

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **CABINET**

DATE: **18 NOVEMBER 2014**

REPORT BY: **CHIEF EXECUTIVE**

SUBJECT: **THE ANTI-SOCIAL BEHAVIOUR, CRIME AND
POLICING ACT 2014**

1.00 PURPOSE OF REPORT

1.01 To inform Members of new legislative provision for powers for dealing with anti-social behaviour.

2.00 BACKGROUND

2.01 The Anti-Social Behaviour, Crime and Policing Act, which has recently come into force, seeks to consolidate and simplify the approach to anti-social behaviour, and enable effective local action for control and reduction.

2.02 Anti-social behaviour means behaviour causing harassment, alarm or distress to members of the public or any individual member of the public.

2.03 The approach continues to rely heavily on partnership working built up over time under the community safety legislation.

2.04 Significant parts of the Act are specific to police responsibilities which are not covered in detail in this report but are included in the appendices.

2.05 There are specific sections for the legislation for local authorities as providers of housing and to social landlords, for example, for the repossession of property when tenants act in an irresponsible manner.

2.06 The Act introduces a 'New Absolute Ground for Possession' of secure tenancies where the tenant, member of their household or visitor has been convicted of a serious offence, for example drug dealing at the property. The purpose is to expedite the eviction of the most anti-social tenants to bring relief to victims.

3.00 CONSIDERATIONS

- 3.01 There are two main provisions that the new legislation brings in that can be used by the local authority to tackle general anti-social behaviour: Community Protection Notices (CPN) and Public Spaces Protection Orders (PSPO).
- 3.02 The Community Protection Notice (CPN) is intended to deal with particular, ongoing problems or nuisances which affect the community's quality of life by targeting those responsible. Examples of which are graffiti, rubbish accumulation or noise. Local Authorities already take the lead in dealing with these kinds of issues and will continue to be able to issue the new notice, following the perpetrator receiving a written warning.
- 3.03 A CPN can be issued if the officer is satisfied on reasonable grounds that the conduct of the individual, business or organisation:
- is having a detrimental effect on the quality of life of those in the locality;
 - is persistent or continuing in nature; and
 - is unreasonable
- 3.04 For services such as Pollution Control, issuing a CPN in itself does not discharge the Council from its duty to issue an Abatement Notice where the behaviour constitutes a statutory nuisance for the purposes of Part 3 of the Environmental Protection Act 1990 examples of which being noise or artificial light.
- 3.05 Public Spaces Protection Orders (PSPO) are intended to deal with a particular nuisance or problem in a particular area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area that apply to everyone, such as street drinking, roaming dogs in parks, and groups of people causing noise issues in open spaces.
- 3.06 The local authority may make a PSPO on any public space within its own area. The definition of public space is wide and includes any place to which the public or any section of the public has access, as of right or by virtue of express or implied permission. Restrictions are set by the local authority and the conditions may be enforced by authorised council officers, police officers and police community support officers.
- 3.07 Before making a PSPO, evidence should be provided by partner agencies to support the need for making an order. Alternative means to remedy the behaviours experienced should also have been considered before making an order.

- 3.08 A PSPO needs to be made in consultation with North Wales Police and needs to be authorised by the Council's legal section.
- 3.09 It should be noted that Members have in the past designated the whole of Flintshire's area as a Designated Public Places Order under previous legislation. This order will automatically continue as a Public Spaces Protection Order under the new regime for a period of up to three years (or could be reviewed earlier if desired).
- 3.10 For the Community Protection Notice and Public Spaces Protection Order provisions to be effective there will need to be enforcement provision. It is proposed that Public Protection officers currently undertaking this kind of community based work will be authorised (e.g. the Anti-Social Behaviour Co-ordinator and Neighbourhood Wardens from Community Safety, Pollution Control Officers and other relevant Environmental Health/Public Protection team members) in addition to Neighbourhood Housing Officers.
- 3.11 A new requirement of the legislation is for procedures to be set up to deal with Anti-Social Behaviour Case Reviews (also referred to as the Community Trigger). If a victim of Anti-Social Behaviour is aggrieved about their complaints not being properly addressed they can ask for a review. This review will be in conjunction with any of the relevant bodies, e.g. the Police, Local Authority, Social Housing provider, Local Health Board.
- 3.12 Within an agreed timescale the lead agency must respond to the applicant, outlining whether a threshold of incidents has been met (three reports of anti-social behaviour in a six month period has been implemented across North Wales), and any further recommendations that the partner agencies find as a result of the review.
- 3.13 Flintshire County Council has devised its own Community Trigger process, whereby applicants will submit an application to the Community Safety department. An officer (The ASB Coordinator in the first instance) from the Community Safety Department shall liaise with the applicant, coordinate the case, review internally and report to the applicant subsequent recommendations. This will be undertaken on a multi-agency basis.
- 3.14 An application for an ASB case review for Flintshire residents can also be made direct to North Wales Police, BetsiCadwaladr Health Board and Flintshire's Registered Social Landlords.
- 3.15 It is proposed that in Flintshire we will use the well-established and effective multi-agency ASB Tasking Forum of the Community Safety Partnership to co-ordinate actions relating to the new powers available.

3.16 A summary of the main provisions is attached at Appendix 1. Details about which powers are relevant to each organisation is shown in Appendix 2.

4.00 RECOMMENDATIONS

4.01 That Members note the introduction of new legislative powers, endorse the approach to implementation that has been outlined in this report and agree to the authorisation of officers from Public Protection to enable enforcement of the relevant provisions.

5.00 FINANCIAL IMPLICATIONS

5.01 None as a result of this report.

6.00 ANTI POVERTY IMPACT

6.01 None as a result of this report.

7.00 ENVIRONMENTAL IMPACT

7.01 Many anti-social behaviour activities result in negative impacts - particularly on local environments.

8.00 EQUALITIES IMPACT

8.01 None as a result of this report.

9.00 PERSONNEL IMPLICATIONS

9.01 None as a result of this report.

10.00 CONSULTATION REQUIRED

10.01 None as a result of this report.

11.00 CONSULTATION UNDERTAKEN

11.01 None as a result of this report.

12.00 APPENDICES

12.01 Appendix 1 - Summary of the Anti-Social Behaviour, Crime and Policing Act 2014
Appendix 2 – Responsibilities under the Act

