

Report to Cabinet
11 March 2015
Report of Executive head of strategy, people and neighbourhoods
Subject The Anti-Social Behaviour, Crime and Policing Act 2014

Item

10

Purpose

To consider how the council will use the new powers contained within the Act.

Recommendation

To approve how the council will use the new powers contained within the Anti-Social Behaviour, Crime and Policing Act 2014 and that actions are delegated to the appropriate managers as specified in the council's scheme of delegation.

Corporate and service priorities

The report helps to meet the corporate priority "A safe, clean and low carbon city" and a number of service plan priorities relating to how the council responds to and deals with antisocial behaviour.

Financial implications

Implementation of these powers will be met from existing budgetary provision.

Ward/s: All wards

Cabinet member: Cllr Driver Neighbourhoods and Communities

Contact officers

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Background documents

None

Report

1. Norwich City Council has always been proactive in dealing with anti-social behaviour (ASB) and the impacts it can have on victims and communities.
2. The council has a number of teams that deal with ASB and has made full use of the current tools and powers that it has to use. In many cases working in collaboration with partners including the police.
3. The Anti-Social Behaviour, Crime and Policing Act 2014 received royal assent on 13 March 2014 and the different powers have been introduced since that time. The only power awaiting further 'go live' is the Injunction to Prevent Nuisance and Annoyance (IPNA) and this is expected in the spring.
4. The Act is made up of 14 parts, those sections relevant to the Council are detailed below :
 - Parts 1-4 rationalise 19 existing powers into six new 'faster more effective' ones.
 - Part 5 gives landlords the power to deal with the most serious ASB committed by tenants quickly by introducing a new mandatory ground for possession. It also introduces two new discretionary grounds.
 - Part 6 gives victims the power to ensure action is taken to deal with the most persistent problems and have a greater say in out of court sanctions. The community trigger has been set by the county community safety partnership and gives members of the public the right to call for a review of any closed ASB case where subsequent incidents have been reported.
 - Part 7 covers changes to the dangerous dogs act. It gives greater protection to workers who provide services in the community as irresponsible dog owners will now be liable for prosecution regardless of where an attack takes place, even in their own home.
 - Part 10 creates new offences related to forced marriage and links to domestic abuse and safeguarding work
5. This report focuses on six new powers relevant to the Council when dealing ASB and highlights steps the Council needs to take to make use of the new tools.

The powers are:

- Injunction to Prevent Nuisance and Annoyance (IPNA).
 - Criminal Behaviour Order (CBO).
 - Community Protection Notice (CPN).
 - Public Spaces Protection Order (PSPO)
 - Closure Power
 - Community trigger
 - Dispersal power- for information only
 - Community remedy-for information only
6. All powers with the exception of IPNA are available for use as specified, subject to member endorsement and delegation approvals.

Injunction to Prevent Nuisance and Annoyance – IPNA

7. The IPNA replaces the existing Antisocial Behaviour Injunction (ASBI) and is a civil power intended to stop or prevent individuals engaging in antisocial behaviour quickly, resolving before they escalate.
8. The IPNA will be used on the same basis as previous legalisation with officers being mindful that breaches of injunctions will now need to be proved 'beyond reasonable doubt'.

Criminal Behaviour Order (CBO)

9. The CBO is intended to tackle the most persistently antisocial individuals who are also engaged in criminal activity. It replaces the Anti-social behaviour Order (ASBO), CRASBO (an ASBO related to criminal activity) and drink banning orders. An application for a CBO can deal with a wide range of ASB following an individual's conviction for a criminal offence. The CBO would be granted if the court considers it will help prevent the offender perpetrating further ASB. A link between the ASB and the criminal behaviour that led to the conviction is not necessary, however the likelihood of an application being made or being successful is slim if this is not the case.
10. The powers that the CBO replaces have largely been used by the Police to tackle problems caused by street drinking. Discussions through the county community safety partnership have recommended that operational partnership teams (OPT) lead on all applications to use the CBO.
11. Cabinet are asked to endorse this recommendation.

Community Protection Notice (CPN)

12. The Community Protection Notice (CPN) is intended to deal with particular, on-going problems or nuisances that negatively affect the community's quality of life. The notice stops a person (16 years or older), a business or an organisation from committing the anti-social behaviour which would lead to the above.
13. CPNs can be used to tackle a wide range of problem behaviours including graffiti, rubbish and noise. However, the CPN does not discharge the council from its statutory duties under the Environmental Protection Act 1990 in relation to statutory nuisance and this could lead to a dual approach which means the council will need to ensure the two actions complement each other.
14. Cabinet are asked to endorse the introduction of this new power and proposals for its use. It is recommended that enforcement processes will follow existing procedures for those undertaken through the Environmental Protection Act.

Public Spaces Protection Order (PSPO)

15. The Public Spaces Protection Order (PSPO) is intended to deal with a specific nuisance or problem in a particular area that is detrimental to the local community's quality of life e.g. preventing problems with misuse of alcohol, dogs or noise. The issuing of a PSPO by a council will stop individuals or groups committing anti-social behaviour in a public space. This also includes gating orders on public highway that will have previously designated through the Clean Neighbourhoods and Environment Act 2005.

16. District Councils will issue a PSPO but must consult with Police, the Police and Crime Commissioner and other relevant bodies before its issue. The council would also look to undertake formal public consultation before introducing or amending an order.
17. A PSPO is made by the council after consultation. However, to make an effective protection order, in addition to this formal consultation the regular collaborative working between agencies as with the ASBAG etc. will be essential in the early identification of situations and evidence bases which will lead to the formal consideration of a protection order.
18. Cabinet are asked to endorse the use of this power and the proposals for its use. Any PSPO applications will be authorised by Cabinet, following consultation. It is recommended appropriate frontline officers will be authorised / trained to serve fixed penalty notices as necessary, if and when, a PSPO is ever introduced. Any resulting prosecutions will be managed within the existing enforcement framework operated by Citywide Services.

Closure Power

19. The act has replaced four separate closure powers with one single power. Its purpose is to allow the police or council to quickly close the premises which are being used, or likely to be used, to commit nuisance or disorder. The power has two stages: the closure notice and the closure order.
20. The closure notice can be used by the council and police out of court. The closure notice can be issued for 48 hours in the first instance or extended from 24 hours up to a maximum of 48 hours by the council's chief executive or designate thereof, or by a police superintendent. This short term closure notice can be extended, upon application, for a longer term closure order at the magistrate's court.
21. The Council has not previously instigated closure powers, however the ABATE team have supported the police in many drug related closure orders. A county level framework is being developed to support the use of the power.
22. Where the council is identified as lead agency, the ABATE team will lead on any applications relating to residential premises. Where the council is identified as lead agency the Environmental Protection team will lead on any applications necessary due to serious ASB involving licensed and other business premises.
23. Cabinet are asked to endorse the use of this new power.

Residential possession orders

24. Included in the Act is a new absolute ground for possession.
25. The absolute ground will only be available where serious antisocial behaviour or criminality has already been proven in another court and where the council would normally as a landlord be seeking possession under the discretionary route. The offence or ASB must have been committed in the property or in the locality of the property, affected a person with a right to live in the locality of the property or affected the landlord or the landlord's staff or contractors.
26. The absolute ground for possession should only be used in the most serious of qualifying anti-social behaviour cases. This could significantly reduce the impact on the victims and witnesses, in time taken to remove a convicted household and negate the need to attend court as witnesses in the proceedings.

27. The Act also includes a discretionary grounds for possession that it is recommended the council can use.
28. **Conduct causing nuisance to landlord** - The existing discretionary ground for possession is extended to enable a landlord to seek possession where a tenant is guilty of criminality or antisocial behaviour against their staff or contractors even if it was not in the locality of the tenant's property. It allows landlords to pursue possession where their tenants are guilty of preventing housing workers from doing their job safely and sends out a message to anyone considering attacking a landlord's staff away from the locality of their property.
29. These amended powers are available for the council to use within its landlord remit. The ABATE team will continue to deal with all applications for possession of council properties on grounds of antisocial behaviour and use of this power would be proportionately considered along with all the other powers available as part of a case managed approach.
30. Cabinet are asked to endorse the use of these additional grounds for possession where appropriate.

Community Trigger

31. The community trigger gives victims and communities the right to request a review of their ASB case and brings agencies together to take a joined up problem solving approach to find a solution. Victims will use the trigger to demand action if they feel the problem persists and no action / insignificant action have been taken and/or they feel ignored by agencies. The council has a statutory obligation to comply with this part of the act.
32. The 'trigger' thresholds and process have application countywide and involve the police, the Norfolk Police and crime commissioner, county and district councils as well as relevant partner agencies. In Norfolk it has been agreed the 'trigger' is met where there have been reports of at least 3 qualifying incidents of ASB within 6 months. The incidents reported need not be the same type of behavior, but must be related in some way.
33. ASB problems still being actively dealt with will not be considered under the trigger.
34. The County Community Safety Partnership has agreed a county wide approach to managing and responding to trigger requests with the Norwich Operation Partnership Team (OPT) which incorporates the ABATE team, acting as the single point of contact for the city. There are strict timescales laid out in the statutory guidance which will need to be adhered to in respect of each request. This means staff will need to prioritise to ensure these are met.
35. Within the Council each service area involved in the ASB response (Local Neighbourhood Services, Housing, Environmental Protection and ABATE) will provide the OPT with a designated contact person. This person will be responsible for reviewing their service's response and providing a summary of past involvement and actions to inform an initial case review which will then be followed by a multiagency review panel. These officers will also be responsible for ensuring appropriate recommendations and actions set by the multiagency review panels are carried out.

Other new relevant powers not administered by the Council

36. **Dispersal Order – Police order.** This requires a person committing or likely to commit an ASB, crime or disorder to leave an area for up to 48 hours. The power is preventative and allows a police officer or designated PCSO to instantly deal with someone's behaviour before it escalates.

37. **Community Remedy– Police order.** The community remedy gives victims a say in the out of court punishment of offenders for low level crime and ASB. The community remedy document is a list of actions that the police will invite the victim choose from when a community resolution is to be used. Community resolutions are used when dealing with low-level criminal damage, low value theft, minor assaults (without injury) and ASB.

Changes to ASB policy document and procedures

38. Following cabinet's decision on the proposed uses and delegations of these powers a revised ASB policy document will be finalised and made available. Officers will also review all existing procedures to ensure they are fit for purpose, creating new processes where necessary.

Implementation and awareness raising

39. Guidance, procedures and templates will be made available for council staff to use where required.

40. Where appropriate briefing sessions will be held for members and staff.

Integrated impact assessment



NORWICH
City Council

The IIA should assess **the impact of the recommendation** being made by the report

Detailed guidance to help with completing the assessment can be found [here](#). Delete this row after completion

Report author to complete

Committee:	Cabinet
Committee date:	4/3/2015
Head of service:	Bob Cronk, Tracy John, Adrian Akester
Report subject:	The Anti-Social Behaviour, Crime and Policing Act 2014
Date assessed:	16/02/2015
Description:	Report on councils response to the The Anti-Social Behaviour, Crime and Policing Act 2014

	Impact			
Economic (please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments
Finance (value for money)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	It is thought that the implementation of these powers can be met from existing staffing provision.
Other departments and services e.g. office facilities, customer contact	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Increased awareness / reporting of ASB
ICT services	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Civica processes will need to be revised. Website updated
Economic development	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	If the powers are used proportionately and effectively they should create a better place.
Financial inclusion	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Social (please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments
Safeguarding children and adults	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Increased reporting of ASB may reveal previously unreported safeguarding issues.
<u>S17 crime and disorder act 1998</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Anticipated improvement resulting from more effective enforcement.
Human Rights Act 1998	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Victim focus of legislation may contribute to improvements in individual's quality of life.

	Impact			
Health and well being	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Victim focus of legislation may contribute to improvements in individual's quality of life
Equality and diversity (please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments
Relations between groups (cohesion)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Use of powers will assist in combatting serious ASB.
Eliminating discrimination & harassment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Use of powers will assist in combatting serious ASB.
Advancing equality of opportunity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Use of powers will assist in combatting serious ASB.
Environmental (please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments
Transportation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Natural and built environment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Prevention / reduction in ASB will contribute to a safer environment.
Waste minimisation & resource use	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Pollution	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Sustainable procurement	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Energy and climate change	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(Please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments

	Impact			
Risk management	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	If the powers are used proportionately and effectively they should create a better place. Escalting ASB resulting from failure to use available powers could damage the Councils reputation.
Recommendations from impact assessment				
Positive				
Economic Development; Safeguarding; Crime / disorder; Human rights; Health; Cohesion; Discrimination; Equality of opportunity; Environemnt,				
Negative				
Other services; ICT.				
Neutral				
VFM; Financial inclusion; Transport; Waste; Pollution; Procurement; Climate change.				
Issues				