

Briefing Note:

Impacts of the Anti-Social Behaviour, Crime and Policing Act 2014

October 2014

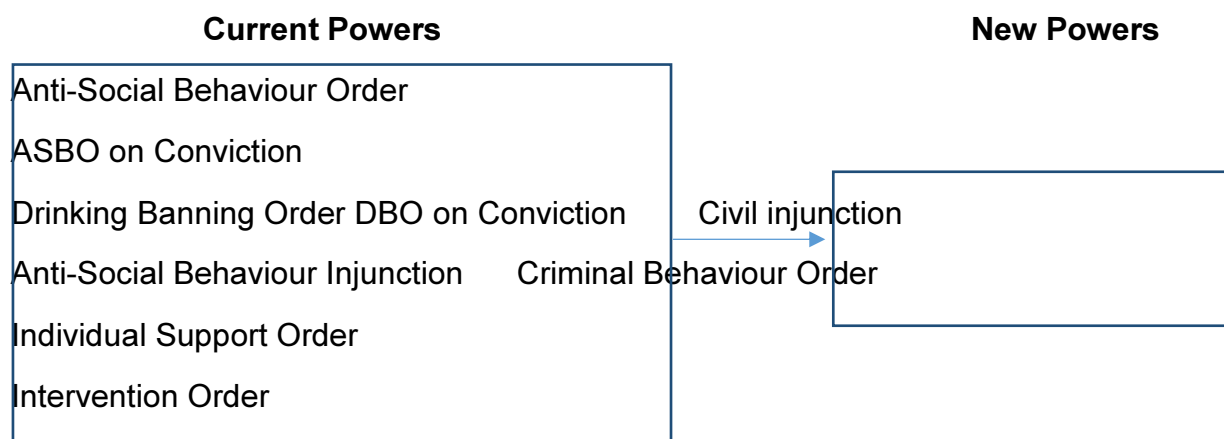
1. Purpose

- 1.1 To highlight the potential impact of the Anti-Social, Crime and Policing Act 2014 on various departments of Flintshire County Council.
- 1.2 Specifically concentrating on the anti-social behaviour aspect of the legislation.

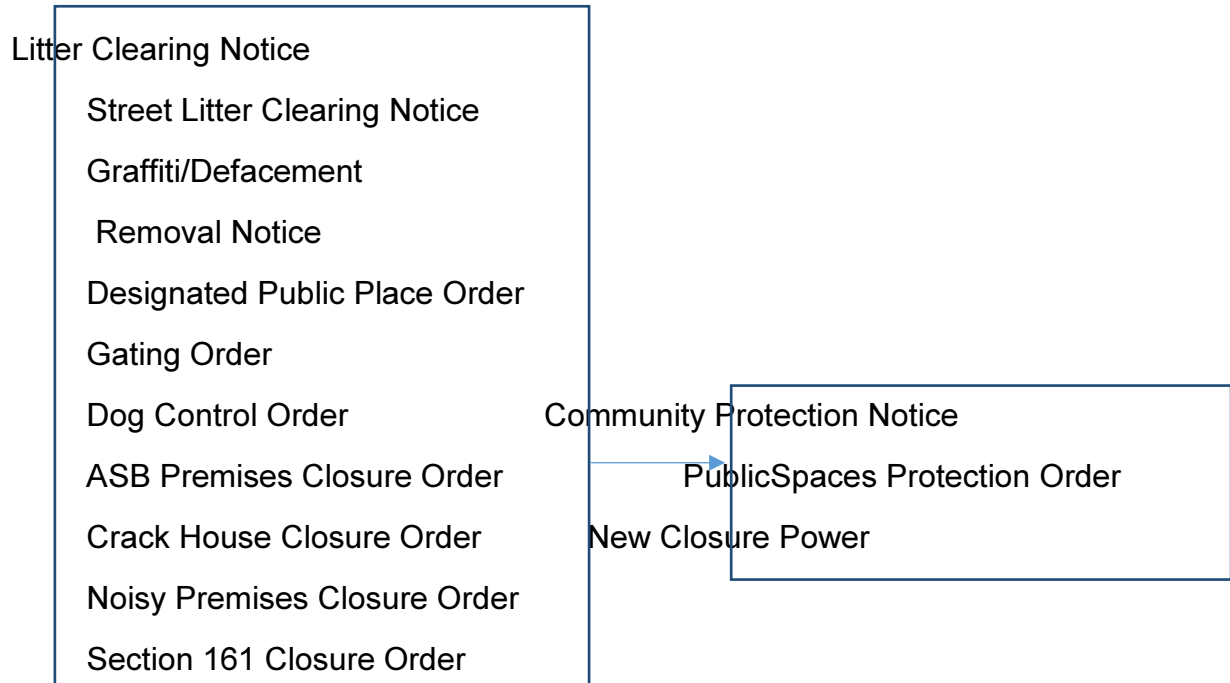
2. Background

- 2.1 The Anti-Social Behaviour, Crime and Policing Act 2014 contains a variety of new measures to protect the public from a range of topics including anti-social behaviour, dangerous dogs, forced marriage, sexual harm and illegal firearms used by gangs and in organised crime. It also includes changes to improve the provision of services to victims and witnesses.
- 2.2 Part of the Act introduces a simpler, more effective menu of powers for tackling anti-social behaviour, and provide better protection for victims and communities. Under the Act, nineteen existing tools/powers to deal with anti-social behaviour will be reduced to six new powers, accessible to a greater range of agencies than previously.
- 2.3 The six new powers can be categorised as sanctions against problem individuals, tackling environmental anti-social behaviour & problem locations. Points 2.4, 2.5 & 2.6 will provide a visual aid to the new powers and those they will replace.

2.4 Tackling Problem Individuals

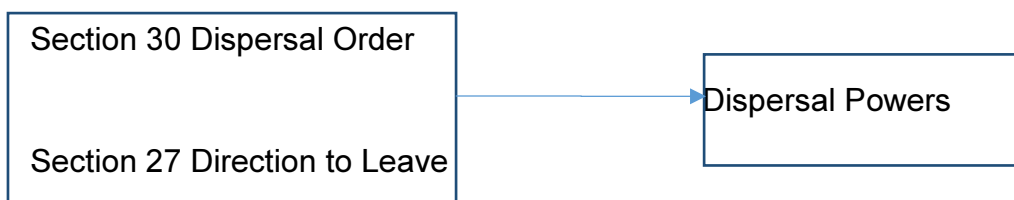


2.5 Tackling Environmental ASB



2.6 Problem Locations - Powers to Disperse

The police dispersal power will enable officers to require a person whose behaviour has caused, or is likely to cause, harassment, alarm or distress to leave a specified area and not return for a period of up to 48 hours



3.0 Impacts of the Act on Flintshire Departments.

3.1 General

Public Protection, Housing and Social Services will need to take note of the Anti-Social Behaviour Case Review process (also referred to as the Community Trigger)

The Community Trigger will allow a formal route of complaint for people who believe that their concerns about anti-social behaviour have not been adequately or effectively addressed by the authorities.

If a threshold of three anti-social incidents have been reported to partner agencies in a six month period then an applicant can ask for a multi-agency review of their case to seek further recommendations.

Community Trigger applications made to Flintshire County Council are coordinated via the Community Safety Department who will liaise direct with the applicant and coordinate a multi departmental and agency review.

3.2 Youth Justice Service

Civil Injunctions were previously only available to social housing providers to deal with anti-social adults, however under the new act they will be available to Local Authorities, Police, the Environment Agency and NHS, and be a sanction against both under 18's and adults. Breach of a civil injunction is not a criminal offence, but a breach must be proven to the criminal standard, that is, beyond reasonable doubt.

Procedure's for over 18's will be unaffected, it would however be recommended as good practice that any potential suspect for an injunction under the age of 18 be referred into the *Prevent and Deter* process as soon as possible, ensuring necessary intervention and assessments are completed before the need for formal action.

3.3 Housing

The Act introduces a New Absolute Ground for Possession of secure and assured tenancies where anti-social behaviour or criminality has already been proven by another court. The purpose is to expedite the eviction of a landlords' most anti-social tenants to bring faster relief to victims.

The test will be that a tenant, a member of the tenant's household, or a person visiting the property has met one of the following conditions:

- Convicted of a serious offence
- Found by a court to have breached a Civil Injunction,
- Convicted for breaching a criminal behaviour order (CBO)
- Convicted for breaching a noise abatement notice: or

The tenant's property has been closed for more than 48 hours under a closure order for anti-social behaviour.

3.3.1 Unlike the existing discretionary grounds for possession, the landlord will not be required to prove to the court that it is reasonable to grant possession. This means the court will be more likely to determine cases in a single, short hearing.

This will offer better protection and faster relief for victims and witnesses of anti-social Behaviour, save landlords costs, and free up court resources and time.

3.4 Public Protection

3.4.1 Community Protection Notices

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.

A CPN can be issued by one of the bodies above if they are 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

For FCC sections such as Pollution Control, issuing a CPN 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.

A CPN can be drafted from scratch if necessary so that it is appropriate to the situation and can include any or all of the following:

- A requirement to stop doing specified things
- A requirement to do specified things
- A requirement to take reasonable steps to achieve specified results.

A breach of a CPN is a criminal offence, however when deciding on sanction, the issuing authority should consider the potential wishes of the victim. Examples of sanctions include issuing a fixed penalty notice, a remedial or forfeiture order.

3.5 Public Spaces Protection Order (PSPO)

3.5.1 Public Spaces Protection Orders 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, groups of people causing noise issues in open spaces, etc.

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 can be targeted against certain behaviours by certain groups at certain times, they may restrict access to public spaces (including certain types of highway) where that route is being used to commit anti-social behaviour, and the conditions may be enforced by authorised council officers, police officers and police community support officers.

Before making a PSPO, the council must consult with the local police, formally through the Chief Officer of Police and the Police and Crime Commissioner.

It is an offence for a person, without reasonable excuse, to

- Do anything that the person is prohibited from doing by a PSPO; or
- Fail to comply with a requirement to which the person is subject under a PSPO.

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 commencement of the new power in late October, enabling current signage in place in Flintshire to remain in situ until 2017.

Gerwyn Davies

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