

Briefing Note of:	Head of Environmental Health
Contact Officer:	Mike Walker
Telephone No:	01543 464480

ENVIRONMENT POLICY DEVELOPMENT COMMITTEE
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ANTI-SOCIAL BEHAVIOUR CRIME AND POLICING ACT 2014

1 Purpose of Briefing note

- 1.1 The purpose of this briefing note is to inform members of the powers conferred on the Council by the Anti-Social Behaviour Crime And Policing Act 2014

2 Key Issues

- 2.1 The range of issues that can be dealt with has been extended and the powers have been introduced that provide new control measures, supplement or replace existing measures.
- 2.2 The Scheme of Delegation must be amended to provide the relevant officers with the authority to exercise the new powers.
- 2.3 A report recommending the appropriate amendments to the Scheme of Delegation and identifying the relevant officers is scheduled to be considered by the Council on 14 January 2015.

3 Detail

- 3.1 The Anti-Social Behaviour, Crime and Policing Act, 2014 replaces previous ASB legislation and places new duties on Local Authorities. Parts 1-7 of the Act are of particular relevance to the Council as follows:

3.2 Part 1 – Civil Injunctions

Part 1 of the Act makes provisions for civil injunctions for ASB. These replace the previous Anti Social Behaviour Orders (ASBOs) and will be available in County Court (adults) and the Youth Court (10-17 year olds). They will allow a range of agencies including the Police and Local Authorities to deal quickly with ASB.

3.3 Part 2 – Criminal Behaviour Orders

Part 2 of the Act makes provision for an order on conviction to prevent behaviour which causes harassment, alarm or distress. Criminal Behaviour Orders (CBOs) replace Criminal ASB Orders (CRASBOs). CBOs will be available following conviction for any criminal offence and a breach of a CBO will be an criminal offence with a maximum prison terms of five years for an adult.

3.4 Part 3 – Dispersal Orders

Part 3 of the Act contains powers for the police to disperse people causing, or likely to cause, harassment, alarm or distress. Any person required to leave a specified area under this power will not be permitted to return within a 48 our period.

3.5 Part 4 – Community Protection Notices and Public Space Protection Orders

Part 4 of the Act contains powers for Councils, the Police and Registered Social Landlords (RSLs) to respond more rapidly and effectively by making/issuing:

- i) **Community Protection Notices (CPNs)** which can be issued to individuals and businesses causing anti-social behaviour that spoils a community's quality of life.
- i) **Public Spaces Protection Orders (PSPOs)** deal with a nuisance or problem in a particular area which is detrimental to the local community's quality of life by imposing conditions on the use of that area. Once an Order is made it will be the subject of a formal 3 yearly review in order for it to remain in force. The existing Orders that this provision replaces will remain in force for up to 3 years.
- ii) **Closure Notices/Orders** provide a two-stage process to address disorder and nuisance from licensed and non licensed premises. The Closure Notice may be followed by a Closure Order issued by the court and can last up to three months.

3.6 Part 5 – Absolute Grounds for Possession

Part 5 of the Act amends section 84A of the Housing Act 1985, to provide a new absolute ground for possession for the most serious cases of anti-social behaviour.

3.7 Part 6 – Community Trigger

Part 6 of the Act deals with the "Community Trigger" and allows victims of persistent ASB to request a multi agency case review. The Act requires the relevant bodies to share information, discuss previous action taken and decide on any further action required. There is a statutory duty for a threshold, criteria and mechanism for the Community Trigger to be published. Applicants must be informed of the outcome and advised of the arrangements for reviewing the process if they are not satisfied.

3.8 Part 7 – Dangerous Dogs

Part 7 of the Act extends the scope of the Dangerous Dogs Act 1991 to deal with dogs that are “dangerously out of control” in all places, including dogs on private property with a specific exemption for incidents involving trespassers whilst inside or in the process of entering a dwelling.

3.9 Fixed Penalty Notices

The powers are supported by a Fixed Penalty Notice regime for offences involving a breach of a Community Protection Notice or a Public Spaces Protection Order. The penalty fee is determined by the Council up to maximum of £100.

3.10 Fixed Penalties will only be offered where it is considered appropriate to do so.

3.11 Statutory guidance has been issued Councils regarding the application of the new powers.

4 Implications

4.1 A full report on the new powers will be considered by Council on 14 January 2015.

5 Appendices

None

Background Papers

None