

## **Cabinet – 29 October 2014**

### **The Anti-social Behaviour, Crime and Policing Act 2014**

**Portfolio:** Councillor Khizar Hussain, Community leisure and culture

**Related portfolios:** None

**Service:** Neighbourhood Services

**Wards:** All

**Key decision:** No

**Forward plan:** No

#### **1. Summary**

- 1.1 The Anti-social Behaviour, Crime and Policing Act 2014 is a new Act refreshing the powers available to the police, local authorities and others to tackle anti-social behaviour.
- 1.2 The reforms have been designed to put victims at the heart of the response to anti-social behaviour, and give professionals flexibility to deal with any given situation.
- 1.3 The purpose of this report is to facilitate the lawful exercise of the powers contained in the Act by this Authority. The new Act is classified as an “executive function” by virtue of s.9D of the Local Government Act 2000 and the Local Authorities (Functions and Responsibilities)(England) Regulations 2000. It therefore falls to Cabinet to arrange for the discharge of the functions under the Act.

#### **2. Recommendations**

- 2.1 That Cabinet delegate to the Executive Director, Neighbourhood Services, the functions of the Council under the Anti-social Behaviour, Crime and Policing Act 2014 including, but not limited to, exercising all strategic, operational and management powers and duties of the Council under the aforementioned Act.
- 2.2 That the Executive Director, Neighbourhood Services has power to authorise officers in his service areas to exercise on his behalf powers delegated to him by Cabinet.

### **3. Report detail**

3.1 The Anti-social Behaviour, Crime and Policing Act 2014 is a new Act refreshing the powers available to the police, local authorities and others to tackle anti-social behaviour. Powers in the Act are being brought into force in a staged process. Some of the powers will be in force on 20 October 2014.

3.2 In order for this Authority to discharge its functions under the Act, a scheme of delegation should be in place. Cabinet has the responsibility to delegate powers under the Act. It is suggested that the most appropriate delegation for Cabinet to make is to the Executive Director, Neighbourhood Services.

3.3 This is purely a technical legal issue to ensure the correct legal framework is in place. It is not a statement of how the powers will be used other than that they will be within the remit of the Executive Director, Neighbourhood Services.

3.4 The Act contains a broad range of powers. Parts 1 to 6 relate specifically to anti-social behaviour (ASB) and introduce new powers. The Act replaces 19 existing powers to deal with ASB with six faster more effective ones, a number of which can be utilised by the Council. These are:

1. The Civil Injunction.
2. The Criminal Behaviour Order
3. Community Protection Notice
4. Public Space Protection Order
5. Closure Power.

#### **3.5 Civil Injunction**

The Civil Injunction will not be in force until January 2015 at the earliest. It is a civil power which can be applied for to deal with anti-social individuals and is intended to quickly prevent individuals from engaging in anti-social behaviour before issues escalate. The Council is one of a number of organisations able to apply to the County Court or Youth Court for an injunction. The injunction can contain prohibitions forbidding proscribed behaviour and positive requirements.

#### **3.6 The Criminal Behaviour Order**

The Criminal Behaviour Order is available on the conviction of an individual for a criminal offence by a criminal court. The Council can apply when it prosecutes the offender. The Criminal Behaviour Order can contain prohibitions and positive requirements and is the criminal equivalent of the Civil Injunction.

#### **3.7 Community Protection Notice**

The community protection notice is intended to deal with particular ongoing problems or nuisances which have a negative impact on the community's quality of life by targeting those responsible. It is intended to stop a person aged 16 or over, a business or organisation from committing anti-social behaviour which spoils the community's quality of life. However the notice does not discharge the council from the duty to issue an abatement notice where that behaviour constitutes a statutory nuisance. The notice can be issued by Council officers,

amongst others, and it is intended that in due course that a local authority will be able to authorise social landlords to issue notices.

### 3.8 Public Space Protection Order

Designed to stop individuals or groups from committing anti-social behaviour in a public space. Councils will issue public spaces protection orders after consultation with the police, the Police and Crime Commissioner and other relevant bodies. An order can include a number of requirements/restrictions. It can be used to regulate certain activities such as drinking alcohol, in addition to placing requirements on individuals undertaking certain activities such as ensuring that dog walkers keep their pets on a lead.

### 3.9 Closure Power

This power can be used by either the Council or police. It is intended to be a flexible and quick means to protect victims and communities. It allows the Council to quickly close premises premises that are causing nuisance or disorder. The process involves the Council issuing a notice and thereafter, where appropriate, applying to the court for a closure order.

## 4. **Council priorities**

The powers contained within this Act will assist in delivering the Council priority of creating safe, sustainable and inclusive communities.

## 5. **Risk management**

N/A

## 6. **Financial implications**

Action undertaken under this new legislation will be funded from within existing budgets.

## 7. **Legal implications**

The functions under the Anti-social Behaviour, Crime and Policing Act 2014 will have a lawful "chain of delegation".

## 8. **Property implications**

There are no implications relating to the Council's land and property.

## 9. Health and wellbeing implications

Crime and anti-social behaviour can have devastating effects on a victim's life. The application of this legislation will contribute to victims' health and wellbeing.

## 10. Staffing implications

There are no staffing implications.

## 11. Equality implications

There are no equality implications.

## 12. Consultation

This is a legal operational requirement which the Council must effect.

## Background papers

None

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20 October 2014

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Portfolio Holder



20 October 2014