

Bath & North East Somerset Council

MEETING:	Economic and Community Development Policy Development and Scrutiny Panel
MEETING DATE:	14 March 2013
TITLE:	Community Safety Plan: Anti-social behaviour Government review
WARD:	ALL
AN OPEN PUBLIC ITEM	

1 THE ISSUE

- 1.1 The report provides a briefing of the Government's draft Anti-social Behaviour Bill and the rationale behind this.
- 1.5 The Panel will receive a presentation on the new proposals and will set out what this means for Bath and North East Somerset Council and the Community Safety Partnership.
- 1.6 There will be an opportunity to hear about the latest outcomes from the recent Home Office '**Community Remedy**' consultation – which closed 7 March 2013.
- 1.7 The Panel will be invited to an open question and answer session at the end of the presentation.

2 RECOMMENDATION

- 2.1 To note the Government's proposed draft Anti-social Behaviour Bill.
- 2.2 To question officers about the implications of this Bill.
- 2.3 To make any recommendations to Cabinet or Responsible Authorities Group.

3 FINANCIAL IMPLICATIONS

- 3.1 It is anticipated there will be a small financial implication directly arising from this report relating to training staff.
- 3.2 The proposal to Part 5 (below) relate to the Absolute Grounds for Possession. It is anticipated that the demand from this will be a 'low risk', and estimate there will not be a flood of ant-social behaviour evictions, which would not otherwise have occurred - where people could be deemed as intentionally homeless and the Council has a duty to carrying out further investigations. It is therefore not possible to identify what the costs will be at this current time. We will monitor this over the next 12 months should it receive Royal Assent - the Government imply the Bill will be in place around 2014-2015.

- 3.4 Overall, many of the proposed powers replace other existing provisions such as Street Litter Control Notices and Litter Clearing Notices (s.92A and s.93 Environmental Protection Act 1990 respectively). Essentially, officers will be doing the same work but under different powers. It is therefore agreed, there will be no or little (low risk) financial implications to the Council.
- 3.5 The above will be carefully monitored over the next 12 months to evaluate any risk and financial implications.

4 THE REPORT

- 4.1 In December 2012, the Government published a draft Anti-social Behaviour Bill for pre-legislative scrutiny, which applies to England and Wales. The draft Bill includes amended powers and two new measures (Part 6).
- 4.2 The rationale behind the Bill is to put the victims first, to tidy up the current 19 tools and powers and, to speed up the process of tackling anti-social behaviour for lasting solutions, while cutting the cost of managing nuisance neighbours. The Bill also introduces a new mandatory ground for possession.
- 4.3 The draft Bill is in seven parts and includes amended powers and two new measures.
1. **Part 1** makes provision for a new, civil **Injunction to Prevent Nuisance and Annoyance** (IPNA), which replaces four current orders: the Anti-social Behaviour Injunction, drinking banning order on application, intervention orders and individual support orders.
 2. **Part 2** makes provision for an order on conviction to prevent anti-social behaviour, to be called **Criminal Behaviour Order** (CBO) and is designed to replace the Anti-social Behaviour Order (ASBO) on conviction. A CBO would be given on application by the prosecution, in addition to a court sentence.
 3. **Part 3** contains power for the **police to disperse people** whose presence or behaviour in an area they have reasonable grounds to suspect has contributed or is likely to contribute to ASB, crime or disorder.
 4. **Part 4** covers new powers given to the police, local authority and some housing associations to deal with community protection and for these bodies to serve on individuals a **Community Protection Notice** (CPN). It also contains provisions to close properties associated with nuisance or disorder.
 5. **Part 5** makes provision for the **possession of houses** on anti-social behaviour grounds, including a new mandatory ground for possession.
 6. **Part 6** of the Bill contains provisions on establishing a new "**Community Remedy**", which will allow victims of anti-social behaviour to choose from a list of punishment options (such as mediation, compensation to the victim or reparation) and a "**Community Trigger**", which would launch a review of a response to ASB when a certain locally-determined threshold (such as five calls) is reached.
 7. **Part 7** of the draft legislation contains **general provisions**.

4.4 The Home Office anticipate that the draft will be progressed to a Government Bill (98 clauses) and is expected to be announced in the Queen's Speech in May 2013. The provisions may then take effect from 2014 or 2015, subject to Parliamentary approval. In the meantime, ASBO's will continue.

4.5 The report offers additional summary of the key proposals highlighted in the attached briefing paper (drawn from the Local Government Association), and the full draft '**Anti-social Behaviour Bill**' can be found on the Home Office website link below.

5 RISK MANAGEMENT

5.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

6 EQUALITIES

6.1 Promoting equality and opportunity for all groups and individuals across the equality strands and promoting community cohesion is integral to this work.

7 CONSULTATION

7.1 Divisional Director, Policy and Partnerships; Democratic Services.

8 ISSUES TO CONSIDER IN REACHING THE DECISION

8.1 Community Safety, Section 17 and 115 Crime and Disorder Act 1998; Other Legal Considerations.

9 ADVICE SOUGHT

9.1 The Council's Monitoring Officer (Council Solicitor) and Section 151 Officer (Divisional Director - Finance), Housing Services and Environmental Services had the opportunity to input to this report and have cleared it for publication.

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Background papers	Draft Antisocial Behaviour Bill (PDF file - 1mb - Warning: large file) Local Government Association briefing paper – draft ASB Bill
Please contact the report author if you need to access this report in an alternative format	