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Anti-Social Behaviour, Crime and Policing Bill; A Practitioner Perspective

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Aims of the Anti-Social Behaviour, Crime and Policing Bill -

- To introduce simpler, more effective powers to tackle anti-social behaviour.
- To speed up the process and reduce the cost
- To move away from approach which criminalises people, especially young people
- To provide better protection for victims and communities
- To empower victims and communities



The Anti-Social Behaviour, Crime and Policing Bill

- At Committee Stage in the House of Lords
- Expected to become law by Spring 2014
- Bill is in 13 parts;
- 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
- 7 – 13 relate to dogs, firearms, forced marriage, College of Policing, terrorism and sex offenders.



The tools and powers that disappear

- Anti Social Behaviour Orders (+ ISOs & IOs)
- Anti Social Behaviour Injunctions
- Drink Banning Orders
- Litter & Graffiti Orders
- Designated Public Place Orders
- Dog Control Orders
- Gating Orders
- Crack House Closures
- Nuisance Property Closures



The new tools and powers available

- Injunction to Prevent Nuisance or Annoyance
- Criminal Behaviour Order
- Community Protection Notice
- Public Space Protection Order
- Closure Notice (temporary)
- Closure Order
- Absolute Ground for Possession



Part 1 - Injunctions to Prevent Nuisance or Annoyance

- A purely civil order
- Available to the police, Registered Providers, Local Authority, Environment Agency and NHS
- Tenure-neutral
- Evidence standard = balance of probabilities, working increasingly towards beyond reasonable doubt
- Mandatory conditions can apply
- Breach = contempt (no CPS involvement)
- 18 and over (no limit on length)
- County Court hearings
- 10-17 year olds (orders up to 1 year)
- Youth Court hearings



Part 2 - Criminal Behaviour Orders

- Very similar to CRASBO's
- Available in conviction in any court
- Where the offender has behaved in a manner causing alarm, harassment or distress
- The order must help prevent such further behaviour
- Prohibitions and mandatory conditions will apply
- Only the prosecutor can apply for an order (CPS)
- 1-3 years for juveniles, 2 years plus for adults



Part 3 - Dispersal Powers

- Give police the power to disperse individuals or groups causing or likely to cause ASB in public places.
- A police inspector can authorise the use of the power in a specified area for a period of up to 48 hours
- Can require a person to leave an area and not return for up to 48 hours.
- Can require a person to surrender items causing or likely to cause ASB
- Does not require consultation with the local authority



Part 4 - Community Protection Notices

- A requirement to an individual (over 16) or body to stop, do or take steps to achieve a defined result, served after an informal written warning has been ignored or ineffective
- Applicable to conduct having a detrimental effect on the quality of life in a locality where the behaviour is unreasonable and persistent (Not to overlap with statutory nuisances)
- Can be issued by the local authority or the police; breach is an offence dealt with by fine, remedial order or forfeiture (Magistrates Court) or Fixed Penalty Notice



Part 4 - Public Space Protection Orders

- An order made by the local authority in consultation with the police and PCC to control a particular nuisance or activity in a specific public area which has a detrimental effect on the quality of life in a locality, is unreasonable and persistent
- Impose a requirement to stop or start specific activity
- Breach is an offence and can be dealt with by a FPN or prosecution in the Magistrates Court
- The orders run for up to 3 years and can be varied if necessary



Part 4 - Closure Notices and Orders

- Both the police and the local authority may issue Closure Notices on any property where there is, or a threat of, disorderly or offensive conduct, serious nuisance or criminal behaviour.
- Closure Notices would last for no longer than 48 hours. Only those habitually resident would be allowed entry during this time.
- Notice may be converted into orders, lasting up to 6 months, on immediate application to the magistrates court where it can be shown the order is necessary to stop the activity continuing, occurring or recurring.



Part 5 – Recovery of Possession of Dwelling Houses

- Extends discretionary ground for possession where offence was committed at the scene of a riot
- Provides an absolute power of possession modelled on the introductory tenancy process where one of four triggers applies;
- Convicted of a violent or sexual offence, offence against property, supplying drugs or production with intention to supply where the offence is indictable and committed in the locality in the previous 12 months
- Proven breach of an IPNA or CBO in the previous 12 months.
- Property closed as a result of a court granting a closure order for more than 48 hours.
- Conviction for breach of a noise abatement notice under the statutory nuisance regime



Part 6 – Local Involvement and Accountability

- Community Remedy – to give victims a say in the out-of-court punishment of offenders for low-level crime and ASB
- Community Trigger – to give victims and communities the right to request a review of their case and bring agencies together to take a joined-up, problem-solving approach to find a solution (3 complaints in the past 6 months)

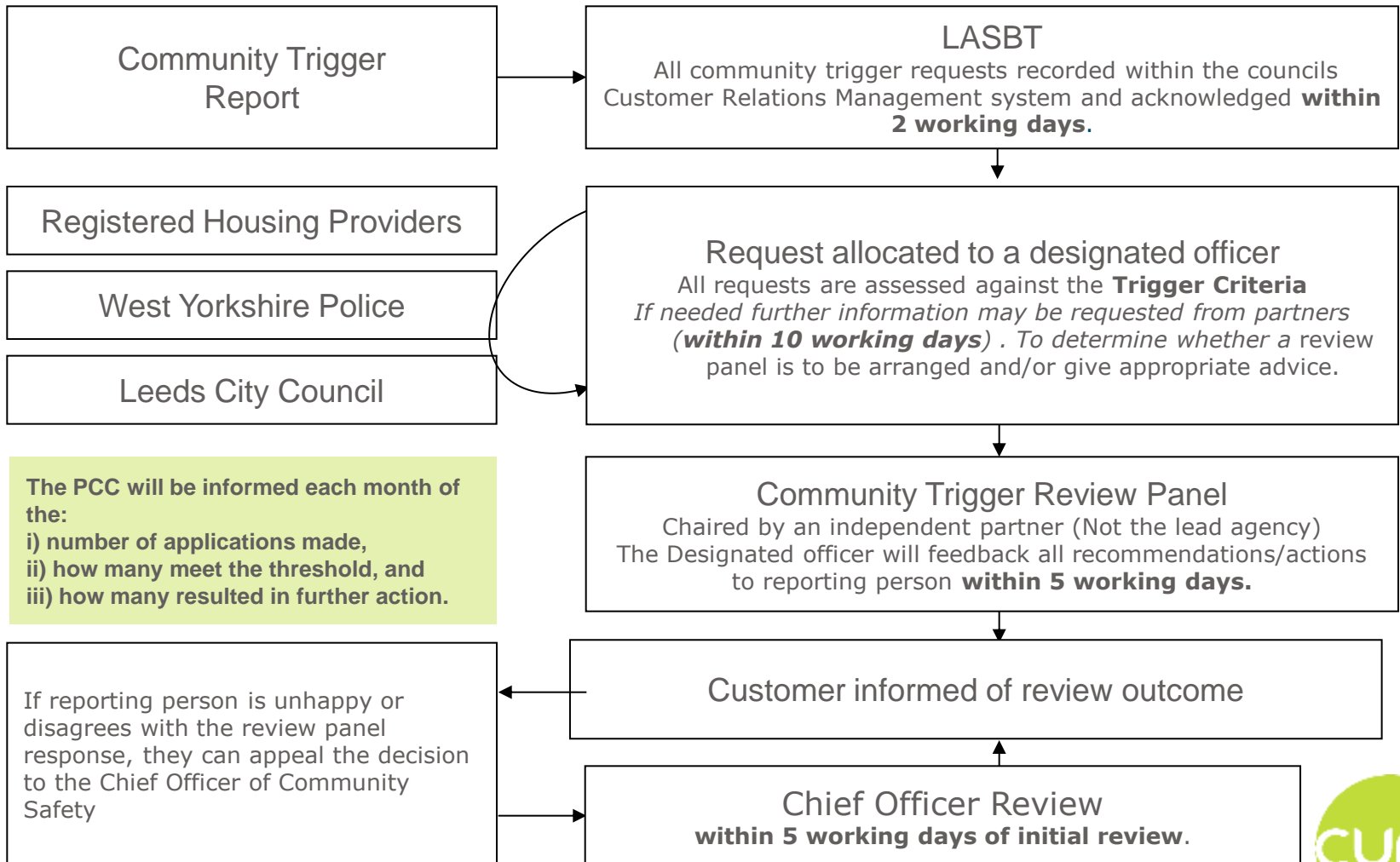


Leeds Community Trigger Pilot

- *The reporting threshold is;-*
- A Complainant has reported the same problem
- **3 or more times in the past 6 months** to the Council, Police or their landlord, and no action has been taken
- Or
- Different complainants have made reports about the same problem
- **5 times in the past 6 months** to the Council, Police or their landlord and no action has been taken
- Or
- A complainant has reported **1 incident or crime motivated by hate in the last 3 months** to the Council, Police or their landlord and no action has been taken



Community Trigger Review Process



Analysis of Calls Received

- Leeds Community Trigger pilot went live on 04/07/13
- 43 calls received to date;
- 20 were already active cases with Housing or LASBT
- 15 were new requests for service
- 3 were formal complaints about service
- 3 were not ASB related and were referred onto other LCC services (parks & benefit fraud)
- 1 was requesting a form
- Only 1 call has met review criteria
- Note that 18 of these calls relate to noise nuisance



Lessons Learned

- Trigger Review
- The case meeting the trigger criteria was a ASB case being managed by the relevant Registered Social Landlord.
- A case review was held and they were advised regarding gaps in their investigation and clear actions were agreed to ensure an appropriate response was provided to the customer;
- - Re-investigate (Sub-letting issues)
 - Collect Nuisance Diary books
 - Assess evidence for 'Notice to Quit'
 - To keep customer updated



Lessons Learned

- General
- Ensure there is a robust infrastructure in place to deal with the community trigger calls
- Ensure staff answering the calls have the right training and are able to empathise, understand the impact and processes to deal with ASB.
- Improve communication with internal partners
- Customers with active cases were signposted inappropriately by well-meaning colleagues in customer services who misunderstood the criteria.
- Trigger does act as 'safety net' to capture customers who may not have accessed service otherwise with 15 new enquiries opened
- Service improvements identified to improve responses & communication re: noise nuisance complaints

