

## Bath & North East Somerset Council

MEETING:	Economic and Community Development Policy Development and Scrutiny Panel
MEETING DATE:	23 January 2014
TITLE:	Community Safety Plan: <b>Anti-social behaviour, Crime and Policing Bill update</b>
WARD:	ALL
<b>AN OPEN PUBLIC ITEM</b>	

### 1 THE ISSUE

- 1.1 This report invites the Panel to receive the current update on the major policy developments in the Government's draft Anti-social Behaviour, Crime and Policing Bill, following two previous briefings on July 2012 and 14 March 2013.
- 1.2 The Panel will receive a presentation that will highlight the draft proposals and what this means for Curo Housing, Bath and North East Somerset Council and the Community Safety Partnership.
- 1.2 There will be an opportunity for a question and answer session at the end of the presentation

### 2 RECOMMENDATION

- 2.1 To note the Government's proposed draft Anti-social Behaviour and Crime and Policing 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.
- 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 On 9 May 2013, the Government published a draft Anti-social Behaviour Bill, which applies to England and Wales. The draft Bill is in 13 parts and is expected to become law around spring 2014. The provisions are:

Part 1 – Injunctions to prevent nuisance & annoyance

Part 2 – Criminal Behaviour Orders

Part 3 – Dispersal Powers

Part 4 – Community Protection; Community Protection Notices, Public Space Protection Orders, Closure of Premises

Part 5 – Recovery of Possession of Dwelling Houses

Part 6 – Local Involvement & Accountability; Community Remedies, Community Trigger

Parts 7 – 13 Relate to dogs, firearms, forced marriage, College of Policing, terrorism and sex offenders.

- 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 neighbour's. The Bill also introduces a new mandatory ground for possession – see Part 5 below.

- 4.3 In 2011, the Government consulted on the current system and in May 2012, the White Paper was published. "*Putting Victims First: More effective responses to anti-social behaviour*. Overall, to introduce simpler, more effective powers to tackle anti-social behaviour. The attention was:

- To speed up the process and reduce the cost
- To provide better protection for victims and communities
- To empower victims and communities
- To move away from approach which criminalises people, especially young people

- 4.4 For the purpose of this report, it will focus on the following seven Parts, which include 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 anti-social behaviour, crime or disorder.

4. **Part 4 Community Protection Notice (CPN) and Public Spaces Protection Orders** - 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. It also contains provisions to close properties associated with nuisance or disorder.
5. **Part 5 Recover of possession of dwelling - houses** introduces a new absolute ground for possession of secure and assured tenancies (Social landlords - local authorities and housing associations - and private rented sector landlords) where anti-social behaviour or criminality has already been proven by another court. It is to expedite the eviction of most anti-social tenants and bring faster relief to victims.
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 new "**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 – Dangerous Dogs** – Local communities have suffered because police and councils have been left powerless to respond to growing concerns from residents about dangerous dogs and their owners. The extension of dangerous dog's legislation to private land will help local partners respond to issues as they arise.

4.5 The Government anticipates that the draft may receive Royal Assent July 2014 and the Act will take effect spring 2014 or early 2015, subject to the final stages of Parliamentary approval. In the meantime, ASBO's will continue.

4.6 This report offers additional summary of the key proposals highlighted in the attached - the most recent briefing paper drawn from the Local Government Association. The full draft '**Anti-social Behaviour and Crime and Policing Bill**' can be found on the Parliament 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, Strategy and Performance; 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.

<b>Contact person</b>	<b>Sue Dicks, Community Safety Manager - 01225 477415</b> <a href="mailto:Sue_dicks@bathnes.gov.uk">Sue_dicks@bathnes.gov.uk</a>
<b>Background papers</b>	Local Government Association briefing paper 8 January 2014 – draft ASB Bill  <a href="http://services.parliament.uk/bills/2013-14/antisocialbehaviourcrimeandpolicingbill.html">http://services.parliament.uk/bills/2013-14/antisocialbehaviourcrimeandpolicingbill.html</a>
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