

**ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014**

Relevant Portfolio Holder	Councillor Rita Dent, Portfolio Holder for Town Centre, Regulatory Services and Housing
Portfolio Holder Consulted	√
Relevant Head of Service	Judith Willis
Ward(s) Affected	All
Non-Key Decision	√

**1. SUMMARY OF PROPOSALS**

To brief Members in relation to the new powers and reforms contained in the Anti-Social Behaviour, Crime and Policing Act 2014 and to highlight the Public Spaces Protection Order and the new Community Trigger and its process.

**2. RECOMMENDATIONS**

It is recommended that Members note the contents of the report.

**3. KEY ISSUES**

**Financial Implications**

- 3.1 The funding currently allocated to Community Safety does not include any costs that may arise as a result of the implementation of the Anti-Social Behaviour, Crime and Policing Act. It is anticipated that there will be costs associated with administration, enforcement and potential legal action once the Council and Partners start to work together to implement the new powers and reforms. The level of the additional cost is unknown at present however it is expected that initially it will not be significant to the Council and it is hoped that as we work more with partners all costs can be shared.

**Legal Implications**

- 3.2 The Act received royal assent on 13th March 2014 and its provisions came into force on the 20th October (apart from the Civil Injunction which has been delayed). The Act repeals 19 powers in relation to anti-social behaviour and reduces them to seven broad ranging powers.
- 3.3 Updated statutory guidance issued in July 2014 under Sections 19, 32, 41, 56, 73 and 91 of the Act is written primarily for Police Officers, Councils and social landlords who will use the powers. The guidance outlines how to make best use of the new legislation to protect the public against anti-social behaviour and nuisance.

**Service / Operational Implications**

**Background**

- 3.4 The intention of the Anti-Social Behaviour, Crime and Policing Act 2014 and the accompanying statutory guidance is to put the victim firmly at the heart of responses to ASB and it aims to give professionals the flexibility they need to deal with varying situations.
- 3.5 Part 6 of the Act and Part 1 of the statutory guidance focuses on putting victims first and giving them a say through the Community Trigger and Community Remedy. Community Trigger and Community Remedy trial schemes were conducted by Manchester, Brighton and Hove, West Lindsey & Boston (Lincolnshire) and the London Borough of Richmond on behalf of the Home Office. Leeds, Oxford, Bexley and Avon & Somerset also started their own trials and their experiences were used to shape the final Act and the subsequent guidance.
- 3.6 A Summary of the two New Powers and Reforms that are most relevant to the Council are provided below:

**Public Spaces Protection Order**

- 3.7 It is the Public Space Protection Order (PSPO) that will be of most relevance to Licensing Committee. It is an order designed to protect public spaces from persistently anti-social individuals or groups and can include reasonable restrictions and requirements. These orders replace Designated Public Place Orders (also known as Alcohol Restriction Zones) and still allow alcohol to be confiscated from those behaving or likely to behave in anti-social manner. Failure to comply remains an offence. PSPOs also replace Gating Orders and Dog Control Orders.
- 3.8 Orders are issued by Councils after consultation with the police, PCC and other relevant bodies. Council Officers, granted powers by their Chief Executive, will be able to enforce the restrictions and requirements, alongside Police Officers, PCSOs (Police Community Support Officers) and any other Officer designated under the Community Safety Accreditation Scheme. In determining Orders consideration has to be given to 'the test' which is designed to be broad and focus on the impact anti-social behaviour is having on victims and communities. A PSPO can be made by the Council if they are satisfied on reasonable grounds that the activities carried out or likely to be carried out, in a public space:
- have had, or are likely to have, a detrimental effect on the quality of life of those in the locality;
  - is, or is likely to be, persistent or continuing in nature;
  - is, or is likely to be, unreasonable; and

justifies the restrictions imposed.

- 3.9 Where a Designated Public Place Order, Gating Order or Dog Control Order is currently in force, this will continue to be valid for a period of three years following the commencement date of the new power (20th October 2014). At this point it will be treated as a PSPO. However, councils need not wait for this to happen and could decide to review the need for their current orders ahead of that transition to simplify the enforcement landscape.

Community Trigger

- 3.10 The Community Trigger enables victims who feel that they have not received an adequate response to ASB to call for a review of their case by the responsible agencies identified in the Act. These are District Councils, the Police, Registered providers of Social Housing who are co-opted into the group and Clinical Commissioning Groups in England.
- 3.11 North Worcestershire Community Safety Partnership and South Worcestershire Community Safety Partnerships (CSPs) have led the development of the Community Trigger on behalf of Worcestershire's local authorities and the other responsible agencies. A Worcestershire wide Community Trigger process has been agreed upon to ensure a consistent approach and to avoid confusion for victims. Wherever possible, the CSPs have also tried to mirror arrangements across the West Mercia Police and Warwickshire Police Alliance areas.
- 3.12 To activate the Trigger, the victim(s) need to meet the agreed threshold:

They will have reported three separate incidents relating to the same ASB problem in the past six months to the Council, Police or their landlord.

**OR**

At least three affected individuals/groups or organisations will have made reports about the same problem in the past six months to the Council, Police or a relevant landlord.

- 3.13 Within agreed timescales a member of the respective district/borough Council's Community Safety Team will confirm whether the threshold has been met and a review will be conducted. Recommendations will be made as necessary to progress the case in consultation with the victim. Victims will be able to apply online, by letter or telephone to the Community Safety Team based within each local authority e.g. a resident of Bromsgrove will contact the District Council's Community Safety Team. Third Parties are also able to request a Community Trigger.

3.14 The remaining Powers and Reforms that are contained within the Act are:

- **A Community Remedy** which gives victims a say in the resolution of anti-social behaviour incidents that are below the criminal threshold.
- **Civil Injunctions** (Currently on Hold) that replace Anti-Social Behaviour Injunctions, Anti-Social Behaviour Orders, Drinking Banning Orders (DBOs), intervention orders and individual support orders.
- **Criminal Behaviour Order** which replaces the Criminal Anti-Social Behaviour Orders (CrASBOs) and enable a court to tackle ASB and are applied for following a conviction for a criminal offence.
- **Dispersal Power** which enables the police to remove a person from a specific locality for up to 48 hours where there is ASB or the likelihood of ASB.
- **Community Protection Notice** to stop persistent ASB by an individual, organisation or business.
- **Closure Powers** to quickly close premises which are being used, or likely to be used, to commit nuisance or disorder.
- **Absolute ground for possession** to allow the eviction of the most anti-social tenants where they, another household member, or a person visiting has been convicted of a serious offence or has breached certain ASB interventions.

Implications of introduction of PSPOs

- 3.15 Members will be aware that decision making in relation to DPPOs has traditionally been a function of the Licensing Committee. There are currently 22 DPPOs in force throughout the district. In 2011 Licensing Committee was advised that in order to comply with Home Office guidance in force at the time that a review of the DPPOs in force should be carried out. Although some work on this was commenced, Members subsequently agreed to place the review on hold to allow public awareness raising work to be undertaken. In addition to this new signage for the DPPOs was installed. In June 2013 Members agreed to postpone the review pending the introduction of the new legislation in the Anti-Social Behaviour, Crime and Policing Act 2014
- 3.16 As referred to at 3.2 the new legislation came into effect on 20th October 2014. There are transitional measures in place for the next three years which mean that the existing DPPOs can continue to operate as such whilst the Council decides how to take matters forward. Given the very recent introduction of the legislation officers have yet to formulate clear proposals in relation to the issue of reviewing the existing DPPOs to ascertain whether they are still relevant and proportionate to any problems that are occurring in the areas they cover. It is officers' intention to bring a further more detailed report to Licensing Committee covering proposals for the transition from DPPOs to PSPOs once there has been an opportunity to investigate the issue in more detail.

**Customer / Equalities and Diversity Implications**

- 3.17 The term anti-social behaviour is used to describe a broad range of day-to-day incidents of crime, nuisance and disorder that make many people's lives a misery. Litter, vandalism, public drunkenness, aggressive dogs and noisy or abusive neighbours can have a devastating effect on a community or an individual, particularly, if the behaviour is targeted against a vulnerable resident and is of a persistent and escalating nature.
- 3.18 These reforms are designed to put victims at the heart of the response to anti-social behaviour and give professionals flexibility to respond appropriately to different situations and ensure that vulnerable victims are better supported and protected. Effective communication and targeted and consultation with local residents and communities will be key to the effective implementation of these powers in order to address concerns raised by community members.

**4. RISK MANAGEMENT**

For the purposes of this report Members are being asked to note the new legislative provisions. As such there are no risks arising from any decisions which members are being asked to take. Any risks arising from failure of the Council to take on board the new legislative changes are being addressed by this report and by the further work officers are intending to do to consider proposals for the transition from DPPOs to PSPOs.

**5. APPENDICES**

None.

**6. BACKGROUND PAPERS**

Anti-Social Behaviour, Crime and Policing Act 2014  
[http://www.legislation.gov.uk/ukpga/2014/12/pdfs/ukpga\\_20140012\\_en.pdf](http://www.legislation.gov.uk/ukpga/2014/12/pdfs/ukpga_20140012_en.pdf)

Anti-Social Behaviour, Crime and Policing Act 2014 - Home Office Statutory Guidance – Full document (July 2014)  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/352562/ASB\\_Guidance\\_v8\\_July2014\\_final\\_2\\_.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/352562/ASB_Guidance_v8_July2014_final_2_.pdf)

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