

CABINET

6 JULY 2015

THE OVERVIEW AND SCRUTINY COMMITTEE

7 JULY 2015

ANTI-SOCIAL BEHAVIOUR , CRIME & POLICING ACT 2014

REPORT OF COMMUNITY SAFETY PARTNERSHIP MANAGER

Contact Officer Sandra Tuddenham Tel No: 01962 848476

RECENT REFERENCES:

None.

EXECUTIVE SUMMARY:

The purpose of this report is to provide an overview of the Anti-Social Behaviour, Crime and Policing Act 2014, which received Royal Assent on the 13 March 2014. It also highlights changes introduced by the Act, which are likely to have a direct impact within the Winchester District.

The Act introduces new powers and supplements some existing powers the Council is able to use to deal with anti-social behaviour including complaints regarding noisy neighbours and overgrown gardens.

There are clear links between these new provisions and the Council's Community Strategy, with particular reference to those related to neighbourhood management. These new powers complement existing powers and tools currently used to help 'protect and develop a safe, clean and sustainable environment'. They offer additional options for consideration when dealing with low-level anti-social behaviour, which in turn, could lead to early resolution of problems.

The changes principally offer new options for officers working in Community Safety, Environmental Health and Housing.

A key change is the introduction of Community Protection Notices (CPNs) and Public Space Protection Orders (PSPOs), both of which carry the potential to resolve cases of anti-social behaviour, quickly and effectively. They do not replace existing provisions to deal with statutory nuisance, included in the Environmental Protection Act 1990, but offer an alternative option for dealing with a wide range of low level nuisance. CPNs and PSPO came into force at the end of October 2014 so officers are keen to realise the benefits of these new enforcement powers and tools¹.

This report therefore aims to inform Members of the new changes introduced by the Anti-Social Behaviour, Crime and Policing Act 2014 (Appendix 1) and also seeks approval to:

- Amend Part 3 Section 6 of the Council's Constitution (Scheme of Delegation to Officers) to authorise the Assistant Director (Environment) to make, vary or discharge Public Space Protection Orders under Sections 59-61 of the Anti-Social Behaviour, Crime and Policing Act 2014 (Appendix 1) in consultation with the Portfolio Holder for Environment, Health & Wellbeing.

RECOMMENDATIONS:

That Cabinet

1. Notes the new changes introduced by the Anti-Social Behaviour, Crime and Policing Act 2014 (Appendix 1).
2. Approves changes to Part 3 Section 6 of the Council's Constitution (Scheme of Delegation to Officers) to authorise the Assistant Director (Environment) to make, vary or discharge Public Space Protection Orders under Sections 59-61 of the Anti-Social Behaviour, Crime and Policing Act 2014 (Appendix 1) in consultation with the Portfolio Holder for Environment, Health & Wellbeing.

That the Overview and Scrutiny Committee

That the Committee considers whether it wishes to draw any matters to the attention of the Portfolio Holder on the report, or if of significance to Cabinet.

¹ To date the use of the powers have not been applied because:

- Officers were awaiting final guidance notes to be circulated.
- Of a requirement to put in place Corporate Policy & Procedure.

CABINET6 JULY 2015THE OVERVIEW AND SCRUTINY COMMITTEE7 JULY 2015ANTI-SOCIAL BEHAVIOUR, CRIME & POLICING ACT 2014REPORT OF COMMUNITY SAFETY PARTNERSHIP MANAGERDETAIL:1. Introduction

- 1.1 The purpose of this report is to provide an overview of the Anti-Social Behaviour, Crime and Policing Act 2014, which received Royal Assent on the 13 March 2014. It also highlights changes introduced by the Act, which is likely to have a direct impact on the way we deal with anti-social behaviour within the Winchester District.
- 1.2 The Act introduces new powers and supplements some existing powers for dealing with anti-social behaviour including complaints regarding noisy neighbours and overgrown gardens.
- 1.3 There are clear links to the Council's Portfolio Holder Plans, with particular reference to Neighbourhoods. These new powers complement existing powers and tools currently used to help 'protect and develop a safe, clean and sustainable environment'. They offer additional options for consideration when dealing with low-level anti-social behaviour, which in turn could lead to early resolution of problems.
- 1.4 The changes principally affect the work of officers within Community Safety, Environmental Health and Housing.
- 1.5 A key change is the introduction of Community Protection Notices (CPNs) and Public Space Protection Orders (PSPOs), both of which carry the potential to resolve cases of anti-social behaviour, quickly and effectively. They do not replace existing provisions to deal with statutory nuisance, included in the Environmental Protection Act 1990 but offer an alternative option for dealing with a wide range of low level nuisance. CPNs and PSPO's came into force at the end of October 2014 so we are keen to realise the benefits of these new enforcement powers and tools.
- 1.6 This report therefore aims to inform Members of the changes introduced by the Anti-Social Behaviour, Crime and Policing Act 2014 (Appendix 1) and also seeks approval to change the Council's Constitution to enable the Assistant Director, (Environment) to authorise a PSPO as set out in the recommendations.

2. Summary of the Main Provisions of the Act

2.1 The Act is in 14 parts, with some parts likely to have significant and positive impact on the work of officers within Community Safety, Environmental Health and Housing.

2.2 The changes in Parts 1-6 are designed to ensure that professionals have effective powers that are quick, practical and easy to use, provides better protection for victims and communities, whilst acting as a deterrent to perpetrators. The new powers provide officers with greater flexibility to deal with a given situation as it sanctions additional options for dealing with low-level anti-social behaviour. One example is noise where we are unable to establish statutory nuisance but the level of impact is still attracting complaints and causing a problem. It will also provide Animal Welfare Officers with additional powers e.g. preventing dog on dog attacks.

2.3 Part 4 of the Act introduces new powers to deal with community protection and makes provision for:

- Community Protection Notices (CPNs), which prohibit persons aged 16 or over, businesses or organisations from committing anti-social behaviour, which has a detrimental effect on the quality of life of those in the locality. The CPN can include requirements to ensure that problems are rectified and that steps are taken to prevent the anti-social behaviour occurring again.

And

- Public Space Protection Orders (PSPOs) to stop individuals or groups committing anti-social behaviour in a public space, which has, or is likely to have a detrimental effect on the quality of life of those in the area.

2.4 In essence therefore CPOs deal with individuals, organisations and businesses whilst PSPOs impose area based controls. In both cases the behaviour must be of a persistent or continuing nature and evidenced as being unreasonable. CPNs replace current measures such as litter clearance notices, defacement control notices and street litter control notices and it is anticipated that CPNs will be used in the future to control these types of problems.

2.5 PSPOs replace Designated Public Place Orders (DPPO - namely the Winchester Alcohol Control Zone), gating orders and dog control orders. The local authority can make an order requiring or prohibiting certain behaviour e.g. requiring dogs to be kept on a lead or prohibiting the drinking of alcohol – the current Alcohol Control Zone in Winchester will remain in place until 2017.²

² DPPOs (currently Winchester Alcohol Control Zone) will remain in place for a further three years as of 23rd October 2014 and will expire 23rd October 2017. For those authorities wishing to keep powers in place they will need to apply for a Public Space Protection Order (PSPO). The City Council may

2.6 These changes are intended to deal with particular, ongoing problems or nuisances, which negatively affect the community's quality of life by targeting those responsible.

2.7 Part 6 of the Act is designed to put victims at the heart of the response to anti-social behaviour.

2.8 This included the introduction of:

- The Community Trigger, it allows victims of persistent anti-social behaviour to request a case review. This means that the relevant bodies (local authorities, police, NHS bodies and social landlords) must share information, discuss previous action and decide what further action could be taken to resolve the concerns.

A Community Trigger can be activated where it is believed that either no action has been taken or the complainant is not satisfied that sufficient action has been taken to address their concerns. The threshold to initiate a Community Trigger is where there have been 3 complaints of anti-social behaviour reported within 6 months from the same person or 5 separate complaints in 6 months from different people reporting the same behaviours³.

and

- The Community Remedy places a duty on the Police & Crime Commissioner to consult and publish a Community Remedy Document that helps improve public confidence in the use of out of court disposals. The agreed actions need to take into account the effects on the victim, achieve appropriate reparation and help address the perpetrators behaviour. It should list the possible actions to be carried out by an offender or perpetrator of anti-social behaviour and aims to provide victims with a say in the out-of court punishment of perpetrators for low-level crime and anti-social behaviour.

need to consider a PSPO application in advance of October 2017 if they want to avoid having a gap in the current provision.

³ In order that ASB reports are counted within the Community Trigger criteria, the complaints must be related to Anti Social Behaviour (Anti social behaviour is defined as: "behaviour causing Harassment, Alarm or Distress to members or any member of the public").

The complainant will need to ensure:

- The complaint/s is logged within one month of the incident/s.
- The complaint/s is logged with Police, local authority or housing provider.
- The last incident has occurred within the previous six months.

- 2.9 Part 7 amends the provisions of the Dangerous Dogs Act 1991 to include private properties.
- 2.10 Appendix A: (anti-social behaviour, formal interventions summary) sets out the key changes introduced by the Anti-Social Behaviour, Crime and Policing Act 2014 and outlines the intervention, some of the grounds for usage and who can apply.
3. **RESOURCE IMPLICATIONS:**
- 3.1 Officer time and any other costs associated with action will be met from within existing budgets.
4. **RISK MANAGEMENT ISSUES:**
- 4.1 The new tools and powers provide an opportunity to put intervention in place at an earlier stage than might otherwise be the case and this could be very helpful in preventing the escalation of problems. It should also be noted however that some members of the public may have an expectation that the new powers will be used extensively and this may create extra pressure on staff resources to assess and explain the Council's decision making or a risk to the City Council's reputation should decide that it is not appropriate to use the new powers. .

OTHER CONSIDERATIONS:

5. **COMMUNITY STRATEGY AND PORTFOLIO PLAN (RELEVANCE TO):**
- 5.1 The Community Safety Partnership delivers against the priorities within the Safer & Stronger Communities section of the Corporate Strategy.

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BACKGROUND DOCUMENTS: [Anti-Social Behaviour, Crime and Policing Act 2014](#)

APPENDICES: Appendix 1⁴ – Anti-Social Behaviour formal interventions summary

⁴ Appendix 1 provides a quick reference to the intervention available, what agencies can apply grounds for application and typical issues the new powers aim to address.

APPENDIX 1

Anti-Social Behaviour Formal Interventions Summary

Intervention	Who can issue/apply	Grounds	Typical uses
Civil Injunction: Civil power to stop a person's ASB escalating and set a clear standard of behaviour. Can include prohibitions and positive requirements. For perpetrators aged 10 or over.	Various Agencies	Non- housing related ASB – likely to cause harassment, alarm or distress Housing related ASB – capable of causing nuisance or annoyance	Drug/alcohol related ASB, harassment, noise (tenure-neutral), vandalism, aggressive begging etc.
Criminal Behaviour Order (CBO): Court order to tackle ASB which is applied following a conviction for any criminal offence. Can include prohibitions and positive requirements.	CPS (council/police can request)	Help prevent harassment, alarm or distress if perpetrator committed a criminal offence and caused harassment, alarm or distress	Harassment, hate crime, drunk and rowdy behaviour etc.
Dispersal Powers: Power to remove a person from a specific location for up to 48 hours if authorised by a police inspector or above.	Police (including PCSOs in some forces)	Committing (or likely to commit) harassment, alarm or distress, or crime or disorder in a public place	Alcohol/drug related ASB, lighting fires, illegal raves etc.
Community Protection Notice (CPN): Notice to stop persistently anti-social individuals, businesses or organisations. Can include	Council, Police (including PCSOs in some forces), some social landlords	Persistent or continuing conduct which negatively affects a community's quality of life	Graffiti, dog fouling, persistent begging, and noise disturbance etc.

requirements to stop or do things or take steps to avoid further ASB.			
Public Spaces Protection Order (PSPO): Order designed to protect public spaces from persistently anti-social individuals or groups. Can include reasonable restrictions and requirements.	Council (in consultation with relevant parties)	Unreasonable behaviour which is (or likely to be) persistent or continuing and has (or likely to have) a detrimental effect on the local community's quality of life	Dog fouling, alcohol/drug related ASB etc.
Closure Powers: Power to close premises for up to 48hrs out of court (closure notice) or up to 6months via the court (closure order).	Police and Council	Premises used (or likely to be used) to cause nuisance or disorder	Premises where ASB is causing nuisance or disorder such as noisy premises, environmental pollution, drug/alcohol related etc.
Absolute Ground for Possession: Power which offers protection and faster relief to victims by quickly evicting the most anti-social tenants.	Social landlords (councils/housing associations) and private landlords	The tenant, a household member, or a person visiting has been convicted for a serious offence or has breached certain ASB interventions	Drug dealing