

## Bath & North East Somerset Council

MEETING	<b>Economic and Community Development Policy Development and Scrutiny Panel</b>	
MEETING	<b>17<sup>th</sup> July 2014</b>	
TITLE:	<b>Anti-Social Behaviour, Crime and Policing Act- update on new tools and powers</b>	
WARD:	<b>All</b>	
<b>AN OPEN PUBLIC ITEM</b>		
<b>List of attachments to this report: None</b>		

### **1 THE ISSUE**

- 1.1 This report invites the Panel to receive an update on the Anti-Social Behaviour, Crime and Policing Act, particularly the new tools and powers it introduces which affect anti-social behaviour. This follows up on previous briefings for the Panel in July 2012, March 2013 and January 2014”.

### **2 RECOMMENDATION**

- 2.1 To note and consider potential impacts of the provisions contained in the Anti-Social Behaviour, Crime and Policing Act, particularly the new tools and powers affecting anti-social behaviour.
- 2.2 To consider establishing a Task and Finish Group of Panel members to examine in full the implications of these new powers for the Council and its partners.

### **3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

- 3.1 Whilst many of the proposed powers in the Act are designed to streamline existing provisions, the new approach represents a significant change in the way that councils and other agencies work to tackle anti-social behaviour. As a minimum this will have implications for staff training in using the new powers.

- 3.2 There may also be new community requests or suggestions for using the new powers. As a result, the exact resource implications for the Council are unclear at present. However, only one of the new powers set out (the Public Spaces Protection Order) is the specific responsibility of local authorities. This means that the resources of local partners including the Police and RSLs can be brought to bear on a wide range of concerns about anti-social behaviour.
- 3.3 Implications will be carefully monitored and information sought from other councils on their approach. Any new financial resource needed would require either managing of a budget to absorb these costs or a potential further decision in line with the council's budgetary processes.

## 4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 This report is being prepared under the powers provided to the Council to undertake Scrutiny roles. The Crime and Disorder Act requires councils to work in partnership with others on community safety issues. There are potentially significant impacts for the quality of life of local residents arising from anti-social. The new legislation itself gives some specific powers to Councils as set out in this report.

## 5 THE REPORT

- 5.1 On the 13th of March 2014 the Anti-Social Behaviour, Crime and Policing Act 2014 received Royal Assent. The Act introduces a wide number of changes, particularly to the tools and powers available to the partner organisations who tackle anti-social behaviour. A presentation to the Panel at its previous meeting set out these new powers in some detail and so the changes are briefly summarised below

- A new, civil **Injunction to Prevent Nuisance and Annoyance**
- An order "on conviction" to prevent anti-social behaviour, **the Criminal Behaviour Order**
- A power for the Police to **Disperse People** for up to 48 hours, 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.
- A new absolute **ground for possession** of secure and assured tenancies where anti-social behaviour or criminality has already been proven by another court.
- A new **Community Remedy**, which will allow victims of anti-social behaviour to choose from a "menu of sanctions" when using informal community resolutions and conditional cautions. The victim must be consulted on the sanction to be offered to the offender and given the option to choose an appropriate sanction from the menu.
- 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. The Police have recently completed a pilot Community Trigger

Scheme in the Mendip District and it is expected that the preliminary evaluation of this will be available to report to the meeting.

- The extension of **Dangerous Dogs** legislation to private land
- **Community Protection Notices** and **Public Spaces Protection Orders**. More detail on these is set out below

5.2 These changes are being phased in. For example, whilst the Community Remedy and dangerous dogs provisions, have gone “live”, Injunctions, Criminal Behaviour Orders, Dispersal Powers, Community Protection Notices and Public Space Protection orders have not at time of drafting this report. The most recent Government statement on this suggests that this will happen later this year and that this will be supplemented by detailed Guidance on the use of the new powers.

5.3 **Community Protection Notices** and **Public Spaces Protection Orders** are worthy of particular note as they are potentially broad in scope and streamlined in execution, as below:

- **Community Protection Notices** are designed to stop a person, business or organisation committing behaviour which has a detrimental effect on local quality of life. The behaviour must be both unreasonable and of a “persistent and continuing” nature. A written warning must be issued informing the perpetrator of problem behaviour and requesting them to stop. Breach of a Notice then becomes a criminal offence. Examples cited by Home Office as potentially suitable for such orders include stopping a named person from allowing their dog to foul a communal garden, or stopping a group of people regularly taking the same route home late at night whilst drunk, making noise and waking their neighbours.
- **Public Spaces Protection Orders** are designed to stop individuals or groups committing anti-social behaviour in a public space. This is the only power in the new suite of tools which may only be issued by Councils, rather than other agencies such as Police and RSLs. Councils must consult with the Police, the Police and Crime Commissioner and other relevant bodies before making such a Notice: an order can last for only up to 3 years Failure to comply with an order is an offence. Examples given by the Home Office to show where the order could be used include preventing groups from using a public square as a skateboard park, and preventing dogs fouling a public park or being taken into a children’s play area with that park.

5.4 Both Community Protection Notices and Public Spaces Protection Orders allow for fixed term penalties of up to £100 on breach.

5.5 Public Spaces Protection Notices, in particular, replace a series of very specific provisions with mechanisms that can be applied generically to suit local concerns and problems. For example, local issues which had in the past to be dealt with through specific legal routes (such as “Gating Orders” and “Designated Public Places Orders”) can now be dealt with through the generic Public Space Protection order. The Council therefore has under this provision the power to address a wide range of problems which occur in public spaces. The Council merely has to be satisfied on reasonable grounds that (i) the activities have had a

detrimental effect on the quality of life of those in the locality; and (ii) it is likely that this will continue.

- 5.6 As they can be exercised to meet a range of objectives, Public Spaces Protection Notices will become part of its overall “toolkit” for responding to local needs, to be considered by all services when responding to local concerns. It will be important therefore, to ensure that the powers are used to address clear and specific problems as identified in legislation, supported by relevant evidence. In many cases, the most appropriate course of action may not be to use the legal powers but to instead use other approaches such as local engagement and education.
- 5.7 Discussions are currently taking place between Council, Police and RSLs as to the exact way of addressing these changes, how to manage the transition period between the old and new systems and how to co-ordinate the totality of powers across partners in the most effective way.

## **6 RATIONALE**

- 6.1 It is considered appropriate that this Panel receive an update on this legislation given previous reports and the fact that the Bill has now received Royal Assent. It is also considered that a Task and Finish Group would give the opportunity for local members to consider the new powers in more depth at an early stage.

## **7 OTHER OPTIONS CONSIDERED**

- 7.1 None

## **8 CONSULTATION**

- 8.1 This report has been drafted in consultation with the Council’s Public Protection Service, the Cabinet member- Neighbourhoods and the Strategic Director-Resources. The Section 151 Officer and Monitoring Officer have had the opportunity to comment on this report

## **9 RISK MANAGEMENT**

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

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<b>Background papers</b>	<i>None</i>
<b>Please contact the report author if you need to access this report in an alternative format</b>	