

Report of	Meeting	Date
Director of Public Protection Streetscene and Community	Council	13 January 2015

ANTI SOCIAL BEHAVIOUR CRIME AND POLICING ACT 2014

PURPOSE OF REPORT

- To approve the amendment of the Councils Constitution to include the Anti-Social Behaviour Crime and Policing Act 2014 and the necessary delegations and authorisations to take enforcement action.

RECOMMENDATION

- It is recommended that Council approve the amendment of the Councils Constitution to include the relevant provisions of the Anti-Social Behaviour Crime and Police Act 2014 so that the appropriate delegations approved by Executive Cabinet can be properly authorised.

EXECUTIVE SUMMARY OF REPORT

- The Anti-Social Behaviour Crime and Police Act 2014 contains a number of new and replacement powers for dealing with anti-social behaviour. These are summarised in the main body of the report.
- In order for Council officers to use the enforcement powers within the Act, it is necessary to amend the Councils Constitution to include the relevant provisions of the Act with its scheme of delegations.
- The Executive Cabinet have approved the necessary delegations to the Director of Public Protection Streetscene and Community which will become effective when the approval sought in this report has been granted.

Confidential report Please bold as appropriate	Yes	No
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CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all		A strong local economy	
Clean, safe and healthy communities	√	An ambitious council that does more to meet the needs of residents and the local area	

BACKGROUND

7. The Anti-Social Behaviour Crime and Police Act 2014 contains a number of new tools and powers available to local authorities and agencies in order to deal with anti-social behaviour. Below is a brief outline of these new tools and powers.

8. Civil Injunctions

Civil injunctions can be sought by District Councils, Registered Social Landlords (where the ASB is housing related only), Police, Environment Agency and National Health Service providers. There are two tests to be applied before their use:

- a. Non-housing related test: the ASB conduct is likely to cause harassment, alarm or distress to any person (not affecting housing management functions).
- b. Housing related test: the ASB conduct is capable of causing nuisance or annoyance to a person in relation to a person's occupation of residential premises or conduct capable of causing housing related nuisance or annoyance to any person.

Members should note that there is currently a delay to the introduction of the civil injunction provisions so as to allow unavoidable and necessary changes to be made to the civil legal aid system to ensure that applications for advocacy assistance can be assessed for those involved in civil injunction hearings. This will require amendments to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 which should be completed by the end of January 2015 at the latest. Once the Council is advised that these necessary changes have been made then the recommendation in relation to authorisations and delegations (paragraphs 6 and 7 above) will come into effect with regard to this new power.

9. Criminal Behaviour Orders (CBO)

CBO's are available to be used on conviction of a criminal offence, to manage an offender's behaviour.

The Crown Prosecution Service can seek the making of a CBO as part of antisocial behaviour criminal proceedings.

10. Community Protection Notice (CPN)

The CPN is used to prevent a person over 16 years old, a business or an organisation committing ASB. CPN's can be issued by local authorities, the police or housing providers where they have been co-opted to do so. Irrespective of who has served the CPN it appears that the Council retains the responsibility for undertaking any remedial action required under a Remedial Order issued by the Courts as a result of a Community Protection Notice.

11. Public Space Protection Orders (PSPO)

PSPO can be used to stop ASB in a public space. The local authority can only issue a PSPO following consultation with police, Police and Crime Commissioner, and other agencies. A PSPO is time limited to a maximum period of 3 years and can impose restrictions and requirements relating to the use of the public space such as consumption of alcohol restrictions, dog walking and others. The use of this power has to pass a test of being reasonable. When a PSPO is made, extended, varied or discharged it must be published in accordance with Regulations made by the Secretary of State. The 'Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014' have now been published and set out the legal process in relation to PSPO's.

12. Closure Powers

These new provisions enable police and local authorities to quickly close premises that are a source of ASB for periods up to 48 hours. A Closure Notice is served in the first instance and is then followed by a Closure Order which must be applied for in the courts.

13. Dispersal Power

The dispersal power is a flexible power which the police can use in a range of situations to disperse anti-social individuals and provide immediate short-term respite to a local community.

14. Absolute Ground For Possession

The legislation introduces a new absolute ground for possession which can be used by landlords to expedite eviction of tenants who are a source of anti-social behaviour, so bringing swifter relief to victims.

15. A full account of the new provisions “Anti-Social Behaviour, Crime and Policing Act 2014: Reform of Anti-Social Behaviour Powers” can be accessed via the Home Office website: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/352562/ASB_Guidance_v8_July2014_final_2_.pdf

IMPLICATIONS OF REPORT

16. This report has implications in the following areas and the relevant Directors’ comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal		Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

COMMENTS OF THE STATUTORY FINANCE OFFICER

17. There are no financial implications contained in this report

COMMENTS OF THE MONITORING OFFICER

18. Adoption of the recommendation is necessary to enable the Council to make use of the new powers. The proposed delegations to the Director of Public Protection, Streetscene and Community are appropriate to enable efficient and effective use of them.

JAMIE CARSON
DIRECTOR OF PUBLIC PROTECTION STREETSCENE AND COMMUNITY

Background Papers			
Document	Date	File	Place of Inspection
Executive Cabinet Report ASB New Tools and Powers	23/10/14	Agenda Pack	Mod Gov

Report Author	Ext	Date	Doc ID
Simon Clark	5732	21 November 2014	CouuncilASB2014