steps should be taken to determine whether the perpetrator has a disability before deciding on the best course of action and an equality act assessment completed.</p>

<p>17) Would the following wording be acceptable within a positive requirement and would there be any reason why the courts would not accept the requirement?</p> <p>1. Contact the Criminal Justice Substance Misuse Team on 0207 364 4459 or visit the Specialist Substance Misuse Investigation Team at Whitechapel, London, E1 1BJ within five working days of the CBO being served, between the hours of 10:00-15:00 or within five working days of being released from custody, whichever is applicable.</p> <p>2. Attend an Initial assessment as directed by the Criminal Justice Substance Misuse Service,</p> <p>3. Attend a minimum of 12 appointments as directed by the Criminal Justice Substance Misuse Service (Please see attached document: Civil Injunction/Criminal Behaviour Order Structured Drug Awareness Programme)</p>	<p>Whilst the legislation does not say that these types of conditions cannot be included within a CPN, the statutory guidance (page 56 onwards) does state that conditions like these are more suitable for a court-imposed order.</p>
<p>18) Can I issue a CPW over the phone and then post the paperwork of the warning through the phone?</p>	<p>A warning does not satisfy legal requirements unless in writing. You could advise the person on the phone that one is being sent and what it contains/means, but the warning isn't legally given until received in writing. It would be important to make a file note of this conversation.</p>

<p>19) Proof of service and receipt or CPW and CPN is something we always try and demonstrate due to increased risk of challenge of non-receipt of the warning / notice. We usually hand serve and capture service evidence as part of the enforcement journey, demonstrate best practice and reduce legal risk on not complying with process</p>	<p>Great practice - hand serving the warning and CPN gives chance to explain the content, consequences, and expectations. This will go a long way in ensuring the perpetrator understands and can make the warning/notice far more effective. You could complete a N215 certificate of service as evidence</p>
<p>20) Is there likely to be any change in legislation as to the penalty for a breach of a CPN. It is hardly a deterrent at this time.</p>	<p>The Crime and Policing Bill, which is currently working its way through the parliamentary process, contains provisions to increase the fixed penalty notice amount.</p>
<p>21) Can private landlords use CPWs and CPNs</p>	<p>No - just Police, Council and Social Housing Providers (where given delegated powers)</p>
<p>22) What is a reasonable time to include in a CPW/CPN. We currently put that it's in force for 12 months from date of service.</p>	<p>In relation to a CPW, the perpetrator must be given "enough time" to correct the behaviour that needs stopping. However, there is no further requirement to have a date for when the CPW comes to an end. This said, if you issued a CPW and the behaviour initially stopped but then restarted 12 months later, you would need to consider whether you best to reissue a warning. There is no legal rule here, but you would need to consider whether you can justify a historic warning satisfying the legal requirement to warn about present day behaviour. It is likely more appropriate to issue another warning. A CPN should have an end date but there is nothing in law that says what period this should be.</p>
<p>23) Should we inform the recipient that we will potentially share the service of the warning / notice to any involved agencies?</p>	<p>There is no legal requirement to do so. Data protection legislation allows you to share information for the purpose of dealing with ASB, without needing permission or notifying the recipient. In some circumstances, you may consider it advantageous to tell the recipient. For example, if they are a social housing tenant and the potential impact on their tenancy could act as an effective deterrent from causing further behaviour.</p>

24) Can anyone from local authority (any department) issue CPW/ CPN's	Legally, yes. However, in practice, this would be a locally determined decision. Each local authority will have a schedule of delegation which should indicate who can use each enforcement tool.
25) If we are successful in satisfying the court that an individual has breached a CPN, other than a fine ordered by the court, can we then apply for a CBO on the back of the conviction.	An application for a CBO can be made alongside prosecution of a criminal offence, which a breach of a CPN is. You would, however, need to satisfy the criteria for a CBO which includes showing that the behaviour has caused or is likely to cause harassment, alarm or distress. This is a higher bar than that for issuing a CPN and so you would need to consider whether the behaviour leading to a breach of the CPN satisfies this higher threshold.
26) is there a limit to number of CPWs a person could have ie you issue 1 CPW for music then 2 months down the line the person starts committing other ASB not listed on initial CPW. do you issue a new one? or amend the old?	A CPW is a written warning, rather than a tool within itself. You can (and usually should) inform a perpetrator of every ASB incident that you find they have committed. Whilst there is no legal rule, the most appropriate approach here is likely to send a new written warning including the more recent behaviour and reinforcing the previous too.

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Textbook – <https://www.bloomsburyprofessional.com/uk/cornerstone-on-antisocial-behaviour-9781526508645/>

(20% Discount code – COASB-20)

Janine Green – janine@greenandburtonasb.co.uk

Textbook - <https://www.amazon.co.uk/Effective-Anti-Social-Behaviour-Management-Principles/dp/B08QLMT6FR#:~:text=It%20provides%20a%20comprehensive%20introduction,Frequently%20bought%20together>

Useful Information

Primary legislation in relation to Community Protection Notices (CPNs) - [ASB, Crime and Policing Act 2014](#)

Guidance – [Statutory Guidance for Frontline Professionals](#)

Cases relevant to CPWs and CPNs -

Meaning of detrimental effect

[Dulgheriu v LB Ealing](#)

[Summers v L B Richmond](#)

CPNs and human rights

[Hacking v LB Waltham Forest](#)

CPWs can be subject to judicial review, CPW issued to a landlord in relation to behaviour towards a tenant

[R \(Halborg\) v Hinckley & Bosworth Borough Council](#)

CPNs and children

[Staffordshire Moorlands v Sanderson](#)

Contents of a CPN

[Stannard v CPS](#)